

PWYLLGOR CYNLLUNIO	DYDDIAD: 23/03/2015
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO AC AMGYLCHEDD	CAERNARFON

Application Number: C15/0074/44/LL
Date Registered: 02/02/2015
Application Type: Full - Planning
Community: Porthmadog
Ward: Porthmadog West

Proposal: ERECT ONE DWELLING
Location: LAND ADJACENT TO TWR-Y-GWYNT, FFORDD YR EGLWYS, BORTH Y GEST, PORTHMADOG, GWYNEDD, LL49 9TY

Summary of the Recommendation:

TO APPROVE WITH CONDITIONS

1. Description:

- 1.1 This is an application to erect a residential dwelling on a plot of land that forms part of the garden of Twr y Gwynt which is located off a private road to the south of the coastal village of Borth y Gest. The plot of land is located within the village development boundary between Twr y Gwynt and Bryn Arfor and the houses look out over the estuary towards Morfa Harlech which is in Snowdonia National Park.
- 1.2 The proposal involves opening a new access from the private access track. A part of the track is also a public footpath. The parking spaces and a turning area for 2-3 cars together with a double garage will be located to the rear of the building, with a very large private garden to the front (facing towards the estuary). The Llŷn coastal path is also located to the front of the site, but on a considerably lower level.
- 1.3 Internally the proposed house will contain two *en-suite* bedrooms on the first floor, a living room, kitchen, sun lounge, a laundry room, an *en-suite* bedroom and a toilet on the ground floor. Externally the walls will be finished with render, a natural slate roof and UPVC doors and windows.
- 1.4 The application is brought to the Planning Committee as more than three objections have been received to the application.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

2.2 Gwynedd Unitary Development Plan 2009:

POLICY B12 – PROTECTING HISTORIC LANDSCAPES, PARKS AND GARDENS
Protect landscapes, parks and gardens of special historic interest in Wales from developments that would cause significant harm to their character, appearance or setting.

POLICY B14 – PROTECTING THE LANDSCAPE CHARACTER OF SNOWDONIA NATIONAL PARK
Protect the landscape character of Snowdonia National Park by refusing proposals that are visually obtrusive and/or are located insensitively and unsympathetically within the landscape.

PWYLLGOR CYNLLUNIO	DYDDIAD: 23/03/2015
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO AC AMGYLCHEDD	CAERNARFON

POLICY B15 – PROTECTION OF INTERNATIONAL NATURE CONSERVATION SITES

Refuse proposals that are likely to cause significant harm to the integrity of nature conservation sites of international importance unless they conform to a series of criteria aimed at managing, enhancing and protecting the recognised features of such sites.

POLICY B16 – PROTECTING NATIONALLY IMPORTANT NATURE CONSERVATION SITES

Refuse proposals that are likely to cause significant damage to nature conservation sites of national importance unless they conform to a series of criteria aimed at protecting, enhancing and managing recognised features within the sites.

POLICY B22 – BUILDING DESIGN

Promote good building design by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and character of the local landscape and environment.

POLICY B23 – AMENITIES

Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

POLICY B25 – BUILDING MATERIALS

Safeguard the visual character by ensuring that building materials are of a high standard and are in keeping with the character and appearance of the local area.

POLICY C1 – LOCATING NEW DEVELOPMENT

Land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

POLICY CH4 – NEW DWELLINGS ON UNALLOCATED SITES WITHIN THE DEVELOPMENT BOUNDARIES OF LOCAL CENTRES AND VILLAGES

Approve proposals to build new dwellings on unallocated sites within the boundaries of Local Centres and Villages provided they conform to criteria aimed at ensuring an affordable element within the development.

POLICY CH22 – CYCLING NETWORK, PATHS AND RIGHTS OF WAY

All parts of the cycling network, footpaths and rights of way will be protected by encouraging proposals which will incorporate them satisfactorily within the development and by prohibiting plans to extend the cycling network, footpaths or rights of way. Should this not be possible, appropriate provision will have to be made to divert the route or to provide a new and acceptable route.

POLICY CH33 – SAFETY ON ROADS AND STREETS

Development proposals will be approved provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

POLICY CH36 – PRIVATE CAR PARKING FACILITIES

Proposals for new developments, extensions to existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council's current parking guidelines, and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car

PWYLLGOR CYNLLUNIO	DYDDIAD: 23/03/2015
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO AC AMGYLCHEDD	CAERNARFON

park.

Gwynedd Design Guidelines

2.3 National Policies:

Planning Policy Wales, Edition 7, July 2014

TAN 12 Design.

3. Relevant Planning History: None

4. Consultations:

Community/Town Council:	Resolved to object based on the following: it is an overdevelopment and does not respond to the local need for affordable housing. It could impact on the amenities and privacy of close neighbours. The proposal for development is very close to a children's playground and to a popular and busy path towards the beach.
Transportation Unit:	I can confirm that there is no objection to the proposal. The site abuts a private road, therefore the usual licences are not required for constructing the access. It is also confirmed that the parking and turning provision within the curtilage is sufficient for the size of the development.
Natural Resources Wales:	No objection, unlikely to have an effect on protected sites in the area. The Local Planning Authority needs to complete a test of likely significant effect.
Biodiversity:	No objection, propose a condition after completing a test of likely significant effect.
Welsh Water:	No objection – propose conditions.
Countryside and Access Unit:	The Countryside and Access Unit is keen to ensure that public footpath numbers 17 and 58 Porthmadog will be protected during and at the end of this development.
Public Consultation:	<p>A notice was posted on the site and nearby residents were notified. The advertising period has ended and a number of letters were received objecting on the following grounds:</p> <ul style="list-style-type: none"> • Access to the site is unsuitable during the construction period and then to serve an additional dwelling. • There are sharp/blind turns on the access road. • An unacceptable effect on users of the existing track. • The condition of the access road. • Safety matters, additional use of the track will cause a danger to children playing in the park and using the track to walk to school. Effect on the public footpath. • Noise and disturbance during the construction period. • No need for a new house on the site.

PWYLLGOR CYNLLUNIO	DYDDIAD: 23/03/2015
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO AC AMGYLCHEDD	CAERNARFON

- The local infrastructure is insufficient to accommodate the construction work and an additional house with cars.
- The capacity of the sewage system is insufficient.
- An overdevelopment of the site.
- The house is too large.
- In a sensitive area and is prominent from the coastal path.
- It is out of character with the village and nearby houses.
- The design is not of a high architectural standard.
- Loss of light.
- Lose the open feel of the coastal area.

In addition to the above objections, objections were received that were not valid planning objections which included:

- Twr y Gwynt has been on the market for several years and has not been sold.
- Twr y Gwynt is a holiday home.
- Access matters over private land.
- Loss of views.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 Policies C1 and CH4 are relevant to this application. Policy C1 relates to locating new developments, and the main focus of the policy is to support developments within the development boundaries of towns and villages. The application site is within the development boundary of Borth y Gest, therefore the application complies with policy C1. Policy CH4 permits constructing new housing on unallocated sites within the development boundaries of local centres and villages, provided the proposal satisfies the criteria in the policy.
- 5.2 Policy CH4 seeks for sites to provide a percentage of affordable units unless, having considered all the relevant factors, that it would not be appropriate to provide affordable housing on the site. Taking into account the location of the development in a substantial area of established dwellings, and its scale (a single dwelling only), it is considered in this instance that it is not essential for the dwelling to be affordable. Also, because of the site's location within the development boundary, the scale of the development and the policies of the GUDP, there is no need to prove a special need for an additional house within the village. Developments such as these can make a positive contribution to the numbers and types of houses in the area without having to develop outside development boundaries. It is therefore considered that the proposal complies with policies C1 and CH4.

General and residential amenities

- 5.3 Policy B23 is relevant to this aspect of the application. Policy B23 states that proposals which would cause significant harm to the amenities of the local neighbourhood should be refused. The proposal involves creating a new access between Twr y Gwynt and Bryn Arfor from a private access track. The access track serves several dwellings, and provides rear access to the houses/garages of Ralph Street and a playground. A part of the track is also a public footpath.

PWYLLGOR CYNLLUNIO	DYDDIAD: 23/03/2015
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO AC AMGYLCHEDD	CAERNARFON

- 5.4 A large number of the objections relate to the access track to the site and the disturbance that could result from the development if the application was approved. It is acknowledged that there would be some additional noise during the construction period and after the house is occupied as a result of daily movements in and out of the site itself, however, it is not believed that this would be on an unacceptable or significant scale considering the existing use of the track, the location of the adjacent dwellings off the track and the scale of the scheme (one dwelling). It is also important to note that the lorries/large vehicles would only be travelling on the road for a temporary period, namely during the construction period only. This can be controlled further by imposing a condition that would restrict delivery times into and out of the site to 8 – 6 on weekdays, 9 – 1 on Saturdays and no deliveries on Sundays in order to protect residential amenities.
- 5.5 Objections to the application also state that the situation with the road worsens during the summer, with cars parking in front of garages and entrances. This is a private road therefore this is a private matter between landowners. Nevertheless, an increase in the density of cars travelling on the road as a result of the proposal is unlikely to exacerbate the current problem as adequate parking provision is included within the site.
- 5.6 Objections were received to the proposal from the owners of Bryn Arfor (the adjacent dwelling) on the grounds of losing views and light from a kitchen window and a bedroom window which form part of a first-floor flat. The proposed house would be around 7m away from the side of Bryn Arfor. The house has been designed as a dormer bungalow and its setting means that the house would be in line with the natural development line between Twr y Gwynt and Bryn Arfor, but the single-storey, flat roof sun lounge extends out further than this. The cross-sections show that current levels within the site will be lowered and the ridge of the roof will be lower than the ridge of Bryn Arfor and Twr y Gwynt. Because of the shape of the roof, the height of the house, its distance from Bryn Arfor and its setting within the site, it is not considered that it will have an obtrusive or harmful impact on Bryn Arfor, therefore it cannot be considered that there is an unacceptable harmful effect on the residential amenities of Bryn Arfor.
- 5.7 Based on the above and despite the objections, it is not considered that the proposal would cause significant harm in terms of disturbance, loss of privacy, light or shadowing. The concerns of the objectors have been acknowledged and have been given full consideration; however, the development is considered acceptable and complies with policy B23.

Visual amenities

- 5.8 Policies B22, B23 and B25 relate to protecting the character of the site through facilitating developments that have been designed effectively. The site currently forms part of the garden of Twr y Gwynt and is located between substantial houses, namely Twr y Gwynt and Bryn Arfor. An objection was received on the grounds of overdevelopment and the size of the house. However, the site is within a substantial garden and the proposal retains enough amenity space and a parking and turning space for Twr y Gwynt and the new house. The ridge of the roof is lower than that of Twr y Gwynt and Bryn Arfor, and the footprint and mass of the house are of a comparable size. In this case it is considered that the development would be acceptable in terms of its scale and size, and the design and external appearances are also in keeping with the existing character of Twr y Gwynt. It is not considered either

PWYLLGOR CYNLLUNIO	DYDDIAD: 23/03/2015
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO AC AMGYLCHEDD	CAERNARFON

that the design will be damaging to the traditional character of Bryn Arfor. The development makes effective use of quality materials such as a natural slate roof and a render finish to the external walls. This would enable the proposal to blend in effectively with the site, thus retaining and enhancing the character of the area. The Llŷn coastal path is located to the front of the site, but due to its location on a considerably lower level than the site and setting of the house, it is not considered that the development will have a negative effect on the use and enjoyment of the path or on the open feel of the coastal area.

- 5.9 The site is located within a registered historic landscape and is visible (from a distance) from Snowdonia National Park which is located across the estuary. Policies B12 and B14 are therefore relevant to this application. In the context of the above assessment, and considering that the proposal would be located between two existing dwellings, it is not considered that the development would be harmful to the setting of the historic landscape or to the special features and character of the national park. Therefore, it is not considered that the proposal is contrary to policies B12 and B14.
- 5.10 When considering the size, design and the proposed materials, it is not believed that the proposal is likely to cause any significant harm to the visual amenities of the local area. Therefore, it is considered that the proposal complies with the requirements of policies B22, B23 and B25 of the GUDP.

Transport and access matters

- 5.11 Policies CH33 and CH36 relate to the proposed access and parking provision on the site. Policy CH22 is also relevant for protecting paths and rights of way. The proposal involves creating a new access from a private access track. A part of the track is a public footpath. The proposal also includes a parking provision to the rear of the proposed dwelling and a double garage. This provision would be large enough to contain 2-3 private cars, which is acceptable for this type of development.
- 5.12 The observations received object on the grounds of safety and the suitability of the private road to serve an additional dwelling. Despite this, the scheme in question is for one house only, and consequently it is not considered that there will be a substantial increase in the use of the road during or following the construction period. Because of the current mixed use of the track, it is not considered either that car movements from the house would conflict with the current use of the track to such a scale that it would be considered unacceptable. The Council's Highways Officer and the Rights of Way Senior Officer were consulted, and they had no objection to the proposal in terms of transport and access matters. Full consideration has been given to the observations received, but it is considered that the proposal complies with the criteria requirements of policies CH22, CH33 and CH36.

Ecology and biodiversity matters

- 5.13 Policies B15 and B16 of the Unitary Development Plan are relevant because of the proximity of the site to a Site of Special Scientific Interest and the Pen Llŷn a'r Sarnau Special Area of Conservation which is about 10 metres from the site. Policy B16 refuses proposals that are likely to cause significant harm to nature conservation sites of national significance unless they conform to a series of criteria aimed at protecting, enhancing and managing recognised features within the sites. Policy B15 states that proposals that are likely to cause significant harm to the integrity of nature conservation sites of international significance should be refused unless they conform

PWYLLGOR CYNLLUNIO	DYDDIAD: 23/03/2015
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO AC AMGYLCHEDD	CAERNARFON

to a series of criteria aimed at managing, enhancing and protecting recognised features within such sites.

- 5.14 The Biodiversity Unit (as the eligible authority) has assessed the application by conducting a Test of Likely Significant Effect under Regulation 61 of the Conservation of Habitats and Species Regulations. The assessment recognises that there is a low risk of the development affecting the features of the European Site. This risk would be from waste material during the construction work flowing down the hill to the site. The risk is also associated with accidental spills of oil, fuel or possible pollutant materials such as cement. The assessment concludes that the risk of this happening is low, and of the materials flowing down through the scrub vegetation on the hill across the coastal path and down towards the European site. The proposal involves building a single dwelling in a large garden, therefore the risk of the work affecting the features or the function of the SAC is relatively small. However, to minimise the risk further, the Biodiversity Unit recommends imposing a condition to ensure that the development is completed in accordance with the guidelines for preventing pollution, and working within or close to water. Consequently, and based on the size and nature of the proposal, it is not considered that the proposal is contrary to the requirements of policies B15 and B16.

Infrastructure matters

- 5.15 An objection was received to the proposal based on the current lack of capacity in the sewerage system, and that the system will not be able to cope with additional use. However, Welsh Water had no objections to the development, subject to appropriate conditions. There is no sufficient reason to refuse the application on this basis alone.

6. Conclusions:

- 6.1 The objections from local residents have received full consideration as noted above. Based on the above assessment, and having considered all the relevant matters, including the objections, it is not considered that the proposal is contrary to the local and national policies and guidelines noted in the assessment, nor are there any other material planning considerations that state otherwise. Based on the above, it is considered that the proposal is acceptable subject to relevant conditions.

7. Recommendation:

- 7.1 To approve – conditions
1. Five years
 3. Materials and finishes
 5. Access and parking
 5. Landscaping
 6. Removal of permitted development rights.
 7. Welsh Water
 8. Development to comply with the approved plans
 9. A condition to protect the Special Area of Conservation
 10. Delivery times to the site during the construction period