

PLANNING COMMITTEE	DATE: 03-Apr-2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT MANAGER	SIAMBR DAFYDD ORWIG, CAERNARFON

Number: 7

Application Number: C16/0005/44/LL

Date Registered: 12-01-2017

Application Type: Full - Planning

Community: Porthmadog

Ward: Porthmadog East

Proposal: Application to erect a terrace of four houses

**Location: Land on Smith Street, Porthmadog, Gwynedd,
LL49 9NN**

Summary of the Recommendation: APPROVE WITH CONDITIONS

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1. Description:

- 1.1 Full application to erect a terrace of four, two-storey houses with associated parking spaces to the front, and gardens to the rear.
- 1.2 The existing site is, in the main, a parcel of open land but includes single-storey garages on part of the site. A number of vehicles, a caravan, and container were also present on other parts of the site at the time the site inspection was carried out. A stone wall surrounds the site, whilst residential dwellings of varying sizes and appearance abut the site to the north and north west; there is, also, a row of garages with parking spaces to the north; and an empty site lies parallel in a south easterly direction. The site is located within the development boundary of Porthmadog town and within a built up area, which mainly consists of residential dwellings. There are a variety of workshops nearby and the High Street buildings back onto the unclassified road that runs past the front of the site. There is a wide entrance to the existing site, which is protected by a standard gate.
- 1.3 The proposed buildings include the following:
- Ground floor - living room, kitchen, bedroom, toilet
 - First floor - two bedrooms, bathroom
 - Individual gardens for each of the houses to the rear of the site and parking spaces to the front

The exterior of buildings are to be finished with a natural slate roof and pebble-dash on the walls.

- 1.4 The application has been amended from the original submission. The angle of the roofs has been changed and the number of parking spaces has increased from the four that were originally shown to eight.

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 made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.
- 2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the 7 well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 2.3 **Gwynedd Unitary Development Plan 2009:**

POLICY B22 – BUILDING DESIGN - Promote good building design by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and character of the local landscape and environment.

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POLICY B23 – AMENITIES - Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at safeguarding 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 B29 – DEVELOPMENT ON LAND AT RISK OF FLOODING - Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A unless they conform with a series of criteria relevant to the features on the site and to the purpose of the development.

POLICY C1 – LOCATING NEW DEVELOPMENT - Land within town and village development boundaries 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 C3 – RE-USING PREVIOUSLY USED SITES - Proposals will be approved that prioritise re-using land and buildings previously developed and located within or around development boundaries, provided that the site or the building and the use are suitable.

POLICY CH3 – NEW HOUSES ON UNALLOCATED SITES WITHIN THE DEVELOPMENT BOUNDARIES OF THE SUB-REGIONAL CENTRE AND URBAN CENTRES – Approve the construction of houses on appropriate unallocated sites within the development boundaries of the Sub-regional Centre and the Urban Centres.

POLICY CH33 – SAFETY ON ROADS AND STREETS - Development proposals will be approved provided they conform to specific criteria relating to the vehicular access, the standard of the existing roads network and traffic calming measures.

POLICY CH36 – PRIVATE CAR PARKING FACILITIES - Proposals for new developments, extension of 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 park.

2.4 Gwynedd and Anglesey Joint Local Development Plan. (Composite Version including Matters Arising Changes, January 2017)

TRA 2 - Parking Standards

CYFF 1 - Development criteria

CYFF 2 - Design and place shaping

PS 13 - Housing provision

TAI 14 - Housing in the Sub-regional Centre and the Urban Service Centres

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2.5 National Policies:

Planning Policy Wales Edition 9 2016

Technical Advice Note 12: Design

Technical Advice Note 18: Transportation

3. Relevant Planning History:

3.1 2/24/495 - construction of private squash courts - refused 17/09/81

2/24/495A – Construction of self-contained flats - refused 05/07/84

2/24/495B – construction of a new surgery - refused 28/04/93

3.2 For information, application C15/0019/44/LL for the erection of two, three bedroomed, semi-detached houses on the existing empty plot that runs parallel to the site of this application was approved.

4. Consultations:

Community/Town Council: No objection, but concerns were raised about matters involving traffic flow and litter

Transportation Unit: Initial concern was raised about the number of proposed parking bays. Since amending and increasing the number of parking bays, it is believed that the level of traffic will not be any worse than it is now, and there is no objection to the proposal. It is recommended to include standard conditions.

Natural Resources Wales: No observations

Welsh Water: Standard conditions and advice.

Biodiversity Unit: No concerns

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Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period has expired and correspondence was received objecting on the following grounds:

- Concern about matters of parking/access/movement
- Recent incident confirms dangers relating to access
- Existing barriers would have a detrimental impact on public safety
- Detrimental effect on residential amenities
- Loss of privacy/overlooking
- Loss of light

As well as the objections above, objections were received which were not material planning objections and these included:

- The site needs to be open land
- Lack of parking enforcement in the area by the Council

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 Policies C1, C3 and CH3 of the GUDP are relevant to this application. Policy C1 relates to locating new developments, and the main focus of this policy is to support developments within the development boundaries of towns and villages. The application site is within the development boundary of Porthmadog; therefore, the application complies with policy C1. Policy C3 approves proposals on previously developed land within development boundaries; in this case, use has been made of this land in the past. It is, therefore, considered that the proposal complies with the requirements of policy C3. Policy CH3 approves the construction of new housing on unallocated sites within the development boundaries of Urban Centres provided the proposal satisfies the criteria in the policy. It is therefore considered that the principle of the application is acceptable and complies with policy C1, C3 and CH3.
- 5.2 It is a requirement that planning applications be determined in accordance with the adopted development plan, unless material considerations state otherwise. The current 'Development Plan' is the Gwynedd Unitary Development Plan (2001 - 2016) and the Joint Local Development Plan for Gwynedd and Anglesey (JLDP) will replace the Unitary Plan as the 'development plan' once it is formally adopted. It is likely that the JLDP will be adopted during July 2017.
- 5.3 The statutory test should be the first consideration at all times when dealing with any planning application, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other material considerations state otherwise. The JLDP is now a material planning consideration for the purposes of development control. Paragraph 3.1.3 of Planning Policy Wales states:

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"Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies ...".

- 5.4 Although a number of policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not the contents of the Plan for certain until the Inspector presents his binding report.

Paragraph 2.14.1 of Planning Policy Wales states:

"...thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances."

- 5.5 In this case, the JLDP policies as noted in 2.4 above are material and as these policies are consistent with the policies of the Unitary Development Plan and the relevant National Advice included in PPW and TAN 6, it is considered that the above assessment and the recommendation of this report are consistent with the emerging policy.

Visual amenities

- 5.6 Buildings in the area surrounding the site vary in appearance, size and use. The finish of these buildings varies, but there are some common features such as slate roofs, stone finish of walls, render and pebble-dash. The built up nature of this area is fairly dense with its terraced house formation and the proximity of buildings to each other.
- 5.7 The proposal, in respect of its size, design and finish should complement the general features of the area. The appearance and features of the proposed buildings would not be deemed unacceptable and, as such, it is not believed that they would impact the visual amenities of the area to an unacceptable degree. The proposal is, therefore, believed to be acceptable in relation to the material requirements of policies B22, B23 and B25.

General and residential amenities

- 5.8 As previously noted, the existing built up nature of the area is fairly dense. This means that matters such as proximity and over-looking are fairly common within this area. This is no justification for exacerbating the existing situation, of course, but this is mentioned in order to present a picture of the area as things currently stand.
- 5.9 The proposed houses would be constructed on land that appears to have relatively low level of usage at present. Nevertheless, a number of cars can be seen on the site and two garages where movement and activity could take place.
- 5.10 The plan shows that the buildings would be set back slightly from the gable end of existing neighbouring property and that the rear wall would not extend as far back as those of the other residential houses abutting the site. The proposed houses would not

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back onto other houses; therefore, it is not believed that there would be a marked impact on neighbouring houses with respect to loss of light.

- 5.11 No windows are included on the gable end closest to existing houses and, although there will be a first floor window to the rear of the proposed properties, it is not believed that this would lead to excessive over-looking or to an unacceptable impact on the amenities of nearby residents or on the general amenities of the area. Consequently, the proposal is not considered to be unacceptable in terms of the material requirements of policy B23.

Transport and access matters

- 5.12 Concern has been raised by local residents about the impact of the proposed development on matters involving movement, safety and the restricted nature of the existing access road. In addition to this, the buildings on the High Street back onto the road and it is likely that vehicles use this access road to deliver goods to these buildings.
- 5.13 It is noted here, for information, that there was an accident on this road quite recently when a vehicle crashed into a building nearby, causing structural damage. Nevertheless, this does not appear to have been caused by activities on the site of this current application.
- 5.14 The application was originally submitted with four parking bays shown to the front of the site for the four houses. The Transportation Unit was not satisfied with this number and, consequently, the plan was amended to include provision for eight vehicles.
- 5.15 The Transportation Unit accepts the increase in parking bays and has, consequently, suggested including material conditions for the proposal, thus ensuring the acceptability of the application in relation to the requirements of policies CH33 and CH36.
- 5.16 It is accepted that the existing road is restricted, that it has occasional heavy use due to deliveries to the businesses on the High Street, that there are large commercial bins belonging to buildings on the High Street at refuse collection times, and that there are incidents of illegal parking. Nevertheless, it is not believed that these matters are entirely material considerations for this case since matters such as illegal parking are beyond the remit of the planning system. The Transportation Unit does not object to the application. Therefore, it is not believed that the application can be refused on the basis on these matters.

Flooding matters

- 5.17 Applications for the construction of new houses in Porthmadog which are acceptable are relatively rare because substantial parts of the town are a designated flood zone. In this case, the building is located outside a formal designation and the application is not refused by Natural Resources Wales. Therefore, it is believed that the proposal is acceptable in respect of Policy B29 and TAN15.

Issues relating to the Affordable Housing 106 Agreement

- 5.18 The explanation to Policy CH3 states that applications for fewer than five houses are not expected to conform with the requirements of policy CH6 Affordable Housing

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and, as such, it is not believed that there is justification in this case to ensure the affordability of the units through a 106 agreement. It is also considered that the size of the units, approximately 98m², is a little under the threshold considered to be an affordable three bedroomed unit, according to the definition in the Affordable Housing Supplementary Planning Guidance (at 100m²) and that this, in addition to their location, make them naturally 'affordable'. There would be no need, therefore, to further restrict this through a formal agreement and impose a discount.

Response to the public consultation

- 5.19 Observations have been received from neighbours of the site expressing concerns that the development would affect their amenities and would have an impact on the area in general. Full consideration has been given to all the material planning observations, as was noted in the above assessment; and, having considered the application in its entirety and whether it conformed to adopted policies and emerging policies, the proposal is not believed to be unacceptable based on the reasons noted.

6. Conclusions:

- 6.1 Having considered the above and all the material planning matters including the local and national policies and guidance, together with the observations received as part of the public consultation, it is believed that this proposal to construct four, two-storey houses with ancillary facilities is acceptable and conforms with the requirements of relevant policies as noted above.

7. Recommendation:

- 7.1 To approve – conditions
1. Time
 2. Compliance with plans
 3. Materials
 4. Highway conditions
 5. Welsh Water
 6. Boundary treatment details
 7. Withdrawal of permitted development rights