

PLANNING COMMITTEE	DATE: 03/04/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	SIAMBR DAFYDD ORWIG, CAERNARFON

Number: 8

Application Number: C17/0015/42/LL

Date Registered: 24/01/2017

Application Type: Full - Planning

Community: Nefyn

Ward: Nefyn

Proposal: Relocation of a seaside hut

Location: Seaside Hut (Site 3), Lôn Penrallt, Nefyn, Pwllheli, Gwynedd, LL536TL

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is an application for the relocation of an existing seaside hut from a slope site to a more level site at the bottom of the hillside near the breakwater. The applicant has asked to move the hut due to landslides that occur on this slope from time to time. The hut itself measures 2.44 metres by 3.20 metres and it has a mono-pitched roof that has a height between 2.4 metres and 3.0 metres. The hut is located within a decking that measures 7.32 metres by 4.88 metres. The hut and the decking are of a timber appearance. The hut would be located on the land by setting posts in the ground.
- 1.2 The site is located in the countryside within a Landscape of Outstanding Historic Interest. It is also within a Heritage Coast. Llŷn AONB is located 1.3 metres to the west and to the east. The breakwater is to the front of the site and the beach is on lower ground in front of the breakwater. The slope is to the south of the site, where the hut is currently located. One other hut is located on the slope. One existing seaside hut of a green colour is located to the west of the site. Access to the site is gained along the beach. This site is within the Clogwyni Pen Llŷn Special Area of Conservation and the Porth Dinllaen to Porth Pistyll SSSI. The site is located adjacent to a C2 flooding zone.
- 1.3 The application is submitted to Committee as three or more objections have been received contrary to the officer's recommendation on 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 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 B9 – THE HERITAGE COAST - Refuse proposals for any building or structure on the heritage coast unless they can conform to a series of criteria aimed at avoiding significant damage to recognised features.
- POLICY B12 – PROTECTING HISTORICAL LANDSCAPES, PARKS AND GARDENS** - Safeguard landscapes, parks and gardens of special historical interest in Wales from developments which would cause significant damage to their character, their appearance or their setting.
- Policy B15 – Protection of International Nature Conservation Sites** – Refuse proposals that are likely to cause significant harm to nature conservation sites of national importance unless they conform to a series of criteria aimed at managing, enhancing and protecting recognised features within such sites.

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POLICY B16 – PROTECTING NATIONALLY IMPORTANT NATURE CONSERVATION SITES - Refuse proposals which 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 the recognised features of the sites.

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.

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 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.

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

PCYFF 1: Development criteria

PCYFF 2: Design and place shaping

PS 16: Protect and/or enhance natural environment

AMG 3: Coastal Protection

PS 17: Safeguarding and/or enhancing heritage assets

AT 1: Conservation Areas, World Heritage Sites and Landscapes, Parks and Registered Historic Gardens

2.5 **National Policies:**

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 12 – Design

3. **Relevant Planning History:**

3.1 The site has no relevant planning history.

4. **Consultations:**

Community/Town Council: Landscape unsafe, and it could be dangerous for people who walk by the wall. Removing the hut would disrupt and destabilise the landscape.

Transportation Unit: No recommendation as it is not assumed that the proposal would have a detrimental impact on any road or proposed road.

Footpaths Unit: No objection.

Natural Resources Wales: We have no objections to the application but we do have the following observations.

The proposal is within the Clogwyni Pen Llŷn Special Area

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of Conservation and the Porth Dinllaen to Porth Pistyll Site of Special Scientific Interest. We note that an ecologist from your Authority has carried out an assessment of the proposal, and is of the opinion that there would be no substantial harmful impact to the site. We agree with the advice of your Authority's ecologist to clear any materials from the hut's original location.

The site is outside of, but is adjacent to, a C2 zone, according to the definition of the development advice map, under TAN 15 Development and Flood Risk (July 2004). Due to likely effects of climate change in future (sea levels rising, more stormy conditions, etc.), we suggest moving the hut further from the C2 zone.

Observations in relation to disposing of waste materials.

Biodiversity Unit:

The new location and the original location are within the Clogwyni Pen Llŷn Special Area of Conservation. We, as the Eligible Authority, are required to conduct a Test of Likely Significant Effect under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) before determining the application. In this case, due to the development's very small scale and the fact that the development will be changing location rather than scale, there is no likelihood that the development could significantly impact the European site. We would like to include a condition that the developer should completely clear all materials from the hut's original location.

Maritime Unit:

Not received.

AONB Unit:

The seaside hut is located on the coastal slope on the Nefyn beach. It is not within the AONB but it is on the Heritage Coast. No objection to relocate the hut to another nearby site

Public Consultation:

A notice was posted on the site. The advertisement period has expired and correspondence was received objecting on the following grounds:

- Relocating the hut would not prevent landslides as the landslides slide all the way down to the bottom and over the side of the breakwater onto the beach down below.
- The hut's proposed location creates an obstruction for fishermen and walkers who use the end of the breakwater to walk on during high tide.
- The hut's existing site is more hidden and is less of an eye sore than the proposed site.
- The area has been allocated as an SSSI by Natural Resources Wales.
- Concern that other people will attempt to get a seaside hut along the wall that has been constructed to protect against coastal erosion.

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5. Assessment of the material planning considerations:

The principle of the development and visual amenities

- 5.1 Policy B9 of the GUDP, that relates to the Heritage Coast, states that proposals for any building or structure will be refused unless they conform to the criteria within the policy. The proposal in question involves relocating the existing structure from its site on a slope to a lower site near the breakwater. The proposal therefore does not require locating a new structure, but rather relocate an existing structure. The hut would be moved approximately 18 metres. As it would be located on the land below near the breakwater, it is likely that it would be slightly more visible when walking on the beach. However, considering that a green coloured seaside hut is located near the site, it is not considered that relocating this timber hut to the site in question would have an adverse impact on the visual amenities of the area nor the Heritage Coast. Although the site is not located within the AONB, which is 1.3km to the west and east, observations were received from the AONB Unit, and they had no objections to the hut's relocation to the site in question. As the proposal will not add a new structure to the Heritage Coast, the proposal is considered acceptable in terms of Policy B9 of the GUDP.
- 5.2 It was suggested in the comments received that approving relocation of the hut to the proposed site would create a precedent for further huts on top of the breakwater. One other hut is currently located on the slope to the south of the site, and one hut is located to the west of the proposed site. Relocating the existing structure would be considered differently to an application for a new hut, or huts, on the site. As there are policies to protect the coastlines from new constructions, it is not considered that an application for the erection of a new hut would comply with the current policies. Therefore, we would not consider that approving the relocation of the existing hut would create a precedent to build new huts on / near the breakwater.
- 5.3 The site lies within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest. Policy B12 states that consideration will be given to the information about the historic landscapes if the impact of proposals is on such a large scale that their impact would be greater than merely a local impact. In terms of its location and its size, it is considered that its impact would be local and it would not have a wider impact on the historic landscape. Therefore, the proposal is not considered to be contrary to Policy B12 of the GUDP.
- 5.4 It is a requirement that planning applications are determined in accordance with the adopted development plan, unless other material planning 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 UDP as the 'development plan' once it is adopted. It is hoped that the JLDP will be adopted during July 2017.
- 5.5 When dealing with any planning application, the first consideration at all times should be the statutory test, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other relevant considerations state otherwise. The JLDP is now a material planning consideration for the purposes of development control - see paragraph 3.1.3 Planning Policy Wales that states:
"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 ..."

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- 5.6 Although many policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not know for certain what the contents of the Plan will be until the Inspector presents his binding report.
- 5.7 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."
- 5.8 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, it is considered that the recommendation of this report is consistent with the emerging policy.

General and residential amenities

- 5.9 It is not considered that the proposal would cause significant harm to the amenities of the neighbourhood. There are no dwellings located directly near the site in terms of affecting individual houses. The seaside hut already exists on a nearby site and it is not considered that relocating it from that site to this site would impact on the general amenities of the area. Also, considering the location near the beach, where mobile seaside huts are erected annually, it is not considered that the proposal would cause significant harm to the amenities of the local neighbourhood and, as a result, it is acceptable in terms of Policy B23 of the GUDP.

Transport and access matters

- 5.10 The proposal would not have an impact on any road used by vehicular transport. The Transportation Unit had no objections to the application.
- 5.11 No official public footpath runs near the site either. It is understood that the public walk along the breakwater at times. However, this is unofficial use of the breakwater and the land that is exactly adjacent to it. The seaside hut's proposed location would not prevent people from walking past whilst walking on the breakwater, as there will be approximately 2.7 metres to the breakwater from the hut. Therefore, it is not considered that implications in terms of transportation and access would derive from this application and the Footpaths Unit had no concerns over the application.

Biodiversity matters

- 5.12 The site is located within the Clogwyni Pen Llŷn Special Area of Conservation and the Porth Dinllaen to Porth Pistyll SSSI. The Biodiversity Unit conducted a Test of Likely Significant Effect under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). It was concluded that, due to the development's very small scale and the fact that the development will be changing location rather than scale, there is no likelihood that the development could significantly impact the European site. Therefore, the Biodiversity Unit and Natural Resources Wales had no concerns regarding the proposal in terms of the impact on the designated site. The Biodiversity Unit and Natural Resources Wales recommended that the hut's existing site is completely cleared of all materials. It would be possible to impose this as a condition on the planning permission. It is, therefore, considered that the proposal is acceptable in relation to Policy B15 and B16 of the GUDP.

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Flooding Matters

- 5.13 The site is located within a C2 flooding zone according to the development advice maps referred to in TAN 15 Development and Flood Risk. Natural Resources Wales suggest in their observations that the hut should be placed further away from the C2 zone. Unfortunately, due to the slope being at the rear of the application's site, it would not be possible to locate it further back without work to level the land etc. taking place on the slope. Due to the history of landslides in the area, it is not considered wise to recommend moving the hut further back and carrying out engineering work on the slope in order to locate the hut. Therefore, considering that the site in question is outside the existing flooding zone, it is considered that the current site is acceptable in terms of flooding matters.

Any other business

- 5.14 There is no certainty that relocating the hut to this alternative site would save it from landslides. It would be a matter for the applicant to decide whether this proposed site would be less likely to suffer landslides than the previous site. However, it is not possible to see how relocating the hut to the site at the bottom of the slope would worsen the landslides situation. The method of moving the hut and the implications of that would also be a matter for the applicant.

6. Conclusions:

- 6.1 Having considered the above and all the material planning matters including the local and national policies and guidance, it is believed that this application to relocate a seaside hut is acceptable and complies with the requirements of the relevant policies noted above.

7. Recommendation:

- 7.1 To approve – conditions
1. Commencement within five years.
 2. In accordance with submitted plans.
 3. Clearing the existing site of all materials.