

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

Number: 9

Application Number: C17/0069/00/LL

Date Registered: 19/01/2017

Application Type: Full - Planning

Community: Barmouth

Ward: Barmouth

Proposal: Erection of detached three storey dwelling

Location: Plot at Ffordd Bro Mynach, Barmouth, Gwynedd, LL42 1LZ

Summary of the Recommendation: APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is a full application to erect a detached three-storey dwelling on a site at Ffordd Pentre Mynach, Barmouth, the site is within an existing residential estate. The site is currently used as a domestic garden for Tŷ Mynach, which is south of the site and in the applicant's ownership.
- 1.2 The proposal involves erecting a three-bedroom dwelling with a double garage on the ground floor of the house, a turning area would be provided on the southern section of the site. In addition, two parking spaces would be provided off the estate road north of the site. A balcony would be provided on the southern elevation of the dwelling on the first floor. It is proposed to finish the external walls with render, and a natural slate roof.
- 1.3 The site stands in a residential area of the town of Barmouth, within the development boundary as defined by the Proposals Map of the Gwynedd Unitary Development Plan. In addition, it is within the development boundary in the Gwynedd and Anglesey Joint Local Development Plan. (Composite Version including Matters Arising Changes, January 2017). Access to the site is gained from an unclassified estate road that leads from the A496, namely the class 1 highway that runs through the town of Barmouth.
- 1.4 There is a retaining stone wall along the site's northern boundary, and to the east is a small stream with woodland beyond. To the west is Ffordd Bron Mynach and houses that form a housing estate, and south are two two-storey dwellings. The northern section of the site is steep and falls towards the southern section which is fairly level in nature, the lower section of the site is significantly lower than the estate road north of the site. No pavement has been provided on the section of the site that borders the estate road. To the east and within 25 metres of the site, is a deciduous woodland which has been designated as a Special Area of Conservation and an Area of Special Scientific Interest. The site is also within the Arduwy Landscape of Outstanding Historic Interest
- 1.5 A Design and Access Statement was submitted with the application explaining the reasoning behind the development. This application is submitted before Committee following the receipt of a number of objections to the proposal.

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.

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2.3 Gwynedd Unitary Development Plan 2009 (GUDP):

POLICY B3 – DEVELOPMENTS THAT AFFECT THE SETTING OF A LISTED BUILDING.

Ensure that proposals have no adverse effect on the setting of Listed Buildings and that they conform to a series of criteria aimed at protecting the special character of the Listed Building and the local environment.

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 B20 – SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT

Refuse proposals that are likely to cause unacceptable disturbance or harm to protected species and their habitats unless they can conform to a series of criteria aimed at safeguarding the recognised features of the site.

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 must conform to a series of criteria aiming to safeguard the recognised features and amenities of the local area

POLICY B25 – BUILDING MATERIALS

Safeguard the visual character of the Plan area by ensuring that only natural Welsh slates or slates that are similar in terms of their appearance, colour and weathering properties are permitted, other than in circumstances in which the type of building or its particular setting, or the sustainability benefits, are such that another material would be appropriate. In respect of other parts of the building, development will be required to use high quality building materials that complement the character and appearance of the local area. Proposals that introduce substandard or intrusive materials will be refused.

POLICY B27 – LANDSCAPING PLANS

Ensure that permitted proposals incorporate high quality soft/hard landscaping which is appropriate to the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

POLICY B29 – DEVELOPMENTS ON LAND AT RISK FROM FLOODING

Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A unless they can conform to a series of criteria relevant to the features of the site and to the purpose of the development.

POLICY B32 – INCREASING SURFACE WATER

Refuse proposals that do not include appropriate flood minimisation or mitigation measures that will reduce the volume and rate at which surface water reaches and flows into rivers and other water courses.

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POLICY B35 – AVOIDING THE SPREAD OF INVASIVE SPECIES

Ensure that measures are taken to deal with invasive species where the development involves the disturbance of soil that is contaminated by invasive species.

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 HOUSING 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 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 park.

Gwynedd Design Guidance

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

POLICY ISA 1: INFRASTRUCTURE PROVISION

POLICY PCYFF 1: DEVELOPMENT CRITERIA

POLICY PCYFF 2: DESIGN AND PLACE SHAPING

POLICY PCYFF 3: DESIGN AND LANDSCAPING

HOUSING POLICY 15: HOUSING IN LOCAL SERVICE CENTRES

STRATEGIC POLICY PS4: SUSTAINABLE TRANSPORT, DEVELOPMENT AND ACCESSIBILITY

POLICY TRA 2: PARKING STANDARDS

POLICY TRA 4: TRANSPORT IMPACT CONTROL

STRATEGIC POLICY PS5: SUSTAINABLE DEVELOPMENT

POLICY PS6: MITIGATE AND ADAPT TO THE IMPACT OF CLIMATE CHANGE

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2.5 National Policies:

Planning Policy Wales - (Edition 9, November 2016)

Technical Advice Note 5: Planning and Nature Conservation

Technical Advice Note 12: Design

Technical Advice Note 18: Transportation

3. Relevant Planning History:

- 3.1 BAR.U/707 - Outline application to erect two one-storey houses or a pair of two-storey semi-detached houses - Approved with conditions - 21 October 1971 (only affects the southern section of this application's site).

Advice was given prior to the submission of an application in 2014, when it was confirmed that the application was within the development boundary and that the principle of developing one dwelling on the site was acceptable.

4. Consultations:

Town Council: Not received.

Transportation Unit: I confirm that I have no objection to the proposal.

Standard conditions / notes are recommended and in addition conditions regarding providing a new foot-way and approval of digging method and building a retaining wall adjacent to the county highway.

Natural Resources Wales: We recommend that only by imposing a condition that there is no development within 3m to the highest section of the side of the nearby watercourse that planning permission may be approved. This condition will deal with the significant concerns we have, and we will not object as long as you impose conditions on any planning permission.

Welsh Water: Standard conditions and advice regarding drainage.

Water and Environment Unit: Standard conditions regarding land drainage

Biodiversity Unit: No objection subject to conditions regarding:

1. Lighting details of the finished development to be agreed;
2. Details to be submitted for approval regarding the treatment of invasive plant species;
3. Biodiversity improvement details to be submitted for approval;

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Public Consultation:

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

- An oppressive development
- Overlooking into the gardens of nearby houses
- Loss of privacy
- Loss of peace and quiet
- Quality and suitability of materials
- Scale, size, form and density of land use
- Unacceptable detrimental impact on the form and character of the surrounding townscape
- Unacceptable detrimental impact on prominent public views
- Development that is likely to have an significant visual impact
- Development that affects listed buildings
- The building's design is not in keeping with nearby buildings that are examples of traditional architecture
- Proposed finishes are not in keeping with nearby buildings
- Poor standard of access to the estate road off the highway

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

- Loss of view.
- The application should be determined by the planning committee
- Lack of consultation by the applicant with neighbours before submitting the application.
- The house owner would not be able to afford living there.
- That trees and vegetation had been cleared from the site prior to planning application submission.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The site is located within the development boundary of the town of Barmouth, as noted in the Gwynedd Unitary Development Plan (GUDP). Policy C1 of the GUDP states that "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 open countryside will be refused with the exception of a development which is permitted under another policy within the Plan." It is considered that the proposal therefore complies with the requirements of this policy.
- 5.2 Policy CH4 of the GUDP permits constructing new housing on unallocated sites within the development boundaries of local centres and villages, provided the

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proposal satisfies the criteria in the policy. 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 an established residential area, and that it is only proposed to erect one house in this case, it is not essential or reasonable for the dwelling to be affordable. Also, due to 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 town. 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 application is in accordance with policy CH4 of the GUDP.

- 5.3 It is a requirement that planning applications are determined in accordance with the adopted Development Plan, unless other 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 (Joint LDP) will replace the UDP as the 'Development Plan' once it is adopted. It is hoped that the Joint LDP will be adopted during July 2017.
- 5.4 When dealing with any planning application the statutory test should be your first consideration at all times, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other relevant considerations state otherwise. The Joint LDP 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 ..."*.
- 5.5 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. 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."*
- 5.6 In this case, the Joint LDP 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.

Design and visual amenities

- 5.7 Policies B22, B23, B25 and B27 of the GUDP are relevant to this application and involve design, finishes, appearances, visual amenities and landscaping. Gwynedd Design Guidelines also offer guidance on these matters.
- 5.8 There are a variety of designs, size and scale of houses near the site on Ffordd Bro Mynach, Ffordd Pentre Mynach and Ffordd Llanaber. As noted previously, the site is fairly extensive and the lower level is significantly lower than the estate road (Ffordd Bro Mynach) nearby, and as a result the dwelling will look like a two storey property from that estate road. The proposed height of the dwelling to the top would be 52.45 metres above Ordnance Datum (AOD). This compares with the ridge height of Arnant (north west of the site) of 55.18 AOD, and Number 4 Ffordd Bro Mynach (west of the

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site) that has a ridge height of 49.11 AOD, the estate road is on a slope and it is considered that the ridge height of the proposed dwelling will be between the height of both adjacent dwellings and this is acceptable. There is a defined building line of houses 2-4 Ffordd Bro Mynach west of the site, however Arnant, to the north east, is significantly closer to the estate road, the proposed dwelling is situated half way between these distances from the existing estate road and this is considered acceptable. There are two houses of traditional design (Brookside and Tŷ Mynach) situated south-west of the site on a lower level than the application site, there would be occasional views of the development south of the A496 but generally the development would be hidden by buildings and trees from this direction. Concerns have been received that the development has an oppressive nature and is out of character with the other houses on the estate, however, due to the above reasons it is considered that there is no concern to this end.

- 5.9 Several concerns have been received regarding the impact of the development on views from a nearby property, the impact on views is not a material planning consideration to object to an application. It is considered that the development of one in-fill dwelling within an existing residential estate is acceptable. The dwelling's design is fairly modern with extensive windows and dormer windows on the southern elevation of the property in order to benefit from sunlight and the views towards the Mawddach Estuary and the coast. There is a mixture of houses in terms of scale and size in this area of the town, and whilst the dwelling is fairly large in size it is considered that the plot is sufficient for a dwelling of this size. It is considered that the proposal is acceptable in terms of size, form and scale. Therefore, it is considered that the proposal conforms with the criteria of policy B22 in the GUDP and the relevant sections of TAN 12: Design.
- 5.10 It is proposed to finish the development with a render and a natural slate roof with glazing for the balconies on the southern elevation of the dwelling. There is a variety of building finishes in this area of the town and these include rendered walls, pebble-dash and natural stone and the roof finishes are a mixture of slate and tiles. A condition could be attached to any planning permission noting that an agreement should be sought on the details of materials prior to commencement. It is considered that the proposed finishes are acceptable and are in keeping with nearby property and therefore the proposal is in compliance with the contents of Policy B25 of the GUDP. In addition, it is proposed to impose conditions to submit landscaping details for the Council's approval and a period of implementation to ensure compliance with policy B27 of the GUDP.
- 5.11 The site is located within the Ardudwy Landscape of Special Historic Interest, as the site is within the area/built form of the town of Barmouth it is not considered that there will be a significant impact on the wider landscape. In addition, this is a small development of one house and consequently it is considered that the proposal complies with Policy B12 of the UDP.

General and residential amenities

- 5.12 The site is within a residential area, the applicant has stated in documents accompanying the application that the setting of the proposed dwelling has been planned in order to ensure that the proposal will not cause overlooking into nearby dwellings. Two windows are located in the eastern elevation of No. 4 Ffordd Bro Mynach, however one of these windows has opaque glass and the other is a small room/storage and not a habitable room. In addition, the windows in the western gable-end of the proposed dwelling would not directly overlook these windows. The other residential houses on the site are situated on levels that are either higher or lower than

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the development, and consequently there would be no direct over-looking as a result of building the dwelling subject to this application. The residential houses of Brookside and Tŷ Mynach (the applicant's house) would be located approximately 30 metres south and there are no first floor windows on the rear elevation of these houses, this will also ensure that there will be no unacceptable direct over-looking.

- 5.13 An objection to the proposal was received on the grounds that the proposal would over-look into the gardens of the houses that border the site. It is considered that an element of overlooking into gardens in an urban environment is inevitable, and this is often referred to as permissible overlooking which is acceptable in such situations. In addition, an objection has been received regarding the loss of peace and quiet as a result of the proposal, such an objection is not considered reasonable bearing in mind that the site is currently part of a residential garden that could generate reasonable domestic noise similar to the use proposed as a result of this application.
- 5.14 In terms of disturbance during the construction phase, usually matters involving implementing planning permission are beyond planning considerations. However, it is recognised that there would be a period of unusual disturbance during the construction phase; however, this in itself is not sufficient to warrant refusing the application. The planning system should not duplicate other legislation that are controlled by e.g. Natural Resources Wales, Building Control, Environmental Health, that are in place to ensure safety and that a development would not have a detrimental impact on the environment. Nevertheless, it is considered reasonable to limit the construction hours to normal working hours. In addition, it is considered reasonable to remove some permitted development rights (A, B and E of the Permitted General Development Order 1995 (as amended)) of the dwelling in order to ensure that no possible future development has an impact on the amenities of the site's neighbours.
- 5.15 It is therefore considered, as a result of the above reasons, that the proposal complies with the contents of policy B23 of the GUDP.

Transport and access matters

- 5.16 The proposal entails the provision of four parking spaces within the development, with two in a garage on the dwelling's ground level and the other two off the existing estate road north of the site. A road would be provided off the estate road with a vehicle turning area in the southern section of the site. No objection to the proposal was received from the Transportation Unit conditional to the contents of the conditions and notes on any permission noting that the access and parking need to be planned in accordance with the submitted plans, that a pavement should be provided along the verge of the estate road, details to be provided on the proposed retaining wall to be erected on the site, and the need to apply for relevant permissions under the Highways Act 1980 for sections of the proposed work.
- 5.17 An objection was received to the proposal on the grounds of roads, however, as a result of the above it is considered that the proposal complies with policies CH33 and CH36 of the UDP and the relevant clauses of TAN 18: Transportation.

Biodiversity matters

- 5.18 An objection to the proposal was received stating that there were concerns that trees and vegetation had been disposed from the site prior to planning application submission. There was no protection order under planning legislation on the trees in question, therefore the local planning authority's permission was not required for such work, and consequently it is important to consider the site as it currently is. The site

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in question is located approximately 25 metres from nature conservation designations of the Special Area of Conservation and an Area of Special Scientific Interest, and this area is identified as an important habitat for bats according to the response to the consultation received from Natural Resources Wales and the Council's Biodiversity Unit. It is also evident that *Buddleja davidii* is growing on the site. This is a plant identified as an invasive species in Section 9 of the Wildlife and Countryside Act 1981 (as amended).

- 5.19 In response to the consultation, the Biodiversity Unit notes that there is no objection to the development's principle if the conditions are imposed on any permission noting that the external lighting details of the dwelling, scheme to treat and dispose of invasive species on the site and a plan to provide biodiversity improvements to include boxes for bats and birds. These conditions are recommended in order to safeguard protected species and ensure that invasive species do not spread, and it is considered appropriate to include these on any approval, if given.
- 5.20 As a result of including these conditions it is considered that the proposal complies with the Policy B20 and B27 of the GUDP and TAN 5: Planning and Nature Conservation involving safeguarding of protected species and their habitats.

Historical environment

- 5.21 As a result of the public consultation an objection was received on the grounds that it had an impact on a listed buildings setting. The nearest listed buildings (Porth Mynach and Plas Mynach Lodge) are situated approximately 60 metres away and considering the distance, the difference in levels between both sites and the buildings and road that are between them, is considered that the proposal will not have a detrimental effect on the setting of the grade II listed buildings referred to. Therefore, the application complies with the requirements of Policy B3 of the GUDP.

Flooding matters

- 5.22 The application site is all within zone A, as defined by the development advice map (DAM) referred to in TAN 15: Development and Flood Risk TAN 15 states that flooding is unlikely to restrict development in this zone. Consequently, Natural Resources Wales have noted that they have no objection to the development if the following conditions are attached to any planning consent given stating that no buildings, structures or raising of ground levels will occur within 3 metres to the bank of the water course that runs near the site. It is considered that this matter is acceptable for inclusion but as a note of information on the permission as this is a matter for Natural Resources Wales to enforce and not the Local Planning Authority. Therefore, it is considered that the proposal conforms with policy B29 of the GUDP and the relevant sections of TAN 15.

Any other considerations

- 5.23 Comments regarding drainage have been received from Welsh Water stating that no surface water should flow into the public sewer, they recommend the condition in order to ensure that the public sewer is not overloaded. It is considered reasonable to include such a condition on any permission. In addition, as a water course runs nearby the development a response was received from the Council's Water and Environment Unit offering comments regarding safeguarding the water course and the need for permission if any work/development on the site affects it. It is considered reasonable to include the response as a note on any permission given

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rather than a formal condition as it is not the local planning authority that is responsible for enforcing the matter in question.

Response to the public consultation

5.24 A concern was received as part of the public consultation that the proposed house was too large and no one could afford to live in it, this matter is not a valid planning consideration. In addition, concern was expressed that the applicant had not consulted neighbours prior to the submission of the application, it is noted that there is no requirement to consult with neighbours prior to the submission of a planning application.

6. Conclusions:

6.1 The objections 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 Commence the development within five years of approval
- 2 In accordance with plans
- 3 Slates on the roof
- 4 External wall materials to be agreed
- 5 Remove some development rights class A, B and E of the Permitted General Development Order 1995 (as amended)
- 6 Details of planting, landscaping and boundary treatment to be agreed
- 7 Timetable to implement landscaping plan
- 8 Outside lighting plan to be agreed
- 9 Details of disposal and management method for invasive plant species on the site to be agreed
- 10 Plan for biodiversity improvements to include bird and bat boxes to be agreed
- 11 A condition that no surface water to connect is to the public sewer;
- 12 Building work hours (8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, with no building work on Sunday or Bank Holidays)
- 13 A 1.5 metre wide foot-way to be provided from one end of the site to the other, parallel to the county highway before the development is occupied.
- 14 Planning and construction of access in accordance with plans submitted before the development is occupied
- 15 Parking arrangements will be completed in accordance with the plans submitted before the development is occupied
- 16 Details of the retaining wall to be provided for approval prior to the commencement of any work on the site

Information note

1. No buildings, structures or raising of ground levels within 3 metres to the water course (proposed by Natural Resources Wales)
2. Protect the water course and the need for permission if any work/development on the site affects it (proposed by the Council's Water and Environment Unit)