

**Number: 3**

**Application Number: C17/0159/39/LL**

**Date Registered: 18/02/2017**

**Application Type: Full - Planning**

**Community: Llanengan**

**Ward: Abersoch**

**Proposal: Demolition of existing dwelling and construction of replacement three-storey dwelling**

**Location: The Shanty, Pen Bennar, Abersoch, Pwllheli, Gwynedd, LL537BA**

**Summary of the Recommendation** TO APPROVE WITH CONDITIONS

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1. **Description:**

- 1.1 The application includes demolishing an existing single-storey house located on a terraced site and constructing a three-storey house on the same site. The existing house comprises three buildings on two levels. The main house is single-storey and stands on the lowest part of the site. This building comprises of a kitchen, bathroom, dining and sitting room and three bedrooms. The two other buildings that are located on the highest part of the site also include bedrooms. The applicant states that the current buildings are made of timber and are reaching the end of their life as they are nearly 100 years old. The proposed house will be on three levels with external terraces stepping back to follow the site's profile. The lowest floor will be at a similar level to the existing house and comprises of a sitting area, three bedrooms and bathrooms. The extensive glazing on this level faces north-east and south-east. The middle floor (first floor) comprises of a kitchen, dining room and sitting area, master bedroom with bathroom and another bedroom. There is also a toilet and a utility room on this floor. The extensive glazing faces north-east and south-east and there is access to the external terrace. The highest floor (second floor) provides access to the house. It comprises an entrance lobby, a lift and ancillary accommodation for guests. This accommodation will comprise of a sitting room, bedroom and bathroom. The extensive glazing on this level faces north-east and south-east. It is also proposed to construct a garage for two cars (one behind the other) at the rear of the house and access to an adjacent parking space. Internally, the three levels will be connected by a space with stairs extending from the lowest to the highest level.
- 1.2 It is proposed to use slate for the majority of the external walls with timber cladding for the highest sections of the garage walls and a flat sedum green roof. It is proposed to make extensive use of glazing on the house's front elevation which is sea-facing. The terrace will be surrounded by a glass screen.
- 1.3 The plan shows that the shape, layout and design of the proposed house adhere to the site's surface and contours. It is noted that the proposed house is larger and taller than the existing house and also extends somewhat above the cliff to the rear of the site.
- 1.4 The construction work would include excavating the site in order to build the house.
- 1.5 An amended plan was submitted on 25 May 2017 indicating that part of the surface area of the terrace on the highest floor had been reduced and stepped back from the southern boundary and the height of the rear garage had been reduced by approximately 1.3 metres.
- 1.6 The site is on various levels and is sea-facing. It is located in a residential area amongst several other houses that are located on a cliff-side above the sea. Images were submitted with the application showing the proposed house in the broader landscape; it can be seen from these images that the house is mainly visible from the sea and the adjacent properties to the south and north of the site. The roof, part of the garage's rear wall and the site's boundary wall will be visible from the nearby public footpath. It is likely that part house's gable-end will be visible from the A499 county road which leads to the village.
- 1.7 The site is located on Abersoch headland, outside the village development boundary and within an Area of Outstanding Natural Beauty (AONB). Vehicular access will be gained via a private road and a public footpath on higher ground to the west. The Pen Llŷn a'r Sarnau Special Area of Conservation is located nearby.

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- 1.8 A Design and Access Statement was submitted as part of the application.
- 1.9 The application is being submitted to Committee as more than three objections have been received.

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 (GUDP):**

B8 – THE LLŶN AND ANGLESEY AREAS OF OUTSTANDING NATURAL BEAUTY (AONB) - Safeguard, maintain and enhance the character of the Areas of Outstanding Natural Beauty by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features of the site.

B15 – PROTECTION OF NATURE CONSERVATION SITES OF INTERNATIONAL SIGNIFICANCE - Refuse proposals which are likely to cause significant damage to nature conservation sites of international significance unless they conform to a series of criteria aimed at managing, enhancing and safeguarding the recognised features of such sites.

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

B23 – AMENITIES– Safeguarding the amenities of the local neighbourhood by ensuring that proposals must conform to a series of criteria which aim to safeguard the recognised features and amenities of the local area.

B25 – BUILDING MATERIALS – Safeguard the visual character by ensuring that building materials are of high standard and are in-keeping with the character and appearance of the local area.

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.

C7 – BUILDING IN A SUSTAINABLE MANNER - Proposals for new developments or for adapting and changing the use of land or buildings will be refused unless consideration is given to specific environmental matters. Proposals

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must conform to specific criteria relating to building in a sustainable manner, unless it can be demonstrated that it is impractical to do so.

CH13 - DEMOLITION AND RECONSTRUCTION OF DWELLINGS IN RURAL VILLAGES AND IN THE COUNTRYSIDE – Proposals to demolish a dwelling or dwellings that are in poor condition in rural villages or in the countryside and to develop new living units on the site will be approved provided they conform to the criteria which involve the condition of the building to be demolished, and the location, density and design of the new building.

CH22 - CYCLING NETWORK, PATHS AND RIGHTS OF WAY – All parts of the cycling network, paths and rights of way shall be protected and promoted by assessing any proposal that would infringe on them and seeking to satisfactorily incorporate them within the development. Should this not be possible, appropriate provision will have to be made to divert the route or to provide a new and acceptable route. Proposals will also be refused if they are likely to prohibit plans to extend the cycling network, paths or rights of way unless a suitable alternative route can be provided.

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

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. Consideration will be given to the accessibility of public transport services, the possibility of walking or cycling from the site and the proximity of the site to a public car park. In circumstances where off-street parking is needed and where the developer does not offer parking facilities on the site, or where it is not possible to take advantage of the existing parking provisions, proposals will be approved provided the developer contributes to the cost of improving the accessibility of the site or providing the necessary parking spaces on another nearby site.

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

- ISA - Infrastructure Provision
- TRA2 - Parking Standards
- TRA4 - Managing Transport Impacts
- New Policy – Development Boundaries
- PCYFF2 - Design and Place Shaping
- PCYFF3 - Design and Landscaping
- PCYFF4 - Carbon Management
- PCYFF5 - Water Conservation

2.5 **National Policies:**

- Planning Policy Wales (Edition 9 2016)
- TAN 12: Design
- TAN 22: Sustainable Buildings

3. **Relevant Planning History:**

- 3.1 The site has no relevant planning history.

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#### 4. Consultations:

Town/Community Council: Object due to over development that will overwhelm the site on a cliff that can be seen from all directions - land and sea - and which is incompatible with the remainder of the surrounding houses. The location is also within the Area of Outstanding Natural Beauty and the Heritage Coast.

Transportation Unit: I confirm that the Transportation Unit has no objections to the proposal.

The site is far beyond the adopted roads network, with vehicular access gained along a private road.

However, it is noted that the proposal provides two parking spaces for a four bedroom house.

Usually, up to three parking spaces can be expected for four bedrooms, in order to prevent any adverse impact on the local adopted roads network. Nevertheless, given that the site is located such a distance from the nearest adopted road the reduction in parking provision is unlikely to affect the county roads, also I note that the site abuts a communal car park and therefore I assume that the proposed parking provision is acceptable in this case.

I do not have any conditions or instructions to propose.

Natural Resources Wales: No objection to the application and propose standard observations, it is intended to send a letter dated 16/03/2017 as an appendix to any permission granted by the Council in relation to the development.

Welsh Water: Proposes observations and conditions relating to discharging surface water into the public sewer. It is intended to send a letter dated 08/03/2017 as an appendix to any permission granted by the Council in relation to the development.

Rights of Way Unit: Following an inspection of the Official Map, the unit confirms that the development abuts public footpath 40 and also an unregistered Llanengan Community Council footpath. Therefore, these Paths need to be safeguarded and ensure that access is protected during and after the development.

Area of Outstanding Natural Beauty Unit: The Shanty is located on the end of Pen Benar headland in Abersoch and is within the Area of Outstanding Natural Beauty.

It is a single-story house, and it seems that it dates from the first part of the last century. Although it is characteristic of its time and is of a relatively interesting character, it does not have a historic or an architectural value. There are two single-storey buildings on land that is higher than the house which are used as additional accommodation. There are other

houses on either side of The Shanty - quite substantial, modern houses with extensive glazed surfaces.

The house and the site are visible from the sea, some areas on the beach and in distant views from the A499 road which leads to the village. The National Coastal Path runs along the highest part of the site and there are views over the bay towards Snowdonia. Currently, the boundary between the Shanty site and the above path / car park is formed by shrubs.

The intention is to demolish all the existing buildings on the site and construct a new house. The Architect has designed a building that seeks to blend into this specific site. It is a building that is set on three different levels and is also curved. It is proposed for extensive parts of the front elevation to be made of timber and glass and it has a green flat roof to reduce the height of the building.

There is no doubt that there has been an effort to create a unique design for the site and it is believed that some aspects of the design and the materials are in keeping with this sensitive location. However, the size and scale of the building, which is on three floors (and a garage), is substantially larger than existing buildings and will fill the site to a vast degree. Therefore, the development will be prominent in the AONB coastline. There is also concern that the highest part of the development will obstruct views from the Coastal Path above the site.

#### Biodiversity Unit

Propose the following observations:

##### Nesting birds

There are some smaller trees and a hedge on the site that could be suitable for nesting birds. The site should either be cleared outside the nesting season (March to August), or a survey of the site should be arranged by a birds specialist directly before work commences.

##### Pen Llŷn a'r Sarnau SAC

As the site is located on a cliff-top above the sea, approximately 50 metres from the above European site, we as an 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.

##### Test of Likely Significant Effect

This development has the potential to affect the Features of a European Site: Special Area of Conservation Pen Llŷn a'r Sarnau

Pollutants such as cement or fuel could be discharged into the sea and could affect the features of the SAC. The likelihood of this happening is low, and it could be reduced further by including a condition that a Pollution Prevention Plan be implemented.

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Outcome: With the submitted details and the conditions outlined below, Gwynedd Council can be confident that the development on the Shanty site will not lead to Significantly Harmful Impact on the features or the processes of the Llŷn Fens Special Area of Conservation.

Condition: The developer should submit a Pollution Prevention Plan for the approval of the Authority prior to the commencement of the work.

**Public Consultation:**

A notice was posted on site and neighbouring residents were notified. The advertisement period has expired and several items of correspondence were received objecting on the following grounds:

- Impact on the visual amenities of the area.
- Proposed house not in keeping with the area
- Proposed scheme is more similar to a hotel than a house.
- Creates a precedent for similar developments.
- Concern about the proposal's impact on the public footpath.
- The site occupies a prominent location within a sensitive area.
- The development is of an unusual design.
- The site is visible from the local beaches.
- Concern that the proposal could have a negative impact on the Abersoch community.
- The development does not comply with Policy B8 of the GUDP.
- Although the proposal has an interesting design, it is not considered that it is in keeping with this prominent site.
- Contrary to policy CH13.
- Recent developments have impaired the public's enjoyment of the adjacent public footpath.
- The car park located adjacent to the site serves seven houses and not four as noted in the application.
- The car park for 14 cars is in the adjacent car park.

**Other observations**

- Would it be possible to include a condition to prevent building material from being kept in the car park?
- Is it possible to safeguard other parking spaces?
- Is it possible to prevent building work during the busiest time of the year?
- Safeguarding the public footpath.

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## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 Decisions about planning applications must be made in accordance with the adopted development plan, unless other 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) replaces the UDP as the 'development plan' once it is adopted. It is hoped that the JLDP will be adopted during July 2017.
- 5.2 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 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 ...".
- 5.3 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 submits his binding report.
- 5.4 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 Policy CH13, which is the main policy in assessing the principle of the development, states that proposals to demolish a dwelling in a poor condition in the countryside and to replace it with a development of new residential units, will be approved subject to compliance with five relevant criteria.
- 5.6 Criterion 1: The existing property is used as a dwelling and therefore, according to planning law, it is considered to be a dwelling and complies with the first criterion.
- 5.7 Criterion 2: It is not feasible to repair, convert or extend the existing building without total or substantial reconstruction, and perhaps a structural report would be required to support the application. The building stands in a coastal location which is very open to the elements. The policy notes that perhaps a structural report to support the application will be necessary. No such report has been submitted as part of the application. The applicant has noted in the Design and Access Statement that the property has reached the end of its life and is not suitable to be developed to reach modern standards. Reconstructing using modern methods and materials suitable for such a site would be more sensible and provide a quality sustainable building. It can therefore be argued that the building's condition means that it is not feasible to repair it and that there is justification for constructing a new replacement house, which meets criterion 2.
- 5.8 Criterion 3: That the new unit will be located on the site of the original unit or as close to it as possible. It is proposed to locate the proposed house on the existing footprint but there would be variances because of the design of the proposed property compared with the existing one in terms of its exact location on the site. However, in



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essence the proposed house would be located on the original building's site and therefore complies with the requirements of criterion 3.

- 5.9 Criterion 4: That the density of the new development will remain the same as the density of the original, or in exceptional circumstances that there is a strong case to justify lower density: The intention is to replace one dwelling with another, therefore there will be no change in density in that respect. It is noted that objectors are concerned about the increase in the size of the proposal. However, although it is larger than the existing dwelling in terms of its size and footprint, the increase is not substantially significant when compared with nearby houses in terms of the size of the building in relation to the area of the site. The proposal therefore complies with criterion 4.
- 5.10 Criterion 5: That the new building would not lead to a building which is incongruous with the original in terms of its size, scale or design insofar as maintaining or enriching the character of the local area. The proposed house would be on three levels compared with the existing house; however the applicant states that the house has been designed so that the shape and profile of the house reflect the layout of the site. The proposed house would therefore be larger in size than the existing property. The plan shows that the proposed house is larger than the existing building, however the layout of the building in relation to the sites does allow for amenity spaces around the house in the form of a terrace and garden space. Its design, especially the sea-facing elevation, would be in keeping with the nature of the site and although it does not follow the housing pattern in the vicinity it is believed that it blends in and enriches the local area. Although the proposed house is of a size and scale that is larger than the existing property it is considered that it would be an improvement in terms of the design of the existing property and more in keeping with the local area. The applicant submitted a photographic image of the proposal in its context and those images have been submitted as part of the information pack for the Committee. It is considered that the proposal conforms to the objectives of criterion 5 of Policy CH13.
- 5.11 The LDP Policies listed in 2.4 above are material, however although it is realised that the site will be included within the Abersoch development boundary in the LDP, the considerations of Housing Policy 7 are similar to policy CH13 of the GUDP. It is therefore considered that the recommendation of this report is consistent with the emerging policy.
- 5.12 Policy C3 supports re-using previously developed land or buildings that are located within or near development boundaries, rather than utilising greenfield sites, provided that the site or building and the proposed use are suitable and conform to the Plan's objectives and development strategy. The proposal involves demolishing the existing house and erecting a new three-storey house on the same site. It is felt that the proposal complies with the objectives of policy C3.

### **Visual amenities**

- 5.13 The existing dwelling is of no important architectural value. The nature of the location means that part of the existing building, and the proposed building, is visible from the adjacent public footpath to the west and from the sea to the east. It is likely that the elevation that is visible from the sea would be the main elevation in terms of seeing the site in the context of the broader landscape. It is considered that the design of the property when looking at it from the sea blends in with the site because it follows the shape, layout and profile of the site and the use of materials that create a light design. The original plan showed that the garage roof was somewhat higher than the house roof and the top of the cliff and was therefore likely to affect views from

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the adjacent public footpath. It is noted that the observations of the AONB cause concern regarding the size and scale of the proposal along with the height of the house in relation to the adjacent path. After discussing the matter with the applicant, an amended plan dated 25 May was received that shows that the garage has been reduced by over a metre in height and is therefore less intrusive to the adjacent path. The applicant has prepared a photograph showing the house and the garage in relation to the public footpath behind the site and the image is submitted as part of the information presentation pack.

- 5.14 It is felt that this amendment has reduced the impact of the proposal on the landscape and although it will be apparent from the direction of the sea it is not considered that it would have a negative impact on the AONB. A number of letters / correspondence have been received objecting to the proposal as it is not in keeping with the AONB, and it is felt that these objections have been submitted because the design of the building is different to other properties in the area. We understand the objector's concerns, however it is felt that this in itself does not mean that the proposal would have a negative impact on the character of the area. It is understood that the design makes extensive use of terraces and glazing, however it is noted from the images submitted with the application that other houses near the site also share such architectural features. The proposed green flat roof reduces the height of the building.
- 5.15 Images were submitted that show the development within the broader landscape. The images show that the design of the proposal is different to other houses in the vicinity. The images also provide a view of the proposal from the sea, from the adjacent public footpath to the rear and from the A499 which leads to the village. It is felt that these images show that the building does not create an intrusive development in the landscape and although the appearance of the house is different, it is not considered that it would have a significant harmful impact on the landscape.
- 5.16 The site is located within the AONB where policy B8 of the GUDP applies. The aim of the policy is to safeguard, maintain and enhance the character of the Areas of Outstanding Natural Beauty. Development proposals will be refused if they cause significant harm to the landscape and the coastline including views into and out of the area, wildlife, historic remains and buildings, language and other features noted within the policy that are identified as the special features of Llŷn and contribute to the area's character. However, although the site is situated within the AONB, it is also an infill site with residential development on either side. There are many differently designed houses in the area and there is no typical building pattern. Although modern, this design is of a scale and uses materials that would be in keeping with the site. Despite being located within the AONB, it does not mean that a modern and contemporary design is not possible. It is therefore considered that the proposal is suitable for its location and context and that it would not have a detrimental effect on the AONB. Also, due to the location against the built background of Abersoch, it is not considered that the proposal would significantly harm the views in and out of the AONB. Given the above, it is not believed that this development would have a detrimental impact on the AONB and that it is acceptable in terms of Policy B8 of the GUDP.
- 5.17 As explained above, it is considered that the proposed property is acceptable for the site and that the proposed design blends into the area. It is not considered that the proposed house would cause significant harm to the landscape of the AONB. It is considered that the proposed house respects the vicinity without being detrimental or harmful to the character of the landscape and it is therefore considered that it satisfies the requirements of Policies B8, B22 and B25 of the GUDP.

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### **General and residential amenities**

- 5.18 The application was advertised at the site and nearby residents were notified. No response was received from the residents of the dwellings on either side of the site. The proposal involves erecting a larger and taller building than the existing house. The design of the new house, due to the height, location and size of the terraces means that the proposal will overlook properties to the south of the site. These concerns were discussed with the applicant and an amended plan was received showing that the edge of the terrace on the southern elevation had been moved nearer to the wall of the house. Thus, the edge of the terrace would be four metres from the site's southern boundary; this, along with the fact that it is also proposed to install a privacy screen along the side of the terrace, will safeguard the neighbours' amenities. In relation to the adjacent terrace between the window of the bathroom, the bedroom and the southern boundary, it has been understood from the applicant that there will be no access to it apart from the window of the bedroom for maintenance work only. It is felt that a condition should be included on any permission to prevent regular use of it. In relation to the impact of the proposal on the property to the north of the site, it is noted that the plan shows that the terrace on the northern elevation is located approximately seven metres from the site boundary and looks over the roof of the parallel property. It does not have a significant impact on the privacy of the gardens or on the windows of the neighbour's property. Therefore, in light of the above, it is not considered that the proposal would cause significant harm to the amenities of the local neighbourhood and it is considered that it is acceptable in relation to Policy B23 of the GUDP.

### **Transport and access matters**

- 5.19 The proposal involves creating a new garage at the rear of the house for two vehicles as part of the development with access to the adjacent parking space where there are two other spaces. It is considered that this arrangement is acceptable and the Transportation Unit does not have any objection to the proposal. Correspondence was received casting doubt as to the accuracy of the applicant's parking details, however, the parking spaces referred to are on private land and this is a civil matter between neighbours. However, the proposal provides two parking spaces in addition to the current provision. In relation to the objector's observations regarding retaining the parking spaces of the occupants of neighbouring houses and preventing building materials from being stored in the car park; it is felt that there is not a sufficient reason for imposing such conditions on the permission as the road that leads to the site is a private road and it would not cause harm to transport on a public road. It is therefore considered that the proposal complies with the requirements of policies CH33 and CH36. There is a public footpath near the site and there is a need to safeguard this during and at the end of the development and this could be done by imposing a condition on the planning permission. The proposal is not contrary to policy CH22.

### **Biodiversity matters**

- 5.20 The Pen Llŷn a'r Sarnau Special Area of Conservation is located approximately 40 metres away. The Council's Biodiversity Unit and Natural Resources Wales were consulted and in light of the nature and the scale of the proposal they did not consider that the proposal would have a significant impact on this protected site subject to including a condition on any permission to enforce submitting a Pollution Prevention Plan to be approved by the Authority prior to the commencement of the work. It is therefore considered that the proposal is acceptable in relation to Policy B16 of the GUDP.

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6. **Conclusions:**

- 6.1 Having weighed up the proposal in the context of the relevant policies and the objectors' arguments, it is considered that the proposal is acceptable for approval. The location, density and increase in size are reasonable and the design and materials are an improvement for an open site of this type. Bearing in mind that there is already a dwelling on the site, and several other houses on either side of it, there will be no substantial change to the landscape of the AONB or any views of, and across it or any significant substantial impact on the amenities of nearby residents. In light of the above, and having given full consideration to all material planning issues, it is considered that this proposal is acceptable and that it complies with the requirements of the aforementioned policies.

7. **Recommendation:**

- 7.1 To approve – conditions

1. Commencement within five years.
2. In accordance with the plans.
3. Agree on all external materials.
4. Welsh Water conditions.
5. Submittal of a Pollution Prevention Plan prior to commencing any development on the site
6. Prevent the use of the roof between the bathroom and bedroom windows on the southern elevation as a terrace.
7. Clear the site outside the nesting season.
8. Must erect a privacy screen on the house's southern elevation before the house is occupied, and it must be maintained as such at all times.
9. Withdrawal of permitted rights on extensions to the house.
10. Submit details of the privacy screen including boundary treatment within a month of work commencing on the site.