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| PLANNING COMMITTEE   | DATE: 24/07/2017 |
| REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE<br>MANAGER | DOLGELLAU        |

**Number: 3**

**Application Number: C17/0361/42/MG**

**Date Registered: 12/04/2017**

**Application Type: Reserved matters**

**Community: Nefyn**

**Ward: Morfa Nefyn**

**Proposal: Reserved matters for the erection of a dwelling and parking spaces**

**Location: 10 Penrhos, Lôn Pen Rhos, Morfa Nefyn, Pwllheli, Gwynedd, LL53 6BH**

**Summary of the Recommendation:**

**TO APPROVE WITH CONDITIONS**

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**1. Description:**

- 1.1. This is an application to approve reserved matters for erecting a dormer bungalow with four parking spaces. The vehicle parking spaces are located in the north-eastern end of the site where the existing garage stands. The proposal follows approving an outline permission for erecting one house on the site in September 2016. The plot is a part of land which forms part of the 10 Penrhos, Morfa Nefyn garden. The proposed house measures 10.4 metres long, 9.4 metres wide and 6.5 metres to the ridge. The house includes a lounge / dining room / kitchen, a multi-purpose room and a bedroom on the ground floor, and two bedrooms and a bathroom on the first floor, which is located in the roofspace. It is noted that the application, as submitted originally, includes erecting a garage in the north-eastern point of the site which did not form part of the outline permission. However, after discussing the proposal with the applicant, correspondence was received from the applicant dated 17 May 2017, which removed the garage from the application.
- 1.2 The site is served by an existing entrance to a private adjacent road which also serves a nearby residential property, and then leads to a class 2 county road. The site is relatively level and uniform in terms of its shape and is located within the development boundary of the village. Dwellings surround the site.
- 1.3 The application is submitted to Committee as three or more observations have been received contrary to the officers' recommendation.

**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, 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:**

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 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.

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POLICY B27 - LANDSCAPING PLANS - Ensuring that permitted proposals incorporate soft/hard landscaping of high standard which is appropriate for the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

POLICY CH18 – AVAILABILITY OF INFRASTRUCTURE - Development proposals will be refused unless there is an adequate provision of necessary infrastructure for the development, unless one of two specific criteria can be satisfied which require that appropriate arrangements are made in order to ensure an adequate provision, or that the development is carried out in phases in order to conform to any proposed scheme for providing infrastructure.

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. (July 2017) (As amended by the Inspector’s Report, 30 June 2017)**

- PCYFF 2 - Development Criteria
- PCYFF 3 - Design and Place Shaping
- PCYFF 4 - Design and Landscaping
- TRA 2 - Parking Standards
- TRA 4 - Managing Transport Impacts

2.5 **National Policies:**

Planning Policy Wales (Edition 9), November 2017.  
Technical Advice Note 12: Design

3. **Relevant Planning History:**

C16/0590/42/AM - Construction of a dwelling and creation of parking spaces (outline application) - Approved on 27 September 2016

2/22/21 - Construction of summer house in the garden - Approved 24 July 1974.

34/65/855A - Construction of a dwelling and garage (outline application) - Approved 6 October 1972.

3/4/855 - Outline application for a dwelling - Approved 14 September 1965.

4. **Consultations:**

Community/Town Council: Object to the application for the following reasons:  
The size is larger than the original application.  
The garage is additional to the application

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The building is not in-keeping with surrounding houses.  
Overdevelopment of the site

Transportation Unit: No objection to the application, but suggest imposing a 'Note' on the permission regarding the proposed pedestrian access.

Welsh Water: No objection and recommend standard conditions.

Biodiversity Unit No objection but suggest that the new building should include features for bats and birds.

Public Consultation: A notice was posted on site and nearby residents were notified and two items of correspondence were received objecting to the proposal on the following grounds:

- Disruption to heavy traffic during July and August.
- A garage was not part of the outline permission.
- Parking spaces reduce the site's green surface area.
- An attempt to create parking spaces for six cars.
- Three windows overlooking a neighbour's property.
- The plan shows a proposal to reduce the boundary hedge which is an important factor of the property's character.

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

- The maintenance responsibility for the private road which leads to the house is shared by the owner of Rhos Bridin and 10, Lôn Penrhos. It is not possible for the neighbour to know who the owner of the new house will be so that he/she can contribute towards maintaining the road.

## 5. Assessment of the material planning considerations:

### The principle of the development

5.1 In line with the presumption in favour of sustainable development, applications for planning permission or to renew planning consent, should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise. Policies in an emerging development plan are material considerations. Planning Policy Wales states that all applications should be considered in relation to current policies. In terms of an emerging plan, there will be no certainty regarding its contents until the Inspector presents his final report. The Inspector's binding report was received on 30 June 2017. The Inspector's recommendations for amendments are binding. The policies and proposals of the Plan will not be further amended. On this basis, the policies and proposals of the Plan, as amended by the Inspector, are material considerations that carry substantial weight.

5.2 The current 'Development Plan' is the Gwynedd Unitary Development Plan (2001 - 2016) and the Joint Local Development Plan for Gwynedd and Anglesey (JLDP) will

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replace the Unitary Plan in its entirety as the 'development plan' once it is formally adopted. It is likely that the JLDP will be submitted before the Council to consider its adoption 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 significant planning consideration for the purposes of development control. Paragraph 3.1.3 of Planning Policy Wales states:
- 5.4 *"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 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 The principle to erect a house on the site has already been established since outline permission was given for a dwelling on the site in September 2016. It is acknowledged that there is some difference between the plans submitted with the outline application compared with the plans submitted with the existing details application. Mainly, the difference is limited to show the location of the house approximately five metres closer to the county road, and further from the objector's house; and the ridge of the house in the current plan will be approximately half a metre higher. It is felt that the change in location is an improvement and it is not considered that raising the roof ridge approximately half a metre would have a larger substantial impact on the amenities of the neighbours and the area than what is already supported through the outline permission.

It should be realised that this reserved details application deals with matters relating to design, roads and the impact of local residents only. Matters of principle should not be re-discussed.

### **Visual amenities**

- 5.7 The application involves the erection of a dormer bungalow. The building measures 10.4 metres long, 9.4 metres wide and 6.5 metres to the ridge. The proposed house is located approximately four metres from the gable end of existing terraces, and approximately five metres from the side of the county road at its closest point. The exterior elevations are consistent with the design of a dormer bungalow. The roof will be covered with natural slate and it is proposed to use a light grey coloured render on the walls. It is noted that the objections are concerned that the building is too large. When looking around the site, there are a mix of buildings in terms of size and these include single-storey, two-storey dormer and two-storey dwellings. It is considered that the plan, in terms of the height of the proposed property, is acceptable given the variety of houses available in the vicinity. The property is not located within a special landscape area or a conservation area. It is not considered that the building would be likely to have a substantial impact on the area's visual amenities. It is realised that it is proposed to reduce the height of the county road boundary hedge in order to facilitate pedestrian entrance to the county road, but it is felt that this change will not have a

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substantial detrimental impact on the townscape. The proposed development will be considered on its own merits, and it is considered that the general layout of the site is acceptable, that the density of the development is acceptable (one dwelling) and suitable in terms of maximum scale. It is therefore considered that the application satisfies the requirements of policies B22 and B25 of the GUDP and it will not have a detrimental effect on the area's visual or residential amenities.

- 5.8 Policy PCYFF 3 sets a criteria for the design of developments and reflects similar policies in the GUDP. In terms of design it is considered that the proposal complies with the aims of this policy. The proposal is not considered to be contrary to the policy.

#### **General and residential amenities**

- 5.9 The application was advertised on the site and nearby residents were notified and two letters of correspondence were received objecting to the application. The objections, amongst others, note that three windows on the rear elevation would impair on the privacy of a neighbour to the north-east. Note from the plan that the proposed house is located approximately 40 metres from a neighbour's house which is much larger than the unofficial 20 metres generally used for measuring the distance between house elevations. Consequently, it is not considered that this proposal, in terms of planning, would have a substantial detrimental impact on the neighbour's privacy. Note also that there are concerns regarding loss of green surface area in the existing garden; this is unavoidable, bearing in mind that the permission involves developing the site. Note that the remainder of the objections are discussed in the body of the report. The site is relatively level and uniform in terms of its shape. The site is surrounded by dwellings. Due to the residential nature of the area, it is not considered that the development would be out of character nor would it have a detrimental impact on the area's visual or residential amenities. Policy PCYFF 2 sets criteria for the design of developments and reflects similar policies in the GUDP. In terms of design it is considered that the proposal complies with the aims of this policy. The proposal is not considered to be contrary to the policy.

#### **Transport and access matters**

- 5.10 Policy CH33 and CH36 are relevant to this element of the application. The policies ensure safety on roads and streets and the provision of private parking facilities. The indicative plans show an intention to provide four parking spaces for the new house. The hedge which abuts the county road would be reduced in height to be no higher than one metre. Reducing the height of the hedge would improve visibility from the entrance with the proposed pedestrian entrance. In order to gain access from the county road to the site there is a need to use a private track for approximately 26 metres. The Transportation Unit has no objection to the proposal and is satisfied that the parking and turning provision as shown within the curtilage is acceptable. Objections were received to the proposal on road safety grounds. However, it should be realised that this is a proposal to construct one additional dwelling house and it is not considered that the traffic associated with the use of the single additional property would cause significant harm in terms of road safety. It must also be noted that the principle of erecting a house on the site has already been established and only details are discussed here. It is considered that the application can meet the requirements of policies CH33 and CH36 of the GUDP which relate to road safety and the provision of private parking with appropriate conditions.

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5.11 In dealing with the application, it became apparent that some issues arose in terms of the ownership of the private track which leads from the county road to the site, and private matters could arise with regards to maintaining the private road. It is considered that land ownership issues associated with the track are civil matters to be resolved between the applicant and the other landowner.

5.12 Policy TRA 2 and 4 set criteria for the design of developments and reflect similar policies in the GUDP. In terms of design it is considered that the proposal complies with the aims of this policy. The proposal is not considered to be contrary to the policy.

**Biodiversity matters**

The observations of the Biodiversity Unit were received confirming that it had no objection to the proposal.

**6. Conclusions:**

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

**7. Recommendation:**

7.1 To approve – conditions

1. In accordance with plans.
2. Slate roof.
3. Reduce the height of the site's wall / hedge which ends on the county road to one metre above the nearby road.