

Number: 5

Application Number: C17/0385/11/AM

Date Registered: 05/05/2017

Application Type: Outline

Community: Bangor

Ward: Garth

Proposal: Outline application for the erection of one dwelling

Location: The Garage, Garth Hill, Bangor, Gwynedd, LL572SY

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is an outline application to demolish a former commercial garage and erect one dwelling in its place. The indicative plans submitted are to erect one house, between 6m and 7.9m in height, on the parcel of land between the rear of the existing terraced houses on Garth Road and Trem y Castell, Bangor. It is also intended to provide a new vehicular entrance for Allt Garth and create a new parking and turning space.
- 1.2 The application site is within a residential area within the development boundary of the city of Bangor. The site was previously used as a commercial garage and its last use was for a car valeting company. This use ceased in February this year.
- 1.3 The application is submitted to the Committee following the receipt of more than three items of correspondence that are contrary to the officer's 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.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act, and in making 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. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.
- 2.3 **Gwynedd Unitary Development Plan 2009:**

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 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 must conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area.

POLICY B25 - BUILDING MATERIALS

Safeguard the visual character by ensuring that building materials are of a high standard and are in keeping with the character and appearance of the local area.

POLICY B28 - UNSTABLE LAND

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Proposals on land, or adjacent land, which is or is likely to be unstable will be refused unless a series of criteria can be satisfied that will not cause significant harm to the development.

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 C3 - RE-USING PREVIOUSLY DEVELOPED SITES

Proposals will be approved that prioritise re-using land and buildings previously developed and located within or around development boundaries, provided that the site or the building and the use are suitable.

POLICY CH3 – NEW HOUSES ON UNALLOCATED SITES WITHIN THE DEVELOPMENT BOUNDARIES OF THE SUB-REGIONAL CENTRE AND URBAN CENTRES

Approve the construction of houses on appropriate unallocated sites within the development boundaries of the Sub-regional Centre and the Urban Centres.

POLICY CH33 - SAFETY ON ROADS AND STREETS

Development proposals will be approved provided they 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.

2.4 **Gwynedd and Anglesey Joint Local Development Plan. (July 2017) (As amended by the Inspector's Report, 30 June 2017)**

PCYFF 1: DEVELOPMENT BOUNDARIES

PCYFF 2: DEVELOPMENT CRITERIA

PCYFF 3: DESIGN AND PLACE SHAPING

PS 5: SUSTAINABLE DEVELOPMENT

PS 17: SETTLEMENT STRATEGY

TAI 1: HOUSING IN THE SUB-REGIONAL CENTRE AND THE URBAN SERVICE CENTRES

TRA 2: PARKING STANDARDS

TRA 4: MANAGING TRANSPORT IMPACTS

AMG 5: LOCAL BIODIVERSITY CONSERVATION

2.5 **National Policies:**

Planning Policy Wales - (Edition 9, November 2016)

3. **Relevant Planning History:**

No recent history on this site.

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4. Consultations:

- Community/Town Council: No objection
- Transportation Unit: No objection
- Natural Resources Wales: No objection – observations for the applicant in relation to Environmental Controls
- Welsh Water: Need to include a condition on the discharge of waste water and sewage from the site
Standard observations for the applicant.
- Biodiversity Unit: There are no biodiversity concerns in relation to the application.
- Public Consultation: A notice was posted on the site and nearby residents were notified. The below observations were received in response to the original consultation relating to material planning considerations:
- Concern regarding overlooking and shadowing of the other surrounding private properties.
 - Detrimental impact on highways safety
 - The development would be tantamount to an over-development of the site
 - There are too many houses in the Garth area, many of them are empty
 - Concern regarding the harmful impact of the construction process in relation to noise and disruption
- Other observations were also received; these are not material planning matters to the application, such as:
- The poor condition of the nearby public road
 - Concern about the stability of the retaining walls surrounding the site

5. Assessment of the material planning considerations:

- 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 is no certainty regarding its contents only when 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.

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- 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 totally replace the Unitary Plan 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."

The principle of the development

- 5.6 Policy C1 of the Gwynedd Unitary Development Plan encourages the siting of new developments within town and village development boundaries and the developed form of rural villages, and states that this should be the main focus of new developments. In this case, the site is located within the development boundary of the city of Bangor and therefore the proposal conforms to the principle of this policy.
- 5.7 Policy C3 of the UDP and PS5 of the LDP supports applications to use previously developed sites (brownfield) rather than developing greenfield sites if the proposal meets the requirements of the other adopted policies.
- 5.8 Policy CH3 of the UDP and Policy TAI1 of the LDP is relevant and states that, in principle, proposals for the construction of new dwellings on unallocated sites that are within the development boundaries of the Sub regional Centre of Bangor will be approved.
- 5.9 When considering the above policies, there is strong policy support for the principle of the development, but it is essential that the development also conforms with the other policies in the development plan.

Design and visual amenities

- 5.10 Policies B22, B23 and B25 of the GUDP and policies PCYFF 2 and PCYFF 3 of the LDP are relevant to this application and involve the consideration of design, finishes, appearances and visual amenities. The indicative plans submitted with the application show that the design, size and materials of the proposed house would be fairly standard, and would be in keeping with other properties in the area. When considering the urban nature of the location, it is considered that there would be no detrimental impact on visual amenities or the general amenities of the area as a result of this development.

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- 5.11 It is important to bear in mind that a metal industrial building currently covers the whole of the site, and it is considered, in relation to the visual amenities, that constructing a modern building on a proportion of the site would clearly be a substantial improvement to the appearance of the site.
- 5.12 Overall, it is considered that the development would be a substantial improvement to the amenities of the area and, in securing a suitable design for the house, it is considered that the development meets the requirements of the above policies as they relate to the visual impacts of the proposed development on the neighbourhood.

General and residential amenities

- 5.13 Policy B23 of the UDP and PCYFF 2 of the LDP also requests that consideration is given to the effect of the proposal on nearby residential amenities. On the whole, despite the objections of the residents of nearby properties, it is not considered that the proposal would cause direct unacceptable harm to the amenities of the residents of nearby houses in terms of matters such as shadowing or over-looking. In relation to over-looking, due to the location between two rows of houses, it is considered that it would be reasonable to include a condition on any planning permission to ensure that only opaque glass is used on the rear-facing elevations of the houses on Garth Road and Trem y Castell. In relation to shadowing, the floor level of the house would be 2.2m lower than the floor level of the houses above at Trem y Castell, and 0.8m higher than the houses on Garth Road. The house would be 12m from the rear of the houses at Trem y Castell, and when considering that it would be at a lower level than those houses, in keeping the level of the new roof as low as practicably possible, it is not considered that there would be any significant harm to these houses in relation to shadowing. Indeed, in considering the difference of levels between the gardens of Trem y Castell and the site, although there would be some shadowing from the far end of those gardens, it is not considered that this would be unexpected or unacceptable in a city centre site such as this.
- 5.14 The floor of the house would be higher than the level of the houses on Garth Road, and the house would be within 1.2m to the rear walls of those properties. However, there are no main windows looking over the application site, and there is already a high retaining wall to the rear of those properties. In keeping the low height of the new house, it is not considered that there would be any additional detrimental shadowing on the rear of these houses.
- 5.15 On the whole, it is considered that it would be reasonable to keep the new houses as low as possible in order to mitigate any possible harm to the neighbours. The application involves a range of possible heights for the house, and includes the option of constructing a dormer bungalow instead of a complete two-storey house. In setting a condition restricting the development to this maximum height, it is considered that the development would be detrimental to the neighbours' private amenities, and that the development would be in accordance with the objectives of Policies B23 of the UDP and PCYFF 2 of the LDP in relation to private amenities.
- 5.16 It is also essential to bear in mind that unconditional planning permission exists for a commercial garage on this site, and if the owner decided to exercise this right once more, the site could cause far more harm to amenities in relation to noise and disturbance than is likely to arise from the construction of one house.

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Transport and access matters

- 5.17 It is accepted that the road that serves the site is fairly narrow and that its condition is not particularly good. However, although the proposal is likely to give rise to the need for transport movements in relation to the residential activity, it is likely that this would be less than what would be expected under the existing planning rights for the site as a garage. The Transportation Unit has expressed its satisfaction with the plan and has submitted observations to encourage the applicant to ensure the safety of the pavement users in relation to their treatment of the boundary. Therefore, it is considered that the application meets the requirements of policies CH33 and CH36 of the UDP and TRA 2 and TRA 4 of the LDP.

Biodiversity Matters

- 5.18 The Biodiversity Unit has no objection to the demolition of the existing building and therefore it is considered that the development meets the requirements of policies B20 of the UDP and AMG 5 of the LDP.

Land stability

- 5.19 Policy B28 of the UDP encourages refusing proposals on unstable land and this is reflected in Policy PCYFF 1 of the UDP. The objections to the application include allegations that, due to the difference in levels and the fact that the walls on the site's boundaries are retaining walls, this development could make the surrounding land unstable. However, any development would have to go through the Building Control process to ensure its safety and ultimately it is a matter for the developer to ensure that the construction work is completed safely and that there is no damage to neighbours' properties stemming from the development. In addition, matters in relation to walls between private properties are dealt with through the Party Wall Act, and therefore there is an external mechanism outside the field of planning to deal with such matters.
- 5.20 To enable an assessment of any visual impact of detailed plans for dealing with the boundaries of the site, it is believed that it would be reasonable to impose a condition requesting an agreement on the details of the boundaries as part of the detailed plan.

6. Conclusions

- 6.1 Given the above and having considered all the relevant matters including the local and national policies and guidance and the information submitted with the application and the responses to the consultation process, it is considered that this application to construct a detached dwelling on a brownfield site within the boundaries of the City of Bangor is acceptable and that it satisfies the requirements of the policies noted above. All material considerations that were raised by objectors have been addressed when determining this application; however, this has not changed the recommendation.

7. Recommendation:

To approve the application subject to the following conditions:

1. Standard conditions at the time of an outline application
2. Development to comply with the approved plans
3. The height of the ridge of the main house to be no higher than 106.55m as shown on the plans submitted

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4. Final materials to be agreed, including a natural slate roof
5. Opaque glass windows only on the north-western and south-eastern elevations
6. Welsh Water condition
7. Plans for dealing with the boundaries of the site in the detailed application
8. Withdrawal of permitted development rights
9. The parking arrangements must be completed before residing in the property

Notes

Welsh Water

Natural Resources Wales

Highways

Party Walls Information