

PWYLLGOR CYNLLUNIO	DYDDIAD: 24/07/2017
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	DOLGELLAU

Number: 9

Application Number: C17/0541/14/LL

Date Registered: 07/06/2017

Application Type: Full - Planning

Community: Caernarfon

Ward: Peblig

Proposal: Erection of two semi-detached dwellings and associated works

Location: Land adjacent to 4 Rhosbodruall Terrace, Caernarfon, Gwynedd, LL552BN

Summary of the Recommendation: APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is a full application to erect two semi-detached dwellings and associated works which include provision of parking spaces and erection of a 1.8m high wooden fence around the proposed site/gardens. Internally, the proposal will provide a lounge, toilet, kitchen and dining room on the lower floor with three bedrooms (one *en-suite*) as well as a bathroom on the first floor. Externally, the construction of the two semi-detached houses will be of natural slate, with a pebble-dash render and clean brickwork to the front porches. The floor area of each house will be 110.4m² including the porches in front of both houses with a height of 7.3m above ground level. The main openings will be on the northern elevations (back) together with the southern elevations (front) with two narrow windows on the gable-ends to give light to the lounge on the lower floor and the bathroom on the first floor (with opaque glass). It is proposed to create parking spaces for two cars for each house opposite the gable-ends, with the access to the site as it is now off the private road that is in the applicant's ownership.
- 1.2 The site is located on a plot of land that forms part of the residential curtilage of the property known as number 4 Rhosbodruall Terrace and comprises a green lawn (that is now overgrown) as well as a garden shed. The site area subject to this application is 0.1ha. Residential dwellings are located to the north, east, south and west with Cibyn Industrial Estate on the southern outskirts of the site. The site is located within the Caernarfon development boundary in the Gwynedd Unitary Development Plan (GUDP) and is within the boundary of the proposed Local Development Plan (LDP).

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:**

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

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POLICY B24 - ALTERATIONS AND BUILDING EXTENSIONS WITHIN DEVELOPMENT BOUNDARIES, RURAL VILLAGES AND THE COUNTRYSIDE

Ensure that proposals for alterations or extensions to buildings conform to a series of criteria aimed at protecting the character and amenity value 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 will lead to introducing substandard or intrusive materials will be refused.

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 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.

Gwynedd Design Guidance(2003).

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

Policy TRA2 - parking standards.

Policy TRA4 - managing transport impacts

Policy PCYFF2 - development criteria.

Policy PCYFF3 - design and place shaping.

PS16 - housing provision.

Policy PS17 - settlement strategy.

Policy TA11 - housing in the Sub-regional Centre and the Urban Service Centres (including Caernarfon).

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2.5 National Policies:

Technical Advice Note 12 – Design (2016).

3. Relevant Planning History:

3.1 Application number C14/0611/14/AM - building a new house approved in August 2014.

3.2 Enquiry number Y17/000582 to erect two demi-detached houses - in response to the enquiry the following matters were referred to:-

- Residential amenities - need to ensure that no development will detrimentally impact the residential and general amenities of nearby occupiers on grounds of overlooking, loss of privacy and disturbance.
- Over development - any development for two houses on this site will have to convince the Local Planning Authority that it will not be tantamount to an over-development of the site. Reducing the floor area of the houses would assist to reduce this concern.
- Access - Need to amend the parking spaces in accordance with the requirements of the Transportation Unit. The possibility of improving visibility near the access with the back road by cutting part of the 'clawdd' of the dwelling known as Gwenllys.
- The principle of developing the site has been accepted and there should be a response to the above concerns prior to the submission of any planning application.

3.3 Enquiry number Y15/001451 - to erect two semi-detached houses and parking spaces - in response to this enquiry the following matters were referred to:-

- Residential amenities - concern regarding the introduction of a second house to the site opposite and existing dwellings on the grounds of substantial disturbance and this would be contrary to policy. Location has an impact on the amenities of local housing.
- Over-development - although both houses have an area that was a little less than the house approved in 2014, locating both houses in the location indicated on the site plan would be tantamount to an over-development bearing in mind its proximity to other residential dwellings.
- Access - although the Highways Unit has no objection to locating a second house on the site there is concern on the grounds of additional use of the existing access off the trunk road together with causing a disturbance at the expense of nearby residents.

4. Consultations:

Community/Town Council: No response.

Transportation Unit: No objection as the proposal offers two parking spaces for each unit and makes use of the existing private road that already serves other dwellings.

Natural Resources Wales: Of the information received, NRW are of the opinion that the proposed development does not impact the matters listed on their Check-list for Planning Consultations.

Welsh Water: No response.

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- Public Protection Unit: No response.
- Trees Unit: No response.
- Biodiversity Unit: No response.
- Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has expired and letters were received objecting on the following grounds:
- Existing parking problems in the application site's area and approving this application would make the situation worse especially when visitors visit the site.
 - Erecting two houses on the site would entail an over-development of the site itself and this is likely to impair on the natural light of the property known as Haven.
 - The suitability of the existing sewerage system to cope with an additional residential development.
 - The plan will prevent access to Haven.
 - The proposal would have a detrimental impact on the amenities of local residents on the grounds of noise and disturbance.

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 up-to-date policies. In terms of a plan that is emerging there is no certainty regarding its contents only when the Inspector presents his final report. The Inspector's binding report was received on 30 July 2017. The Inspector's recommendations for amendments are binding. The policies and proposals of the Plan will not be amended further. 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 (Joint LDP) will totally replace the Unitary Plan as the 'development plan' once it is formally adopted. It is likely that the Joint LDP 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 Joint LDP is now a significant planning consideration for the purposes of development control. Paragraph 3.1.3 of Planning Policy Wales states:

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- 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 of developing the site is based on Policy C1 of GUDP that states that land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new developments. Policy CH3 states that in principle, proposals to build houses on suitable unallocated sites within the development boundaries of the sub-regional centre and the urban centres such as Caernarfon, will be approved on condition that the development does not entail an over-development of the site and does not lead to the loss of open spaces. If a proposal provides five or more houses, the application would also be expected to comply with Policy CH6 of the GUDP on affordable housing. To this end, only two houses are subject to this application and therefore the proposal will not have to include a supply of affordable housing (although the floor area of both houses correspond to the floor area of affordable housing as interpreted in the Supplementary Planning Guidance: Affordable Housing). The policies of the LDP reflect the aims of the GUDP policies and therefore it is considered that the proposal as submitted in the form of a full application, is acceptable in principle.

Visual amenities

- 5.7 The application site could be described as an infill site within a built area that consists of existing residential dwellings and industrial units with only occasional views of the site from the nearby public right of way (the A.4086 trunk road Llanberis Road). The two semi-detached houses will be of a scale that corresponds to the size of nearby dwellings in terms of area and height (e.g. Rhosbodruall Terrace) and smaller in terms of scale than the nearby dwellings at Stad Llain y Felin. The external elevations and materials of the two houses will also reflect the external materials in the nearby dwellings using natural slate on the roofs together with a pebble-dash render/clean brickwork with u-PVC windows and doors. Acceptable elevations can be ensured for the proposed dwellings by including a condition to use suitable materials should this application be approved. Therefore, it is believed that the proposal will not create incompatible structures in the streetscape and is acceptable based on the requirements of Policy B22, B23 and B25 of the GUDP and Policy PCYFF and PCYFF3 of the LDP.

General and residential amenities

- 5.8 As referred to above, the site is surrounded in three directions by residential dwellings with Rhosbodruall Terrace situated to the west with the backs of these houses facing the site, a one-storey dwelling known as Tanffordd to the north with a back garden opposite the northern boundary of the site and a two-storey dwelling known as Haven situated to the east. Objections have been received from the occupants of neighbouring properties as referred to above and the main concerns deal with:-

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- Erecting the two houses would entail an over-development of the site - the footprint of the proposed two houses is 100m² in total (compared with a footprint of approximately 90m² for the house approved in 2014) and are set back at the rear of the property so that there is an extensive space in the form of gardens situated at the front of the houses themselves. The area of the site is 0.06ha or 676.7m². The GUDP states that a building density of at least 30 units per hectare is used for residential development sites in order to make best use of the land. However, this figure may vary from site to site based on physical restrictions or the area's general character. In this particular case the site development density for 2 houses comes to approximately 33 houses per hectare which corresponds to what was quoted in the GUDP and in the LDP. In addition to this, the density of housing estates around the application site is higher than the density of the site itself. Although over-development was one of the concerns of the Local Planning Authority when responding to the original enquiry in 2015, considering the information submitted with this latest application (including a site plan that indicates the setting of both houses in relation to their surroundings) it is deemed that officers have by now been convinced that erecting two houses on this site with the proposed floor area is acceptable on the grounds of density and it will not entail an over-development of this particular site.
- Loss of light to the property known as Haven - the eastern gable-end of the proposed house nearest to Haven is located 10.8m away with vegetation and a 'clawdd' between them. In order to reduce any over-looking, loss of privacy and loss of light into the nearby houses, the two houses have been set back at the rear of the site so that the northern elevations of both houses are set back from the northern elevation of Haven although we recognise that there will be some crossing (approximately 2m) between the gable-end of Haven and the gable-end of one of the proposed houses. Although it is recognised that the loss of light is a material planning consideration in this case, and recognising that some shadowing will be inevitable, it will not be of a substantial or significant scale bearing in mind the direction of the sun in relation to the setting of the 2 two-storey houses and Haven and taking into consideration the two houses with a height of 7m to the apex which is lower on average than the height of a two storey house. Both proposed houses have narrow windows on the lower floor (for the lounge) together with a narrow opaque glazed window on the second floor (for the bathroom).
- The general amenities of local residents - there is also objection to the application on the grounds that the two houses would have a detrimental impact on the amenities of local residents. The site is located within a residential area adjacent to a class 1 county highway which is one of the main and busiest rights of way into Caernarfon from the east. Although it is recognised that locating two additional dwellings on the site may create an element of disturbance (especially during the building work but this will be for a temporary period only) it is believed that it will not be of a significantly higher scale than currently exists in the application site's catchment area. In order to reduce any over-looking and loss of privacy the two houses are located at the back of the site with extensive gardens in the front of the site where Rhosbodruall Terrace is situated to the west, Tanffordd to the north and Haven to the east. The setting of the two houses together with the windows in the gable-ends and in the northern elevations of both houses means that there will be no direct overlooking into nearby dwellings which will reduce the element of loss of privacy into the dwellings themselves. In addition to this, it is proposed to erect a 1.8m high wooden fence along the western, northern and eastern sides of the sites for the benefit of the privacy of local residents together with the prospective occupiers of the proposed two houses.

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In addition, the applicant's agent has confirmed that the existing trees and shrubs / privet at the verges of the site will be retained.

- 5.9 Bearing in mind the above assessment together with the inclusion of conditions dealing with the withdrawal of permitted development rights (including windows and garden buildings and extensions), safeguarding trees and shrubs, it is deemed that any significant impact on the general and residential amenities of nearby residents can be minimised and therefore, to this end, it is considered that the proposal is acceptable based on the requirements of Policy B23 of the GUDP and Policy PCYFF1 of the LDP.

Transport and access matters

- 5.10 Access to the site is gained from a private road in the applicant's ownership with a junction to the A.4086 trunk road situated further away to the west near the dwelling known as Gwenllys. It is proposed to provide four parking spaces on the site for the two proposed houses. The Transportation Unit has no objections to this application on the grounds of road safety bearing in mind the parking provision together with the fact that it is a private road that serves not only the site but also other nearby dwellings. Although objections have been received regarding the lack of parking provision for visitors in the site's area it is considered that locating two houses on this site will not exacerbate the situation considering that any visitors to this site will have a right to park on the private road (which by now is a cul-de-sac) or within the curtilage of the proposed two houses. In addition, an objection was submitted on the grounds that the proposal would prevent the residents of Haven to have access to their property, however, this is a civil matter considering that the road that serves the rear of the nearby dwellings is a private road in the applicant's ownership. Therefore, to this end, it is deemed that the proposal is acceptable based on the requirements of Policy CH33 and CH36 of the GUDP and Policy TRA2 and TRA4 of the LDP.

6. Conclusions:

- 6.1 The objections to this development for the erection of two semi-detached houses together with parking spaces have received full consideration as part of the above assessment. Having considered all the relevant planning matters it is considered that proposal is not contrary to local and national policies or the guidelines noted. Based on the above, it is considered that the proposal is acceptable subject to including relevant conditions as referred to below.

7. Recommendation:

- 7.1 To approve – conditions:-

1. Five years.
2. In accordance with the plans.
3. Natural slate.
4. Withdrawal of permitted development rights and no additional windows
5. Safeguard the trees and privet on the verges of the site.
6. Parking provision
7. Agree on external materials.
8. Welsh Water Condition.

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