

Number: 3



Rhif y Cais / Application Number : C15/0282/45/LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.
Location Plan for identification purposes only. Not to scale.



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REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

Application Number: C15/0282/45/LL
Date Registered: 19/03/2015
Application Type: Full - Planning
Community: Pwllheli
Ward: Pwllheli North

Proposal: CONSTRUCTION OF A DWELLING WITH ATTACHED GARAGE AND FORMATION OF ACCESS AND PARKING / TURNING AREA ALONG WITH ASSOCIATED WORK
Location: VILLA FIORETTA, ALA ROAD, PWLLHELI, LL535BL

Summary of the Recommendation:

TO DELEGATE POWERS TO APPROVE SUBJECT TO CONDITIONS

1. Description:

- 1.1 The proposal is for the construction of a dwellinghouse and attached garage. As part of the development, it is proposed to form a new entrance to Ala Road. An existing ditch which runs through the site would be closed and a new ditch would be created around 5 metres nearer to the western boundary of the site. It is proposed to construct a two-storey four bedroom house on the site. The house would measure around 15 metres by 10 metres. The house would measure around 8 metres high when looking at it from the front, while it would measure around 9.7 metres in height from the rear. It is intended to construct a ground floor balcony measuring around 3 metres by 10.7 metres at the rear, and there is a proposal to install a privacy screen of around 1.7 metres high on the western side. Solar panels would be installed on the southern elevation of the property. It is proposed to finish the roof with slate and the external walls with grey render, but with red bricks to the plinth. The windows and doors would be made of grey / black aluminium.
- 1.2 The site lies within the development boundary of Pwllheli. At present, the site forms part of the garden of Villa Fioretta and a garage has been located on part of the site. The site can be accessed via a class I road. The site lies within a C1 flood zone. The site is located in a residential area with dwellings surrounding the site.
- 1.3 A Design and Access Statement and Flood Consequence Assessment were submitted as part of the application.
- 1.4 The application is submitted to the Committee in light of receiving three or more correspondences that object to the 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 in accordance with the Development Plan, unless material planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

2.2 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 protecting the recognised features and character of the local landscape and environment.

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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 B29 – DEVELOPMENT ON LAND AT RISK OF FLOODING - Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A unless they conform with a series of criteria relevant to the features on the site and to the purpose of the development.

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

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, 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. 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 there is an assessed need for off-street parking 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 number of necessary parking spaces on another site nearby.

Supplementary Planning Guidance – Planning for Sustainable Building (April 2010)

2.3 National Policies:

Planning Policy Wales (Edition 7, July 2014)

Technical Advice Note 12 - Design (2014)

Technical Advice Note 15 – Development and Flood Risk (2004)

Technical Advice Note 18 – Transport (2007)

3. Relevant Planning History:

- 3.1 C04D/0583/45/AM - Construction of a house - Refused on 26 October 2005. The application was refused in light of the fact that the site had been shown as land which

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was at risk of flooding, and no details were received to alleviate the concerns of the Environment Agency (by now Natural Resources Wales) regarding possible flooding.

4. Consultations:

Community/Town Council: Original observations did not express any objection but the observations in light of receiving amended plans express considerable concern about the small watercourse which is to be closed and diverted. The Town Council has received a letter from a member of the public about this. We understand that the work has commenced therefore this watercourse needs to be focussed on as a matter of urgency.

Transportation Unit: No objection to the proposal. Recommend providing the parking and turning space within the curtilage and the access to the highway in line with the submitted plans.

Welsh Water: Suggest that standard conditions be imposed on any planning permission.

Natural Resources Wales: It is noted that Gwynedd Council's drains department is happy with the proposal to realign the watercourse subject to submitting an application for this. However, it is noted that plan number S102 Rev E indicates the watercourse leaving the location from a different point to the existing. It is advised that this is amended to avoid disturbance to neighbouring land or otherwise a contract between both parties will be required. It is also noted that several substantial trees have been located along the watercourse realignment site and the applicant is advised to confirm whether these trees have a Tree Preservation Order or if a licence is required to cut them. These are matters that Gwynedd Council's drains department will consider when deciding on the application for permission to realign the watercourse. If it is decided to permit the planning application, then it is recommended that a condition is imposed on the permission noting that the finished floor level should be no lower than 4.717mAOD.

Natural Resources Wales' original observations, dated 13 April 2015, also require that consideration is given to biodiversity.

Biodiversity Unit: Awaiting a response.

Gwynedd Consultancy: Confirmation was received that the ditch which runs through the site is considered a watercourse due to the fact that water was discovered in the ditch and that an application to culvert or fill in the ditch would not be supported due to the increasing risk of flooding to the nearby area. More recently, when details were received of a proposal to realign the watercourse it was stated that there was no objection to this in principle but that this matter would need to be formalised by obtaining permission to realign the watercourse.

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Public Consultation:

A notice was posted on the site and nearby residents were notified, and a second consultation was held on the proposal following receiving the amended plans. The consultation period came to an end and correspondence was received objecting to the application on the following grounds:-

- The layout of the proposal itself in relation to the nearby buildings, open spaces and views is inappropriate and insensitive to the appearance and character of the local environment.
- Impact on the area's visual amenities.
- The size, depth, width, height and mass of the proposed house would likely have an unacceptable impact on the amenities of adjacent properties.
- Overdevelopment
- Domineering visual impact on adjacent properties.
- Impact of shadowing and loss of light due to the proximity of the new development.
- Matters involving overlooking and loss of privacy.
- Concern about the location of the entrance which is more or less opposite the existing main road. This would cause safety issues.
- Concern that several trees have been cut, mainly on the western boundary of the site.
- Moving the watercourse closer to the boundary would involve felling the remainder of the trees. This would abolish the little privacy that is left.
- Concerns involving flooding matters on-site, and also the possibility of an increase in the potential of flooding to nearby lands as a result of the construction work.
- Question the content of the Flood Consequence Assessment.
- Concerns in relation to the watercourse which runs through the site.
- Disagree with the outcome that the watercourse does not include any discharge from the highway or adjacent land as the neighbours have seen water running through it many times.
- No wildlife report has been received.
- No reference to the Japanese Knotweed which grows around the site.
- Would put more pressure on the sewerage and water supply.
- Previous application was refused in 2004.
- If the application is permitted, it will be necessary to ensure that a condition is imposed to manage working hours on-site especially on weekends, and also how construction traffic has access to and from the site without causing danger and inconvenience to neighbours.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The site lies within the town's development boundary but no part of the site has been specifically designated for housing in the GUDP. Policy CH3 of the GUDP states

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that applications for the construction of houses on appropriate unallocated sites within the development boundaries of the Sub-regional Centre and the Urban Centres will be approved. It is therefore considered that the proposal is acceptable in relation to Policy CH3 of the GUDP.

Design and visual amenities

- 5.2 At present, the site includes a garage and forms part of the garden of Villa Fioretta. The proposal involves constructing a single two-storey house on the site. As the land rises from the south of the site towards the north, the proposed house would appear higher from the rear side than the front which faces Ala Road. This would be similar to the current situation with Villa Fioretta, and the finished floor level of the proposed property would be the same as Villa Fioretta. That property, like the other houses to the east of the site, is a two-storey house and the nearest property to the west of the site is also a two-storey house. The height of the proposed property would be similar to the height to the ridge of the roof of Villa Fioretta, and this has been shown on a cross-section plan that was received as part of the application. The proposed property would more or less take up the width of the plot for the building itself, but this is not unusual given the general development pattern near the site. Although it would take up the width of the plot, enough land would remain around the property to use as a parking and turning area, and also as amenity land associated to the property. Plenty similar land would also remain for the Villa Fioretta property. It is therefore not considered that the proposal would be an over-development of the site. It is also considered that the property would be in-keeping with nearby houses due to its scale and size. Also, except for a glass feature from the ground floor to the eaves line on the front elevation, the proposed property is relatively traditional in terms of its design. The proposed house would also be split with a two-storey dormer part to the western side, where a garage would be located on the ground floor. There would also be a part at right angles to the front of the property near the western side. It is therefore not considered that its bulk and mass are inappropriate for the location, and it is not considered that it would stand out in terms of its size when compared with nearby houses. The proposed property would also be located in line with the properties to the west and east and would follow the same type of development pattern as seen in this part of Pwllhelli on the southern side of Ala Road. Therefore, it is not considered that the proposal would have a detrimental impact on the area's visual amenities, and it is considered that the development's style and character are in-keeping with the development pattern of its surrounding townscape.
- 5.3 It is likely that people around the site are used to having a green space, which forms part of a garden, on the site and having a new building as a result of construction work on the site would impact on what they have seen when previously looking at the site. From the observations received, and from what was seen on-site, several trees have been cut down prior to the submission of the current application and this has also changed the character of the site from what it previously was, giving it a more open nature. It is regrettable that trees have been felled prior to submitting the application. However despite this, in terms of planning, there was no Trees Preservation Order and they were not located within a Conservation Area, and therefore the permission of the planning unit was not required to fell them. Although trees have been felled, it is not considered that building on the site would impact any prominent public views in, out or across the town. However, in light of the fact that trees have been felled, it is considered that it would be reasonable (should the application be permitted) to impose a landscaping condition on the permission to compensate for the trees that have already been felled. It is considered that the proposal, as submitted, is acceptable in relation to Policy B22 of the GUDP.

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- 5.4 The proposal would have a slate roof and the external walls would mainly be of grey render but with a plinth made of red brick. It is considered that a slate roof and grey render are acceptable. However, red brick is not characteristic of the area, and therefore should the application be permitted it would be necessary to ensure that a suitably coloured brick would be used for the plinth. It would be possible to impose a condition on any permission to ensure that the materials are agreed upon beforehand. Should this be done, it is considered that it would be possible to have suitable materials to conform to Policy B25 of the GUDP.

General and residential amenities

- 5.5 Residential dwellings are situated near the site. The Villa Fioretta property, which is the applicant's property, is located to the east of the site and a dwelling which is not in the applicant's ownership is located to the west of the site. The proposed house would be located around 2.5 metres away from the western boundary of the site, and it would more or less be in line with the properties on both sides. The western part of the house would be lower in terms of height than the main part of the proposed property, and there would be around 10 metres between the western side of the proposed property and the side of the 43 Ala Road property. Given that a two-storey dwelling is proposed and that this is an infill site between two existing properties, it is not considered that the development would create a domineering development to the nearby property. Nor is it considered that the proposal would be likely to lead to a significant loss of light especially given the plans that were approved for 43 Ala Road where the gable end windows are secondary to the rooms with the main windows facing the front or rear. Therefore, as noted there are some windows on the gable end of 43 Ala Road that face the site. However, there are no windows on the western gable end of the proposed property that would cause overlooking or a direct loss of privacy between rooms. The proposed property includes a balcony at the rear of the building. Following receiving amended plans a 1.7 metre opaque screen has been included on the western side of the balcony to avoid direct overlooking from the balcony to the garden of 43 Ala Road. Although the property to the east is in the applicant's ownership, consideration must also be given to the amenities of that property in the future. Although there is a proposal to install a 1.6 metre high wooden fence between the proposed house and the Villa Fioretta property, the elevations plan indicates that the fence would not avoid direct overlooking from the balcony to the garden and existing Villa Fioretta balcony due to land levels. Therefore, as has been indicated on the plans for the western side of the balcony, it is considered that it is also reasonable to install a 1.7 metre high opaque screen to the eastern side of the balcony and a condition could be imposed to ensure this.
- 5.6 The concerns of 43 Ala Road occupants in terms of overlooking and a loss of privacy are acknowledged, and it is likely that the fact that a significant number of trees which were on the boundary between their property and the site of the application were felled quite recently have changed the existing circumstances in terms of privacy and overlooking, making the land between both existing properties much more open. However, in terms of the application in question it is considered that as there are no windows on the gable end and by installing screens on both sides direct overlooking will be avoided. Also, it will be ensured that a similar situation to the existing properties in Ala Road would exist with the balcony and rear windows looking out over the garden of the proposed property. It is therefore considered that the proposal ensures reasonable privacy for the occupants of adjacent properties and is acceptable in relation to criterion 1 of Policy B23. The proposed site plan also notes that some trees are to remain on the western boundary, and as previously mentioned, it is considered that it would be reasonable to impose a landscaping condition to seek to compensate for the trees that have been cut.

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- 5.7 As has been explained when assessing the design and visual amenities, it is not considered that the proposal is an overdevelopment of the site and therefore it is acceptable in terms of criterion 2 of Policy B23.
- 5.8 It is not considered that the proposal to construct one dwellinghouse would cause a significant increase in traffic and certainly not to the extent where it would cause significant harm to local amenities. It is acknowledged that concerns have also been voiced about traffic during the construction period. However, given that the proposal is for the construction of a single house, it is not considered that it is necessary to impose any conditions in terms of agreeing on a way to have access to and from the site during construction periods, as from Ala Road would be the only way of gaining access to the site. It is considered that the proposal is acceptable in relation to criterion 3 of Policy B23.
- 5.9 There are no concerns either regarding the fact that the proposal would create opportunities for individuals to behave anti-socially, as noted in criterion 4 of Policy B23.
- 5.10 It is considered that the design is also acceptable in relation to criterion 5 of Policy B23, and that the proposal offers access to possible users including disabled people.
- 5.11 Therefore, in light of the above, it is considered that the proposal would not cause significant harm to the amenities of the local neighbourhood and that it conforms to Policy B23 of the GUDP.
- 5.12 An objector has also raised concerns about the on-site working hours should the application be approved, and has requested that a condition be imposed to control the hours. It is considered that it would be reasonable to impose a condition to control the construction hours on the site to safeguard the amenities of neighbouring residents during this period. It is considered that the hours of 08.00 - 18.00 Monday to Friday, 08.00 - 13.00 on Saturday and not at all on Sunday or Bank Holidays would be reasonable to safeguard the amenities during the construction period.

Transport and access matters

- 5.13 As part of the application, it is proposed to create a new vehicular access to serve the property. This entrance would open onto Ala Road and would be located almost opposite an existing junction. The Transportation Unit was consulted on the proposal. It had no objection to the proposal, but recommended that the parking and turning spaces and the entrance are built in line with the submitted plan. Therefore, it is not considered that there are implications in terms of road safety stemming from the proposal and that parking and turning spaces could be located within the curtilage. It is considered that the proposal is acceptable in respect of Policies CH33 and CH36 of the GUDP.

Flooding matters

- 5.14 The site lies within a C1 flood zone as defined on the maps referred to in Technical Advice Note 15: Development and Flood Risk (TAN 15). The site's planning history indicates that the previous application for the site, namely application C04D/0583/45/LL was refused based on flooding and the lack of information submitted with that application, specifically a lack of a flood consequence assessment.

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- 5.15 As part of the current application, a flood consequence assessment has been submitted. The flood consequence assessment has been amended since the application was submitted, due to matters that arose in relation to the watercourse which runs through the site. Originally, the proposal was to get rid of the watercourse entirely, and the original flood consequence assessment referred to the fact that this watercourse was no longer active. Following enquiries with the Gwynedd Consultancy Unit, confirmation was provided that the ditch, in light of the fact that water remains in it, could be defined as a watercourse, and therefore the proposal to culvert or fill it would not be supported under the Land Drainage Act due to the increasing risk of flooding the surrounding area.
- 5.16 In light of the above, amended plans and an amended flood consequence assessment were received which indicated a proposal to realign the watercourse approximately 5 metres further towards the western boundary of the site. Originally, the proposal was for the watercourse to leave the site at a different area, and Natural Resources Wales expressed a concern about this. However, by now the proposal is for the new watercourse to merge with the existing watercourse near the south of the site so that it leaves the site in the same location. The Gwynedd Consultancy Unit has stated that it has no objection in principle to the realignment of the watercourse, but that would need to be formalised by submitting an application. It has been given to understand that a formal application to realign the watercourse has been submitted to the Gwynedd Consultancy Unit and that work associated with realigning the watercourse has commenced on the site.
- 5.17 In light of the proposal to realign the watercourse, Natural Resources Wales do not object to the proposal. However, it would be necessary to impose a proposal on any planning permission in relation to the fact that the finished ground level of the building is no lower than 4.717mAOD. It would be possible to impose such a condition on the permission, and the cross-section plans that were submitted as part of the application have also noted that the finished floor level is 4.717 and therefore there would be no change to the height of the proposal in light of the condition that Natural Resources Wales has suggested. This level would also be in-keeping with the finished floor level of Villa Fioretta.
- 5.18 Therefore, contrary to the previous application which was refused, a flood consequence assessment has been prepared and there is no objection to the proposal in relation to flooding following the receipt of this assessment.
- 5.19 Policy B29 of the UDP together with TAN 15 manage specific developments in the C1 and C2 flood zones and directs them towards suitable land in zone A or B, unless they conform with a series of criteria relevant to the features on the site and to the purpose of the development. In this case, the development is located within a C1 flooding zone and a Flood Consequence Assessment has been submitted and assessed by Natural Resources Wales, and by now they have confirmed that they do not object to the proposal if the condition regarding the finished floor level is imposed on any permission.
- 5.20 A residential development is defined as a development that is very open to damage within TAN 15 and therefore such a development should not be permitted within the C1 zone unless it complies with the specific criteria in policy B29 and TAN 15. In this case, the proposal forms part of the Local Planning Authority's strategy due to its location within the Town Centre development boundary; and it will support the settlement by providing additional residential units. The proposal would also be located on previously developed land as Planning Policy Wales' definition of previously developed land includes curtilage and this site forms part of Villa

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Fioretta's curtilage. Therefore, the Local Planning Authority is satisfied that it is previously developed land. Because Natural Resources Wales are also satisfied with the proposal, it is considered that it complies with the requirements of Policy B29 of GUDP and TAN15.

Biodiversity matters

- 5.21 Many trees have been felled on the site prior to submitting the application, but some trees and hedges remain on-site. In light of this, Natural Resources Wales suggested in their original observations that it would be necessary to consider biodiversity as part of the application. As a result, and due to the fact that an objector referred to Japanese knotweed surrounding the site, the Biodiversity Unit was consulted with and its response is awaited before the date of the Committee.

Response to the public consultation

- 5.22 The response to the public consultation period has already been noted as part of this report. Due consideration has been given to the relevant planning observations received as a result of the public consultation period as part of this assessment and it is considered that there are no issues that outweigh the relevant planning policy issues.

6. Conclusions:

- 6.1 As a result of the above assessment it is not considered that the proposal is contrary to any of the relevant policies or national guidance stated as it is considered that the proposal is unlikely to have a detrimental impact on the amenities of the local area or on any nearby property, or unlikely to lead to an unacceptable flooding impact and will not have an unacceptable impact on road safety. The response of the Biodiversity Unit in relation to the proposal's impact on biodiversity on the site is awaited.

7. Recommendation:

- 7.1 To delegate powers to the Senior Planning Manager to approve the application, subject to receiving favourable observations on the application by the Biodiversity Unit and relevant conditions in relation to:-

1. Commence within five years
2. In line with the amended plans received 24 July 2015.
3. Slates on the roof
4. Agree on the finish of the external walls.
5. Privacy screens measuring 1.7 metres of height to be located on the western and eastern side of the balcony at all times.
6. No other windows (apart from those shown on the plan)
7. Landscaping.
8. Finished floor level to be no lower than 4.717mAOD.
9. Parking and turning spaces to be in operation before the property is occupied for the first time.
10. Welsh Water conditions in relation to the drainage of surface water, foul water and land drainage.
11. Construction hours restricted to 08.00 - 18.00 Monday to Friday, 08.00 - 13.00 on Saturday and not at all on Sunday or Bank Holidays unless otherwise agreed upon beforehand with the Local Planning Authority.

Note - Need to re-locate the watercourse before work on the remainder of the development is to commence.