

PLANNING COMMITTEE	DATE: 05/02/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	PWLLHELI

Number: 3

Application Number: C17/1117/20/AM

Date Registered: 17/11/2017

Application Type: Outline

Community: Y Felinheli

Ward: Y Felinheli

Proposal: Outline application with some matters reserved to erect three dwellings, including one affordable dwelling, together with the creation of a vehicular access, pedestrian accesses and parking for up to 9 vehicles. Demolition of existing store and erection of new store in its place (revised application to previously refused application - C16/1235/20/AM)

Location: Pant Erys, 34, GLAN Y MÔR, Y FELINHELI, LL56 4RQ

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1 This is an outline application with some reserved matters (landscaping work) to erect three detached houses on a site near Ffordd Glan y Môr, Y Felinheli, along with changes to the access and parking arrangements and ancillary facilities for the entire site, including the existing Pant Erys house and retail business. The application is an amendment of a similar application (C16/1235/20/AM) previously refused on the grounds of flood risk and visual impact.
- 1.2 The proposal includes the following elements:
- Construction of three two-storey detached houses (one of them to be affordable) - the floors of the houses would be raised 2.3m above the level of Ffordd Glan y Môr to a level of 6.0m Above Ordnance Datum.
 - Creation of a new vehicular access including creating a ramp from the highway to new parking spaces on higher ground behind the proposed houses and the existing Pant Erys house / business (there would be 11 parking spaces for cars and two for light goods vehicles)
 - Demolition of the existing storage area and erect a new building to include a storage area for the existing Pant Erys business and the new houses.
 - Creation of a new pedestrian access to connect with a public footpath that leads to Caernarfon Road.
- 1.3 The site is at the end of an existing housing terrace, at the bottom of the slope of the former Caernarfon-Bangor railway embankment and it is located within the development boundary of the Coastal-Rural Village of Felinheli as defined in the Joint Local Development Plan.
- 1.4 The site is partially located within a C2 Flood Zone as identified by the "Development Advice Maps" which accompany TAN 15 "Development and Flood Risk". Part of the site also lies within an Open Space as noted in the LDP Maps Document.
- 1.5 The information below was submitted to support the application:
- Planning Statement
 - Flood Consequence Assessment
- 1.6 The application is submitted to the Committee because three or more observations contrary to the Officer's recommendation were 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 Local Development Plan.
- 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.

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2.4 Gwynedd and Anglesey Joint Local Development Plan. (July 2017)

ISA 4: SAFEGUARDING EXISTING OPEN SPACES

TRA 2: PARKING STANDARDS

TRA 4: MANAGING TRANSPORT IMPACTS

PS 6: MITIGATE AND ADAPT TO THE IMPACT OF CLIMATE CHANGE

ARNA 1: COASTAL CHANGE MANAGEMENT AREA

PCYFF 2: DEVELOPMENT CRITERIA

PCYFF 3: DESIGN AND PLACE SHAPING

TAI 4: HOUSING IN LOCAL, RURAL AND COASTAL VILLAGES

PS 18: AFFORDABLE HOUSING

PS 13: PROVIDING OPPORTUNITIES FOR A PROSPEROUS ECONOMY

PS 20: SAFEGUARDING AND ENHANCING HERITAGE ASSETS

Supplementary Planning Guidance: Affordable Housing (2009).

2.5 National Policies:

Planning Policy Wales - (Edition 9, November 2016)

Technical Advice Note 2: Planning and Affordable Housing (2006)

Technical Advice Note 12: Design (2016)

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

Technical Advice Note 24: The Historical Environment (2017)

3. Relevant Planning History:

Housing Developments

C16/1235/20/DA - Outline application, with all matters reserved, for the erection of three dwellings: Refused: 18/11/16

C10A/0073/20MG - Detailed application to erect a house: Approved 24/05/10

C06A/0395/20/AM - Construction of a house and creation of new access: Approved 17/04/07

Business Developments

C17/0800/20/LL: Extend the use of a room with extant permission to sell meat products within use class A1 to sell a mixture of materials within A1 and A3: Approved 05/10/17

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C17/0121/20/LL - Amend condition number 4 of planning permission C15/1052/20/LL in order to extend the shop's opening hours to 8am until 8pm Monday to Saturday, and 10am until 8pm on Sunday: Approved 04/04/2017

C15/1052/20/LL - Erection of a first floor extension with a balcony above and change the use of the kitchen in the existing property into business use as a shop. Approved 26/11/15

C15/0823/20/LL - Retrospective application for an outbuilding to be used for commercial and residential use: Approved 25/09/15

C15/0238/20/LL - Part-retrospective application due to outbuildings that have already been erected to the rear of the site with a proposal to extend to the front of the property including erecting an extension and extending an existing balcony along the front of the property, and extending the internal space to create a larger retail space: Withdrawn – 11/08/15

C14/0763/20/LL - Retrospective application to change the use of part of a building into commercial use by selling meat products to the public: Approved - 18/12/14

C13/0845/20/LL - Retention of a part of the basement of the existing building as a storage/meat cutting and packing area along with the erection of a single-storey extension to the front of the building: Approved - 23/09/13

4. Consultations:

Community/Town Council: Object on the following grounds:

- The design is not in-keeping with the area
- Removal of trees would harm wildlife and would affect water drainage
- All the land excavation work could affect the stability of the slope

Transportation Unit: Observations:

- The number of parking spaces is sufficient
- Due to the number of vehicles and incline of the ramp, it is likely that there will be a high and fast flow of traffic along the footway
- Parking is shown in front of Pant Erys and this would obstruct access to the shop
- There are no details regarding the proposal in front of the proposed houses

Welsh Water: Observations - standard conditions and advice

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Natural Resources
Wales:

Observations -

- If permission were to be granted, a condition would be needed to ensure that the finished levels of the floor / parking are at least 6.0m above ordnance datum
- The proposed floor level satisfies the criteria of appendix A1.14 of TAN 15
- Although do not oppose the proposal, emphasise that the authority must consider elements such as:
 - The application is located partly within a C2 Zone
 - The NRW Flood Map confirms that the site is within an extreme flood outline
 - In accordance with TAN 15, it is considered that this development is highly exposed
 - TAN 15 notes that such developments should not be approved within a C2 Zone
- It is expected that the proposed development would be connected to the main sewer and any private foul water drainage method would be objected.
- Standard advice to the applicant regarding waste management

Biodiversity Unit:

No objection

Public Protection
Unit:

Observations:

- Recommends that the development connects with the public sewer system
- Suggest conditions to manage the methods of demolishing the existing building

Housing Strategic
Unit:

- Observations
The development would partly meet the need in the area.
- A discount of approximately 20% of the market price would be needed

CADW

Not received

Isle of Anglesey
County Council

No observations to submit.

Public Consultation:

A notice was posted on the site and nearby residents were notified. The following observations were received in support of the application:

- Houses, in particular affordable houses, are needed in Felinheli
- The development would help improve the condition of the site
- It would help get rid of the problem of rubbish being thrown in the area

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5. Assessment of the material planning considerations:

The principle of the development

- 5.1 It is a requirement that planning applications be determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case. In this case, another material planning consideration needs attention before consideration can be given to the LDP's individual policies, such as Technical Advice Note (TAN) 15 Development and Flood Risk (2004) and the Development Advice Maps that accompany that document.
- 5.2 According to the current version of the Development Advice Maps (maps are updated on a quarterly basis), the front of the site in question lies within Flood Zone C2, and it is defined as "Areas of the flood plain without substantial infrastructure to be protected from floods." The TAN states clearly that a highly vulnerable development within a C2 zone should not be approved. A "highly vulnerable development" includes all types of residential buildings.
- 5.3 Paragraph 6.2 of TAN 15 states:
"New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted."
- 5.4 A Flood Consequence Assessment by appropriate experts was submitted with the application and the Planning Statement justifies the development by stating that mitigation measures can be implemented which are based on the recommendations of the Flood Consequence Assessment. NRW did not have any objections to the recommendations of the Flood Assessment; however, it is technical advice on flood matters that is provided by NRW and it is a matter for the Local Planning Authority to consider proposals in the context of local and national planning policies.
- 5.5 Previous appeal decisions, including a decision letter from the Welsh Government Minister for Natural Resources, makes it explicitly clear that highly vulnerable developments should not be approved within Zone C2. Therefore, it is considered that there is no option but to refuse this application as the development is completely contrary to the requirements of TAN 15. In addition, Criterion 4 of policy PS 6 of the LDP states that proposals should only be approved if they are located away from areas where there is a flood risk. Zone C2 is an area where there is a recognised flood risk and so it is not possible for the proposal to meet the requirements of policy PS 6 of the LDP.
- 5.6 Furthermore, Policy ARNA 1: Coastal Change Management Area of the LDP states that proposals for new houses within the Coastal Change Management Area (CCMA) will be refused. The CCMA is defined as the area shown on the West Wales Shoreline Management Plan where the management policy is "no active intervention" or "managed realignment". In this case, the site lies near a part of the coast earmarked as PU16.13 (Waterloo Port to Glan y Môr - Y Felinheli) and the policy favoured in this area is No Active Intervention. As this site is within an area under threat of marine flooding near a coastline registered as a CCMA, in accordance with Policy ARNA 1 of the LDP, the application must be refused.

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- 5.7 On the grounds of the local and national policies noted above, it is clear that the proposal is not acceptable in principle and that the application, therefore, cannot be supported on the grounds that it would be contrary to TAN 15 and the local policies noted.

Other Policy Considerations

Housing Policies

- 5.8 The application site is located within the development boundary of the Rural - Coastal Village of Felinheli and so Policy TAI 4 of the LDP is relevant. The policy states that proposals for open market housing in such villages will be approved if the development meets two criteria such as
- i. the scale, type and design of the development is in keeping with the character of the settlement
 - ii. the site lies within the development boundary of the site
- 5.9 An Indicative Provision of 19 dwelling units is made for windfall sites in Felinheli.
- 5.10 On the whole, it is believed that the indicative scale of the proposed houses suits the area, despite some concern that the indicative design of three detached houses is not suitable for the location, in particular considering that terraced houses are a characteristic of Ffordd Glan y Môr. However, should the site be suitable, it is believed that a development of three houses in this location could be acceptable and there could be justification for seeking improvements to the design; however, considering the restrictions on the site, going down such a route would be futile.
- 5.11 Policy PS18: Affordable Housing sets a minimum target of 1572 as a provision of affordable houses over the period of the LDP, of which 59 will be provided in Villages such as Felinheli. In this case, the applicant has proposed that one of the three houses will be affordable and, considering that the percentage of affordable housing sought in Felinheli as part of any development is 20%, the provision of one affordable house as part of this development would be acceptable under the policy requirements.
- 5.12 Considering the above discussion, since this would be a plan on a site located in part on brownfield land that would constitute a reasonable extension to the existing development pattern of the village, and as it addresses local demand for affordable housing, it is believed that the principle of the development meets the requirements of Policy TAI 4 of the LDP and would contribute to meeting the target set by Policy PS18. Having said that, for the reasons noted in paragraphs 5.1 - 5.7 above, this site is not acceptable for any residential development. It should be noted that the site has not been earmarked for housing in the LDP and the LDP's housing strategy for Felinheli is not dependent on the release of this specific site for housing.

Visual, general and residential amenities

- 5.13 Policy ISA 4 of the LDP encourages refusing proposals that would lead to the loss of existing open spaces, unless four specific criteria can be met, such as:
- There is a general surplus of the provision within the community
 - The long term requirement for the facility has ceased
 - Alternative provision of the same standard can be obtained in another area in the community
 - Developing a small part of the facility would lead to improving the broader area.

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- 5.14 Considering that most of this site was earmarked as an Open Space in the LDP adopted in July 2017, it is not believed that any valid justification has been submitted as to why a development should now be approved on this designated Open Space. The Planning Statement argues that the issue of where the boundary of the designated Open Space lies is a matter of interpretation, and there may well be a cartographic error and that this site should not have been included within the designated area. Having said that, this was an issue to consider at the time of adopting the development plan itself and there were numerous opportunities to object the designation as part of that process.
- 5.15 Ultimately, considering the relatively small size of the site in comparison with the amount of land earmarked as Open Space in Felinheli, it is not believed that losing this small part would cause significant harm to the contribution of the designated area towards the amenities of the village and so the proposal is acceptable under Policy ISA 4.
- 5.16 Generally, policies PCYFF 2 and PCYFF 3 of the Joint Local Development Plan approve proposals for new developments as long as they do not have a detrimental impact on the health, safety or the amenities of the residents of local properties or on the area in general. In addition, developments are required to:
- Contribute to, and improve, the character and appearance of the site
 - Respect the site and surroundings in terms of their location in the local landscape.
 - Use appropriate materials
- 5.17 From the indicative elevations submitted, there is some concern regarding the visual element of the plans with three narrow detached structures that would not be in keeping with the relatively consistent pattern of the two-storey terraced houses that characterise the majority of Ffordd Glan y Môr. However, should the site be suitable, it is believed that an acceptable development could be ensured through discussions however, considering the difficulties associated with the site, it would be futile to undertake such discussions.
- 5.18 Criterion 6 of Policy PCYFF 3 of the LDP states that developments need to ensure: *"Its drainage systems are designed to limit surface water run-off and flood risk and prevent pollution"*.
Due to the site's location within a C2 Flood Zone, it is not practically possible to restrict the flood risk in a way that would be acceptable under TAN 15. In addition, due to the uncertainty regarding the way foul water is disposed of, there is no certainty that the proposal, as it stands, would prevent pollution in an acceptable way.
- 5.19 On the whole, it is believed that it may be possible to control the amenity impacts of the development so that it meets the criteria of policies PCYFF 2 and PCYFF 3; and yet, as the site is not suitable for any residential development, there is no use attempting to further discuss methods to overcome other concerns regarding the development.

Transport and access matters

- 5.20 The Transportation Unit raised concerns regarding the parking and access arrangement and they were eager to receive more information regarding the proposed use of the site. Sufficient information has not been submitted with the application to show that the proposal complies with the objectives of policies TRA 2 and TRA 4 of the LDP and, considering the basic objection to the application, it is not believed that there is any reason to seek more information on this matter.

Biodiversity Matters

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- 5.21 The Biodiversity Unit did not have any objection to the proposal and so it is believed that the development would be consistent with the requirements of Policy PS19 of the LDP as it relates to the protection of the natural environment.

The Economy

- 5.22 Strategic Policy PS 13 of the LDP aims to facilitate economic growth by supporting many aspects of the local economy including supporting the economic prosperity of rural communities by facilitating growth on an appropriate scale. Considering that this application offers improvements to small-scale existing business facilities by redeveloping a part of the site within a development boundary, it is considered that the proposal is consistent with the objectives of policy PS 13 of the LDP. Having said that, considering the observations of the Transportation Unit, insufficient information has been submitted to assess whether the improvements proposed are acceptable for this location.

Archaeological Matters

- 5.23 The site lies 300m from the Gwersyll Dinas Monument (CN047) and, although Cadw's observations had not been received at the time of writing this report, due to the distance and the other developments between both sites, no harmful impact is expected on the setting of the monument deriving from the development; therefore, the proposal is acceptable under policy PS 20 of the LDP.

Response to the public consultation

- 5.24 The above assessment has given full consideration to the observations received in response to the public consultation as they relate to material planning considerations. It is noted that supporters stated that the development would offer an opportunity to ensure that the site is kept in a tidier condition than it had been in the past. It is not believed that the lack of appropriate management on the existing owner's part in itself justifies approving a new development.

6. Conclusions:

- 6.1 As a result of the above discussion and having considered all the relevant matters including the local and national policies and guidance and the observations received, it is not believed that the proposal is acceptable as it is unable to satisfy the basic requirements of national planning policy.

7. Recommendation:

- 7.1 To refuse – Reason

A residential development on this site would be contrary to the guidance provided in TAN 15: Development and Flood Risk as the development site is partly located within a C2 flood zone as identified by the 'Development Advice Maps' produced by Natural Resources Wales. A C2 flood zone is an area where it is acknowledged that a flood risk exists and so the application is contrary to Policy PS6 of the Gwynedd and Anglesey Joint Local Development Plan that states that new developments should be located away from areas at risk of flooding. In addition, the coastline below is identified as a Coastal Change Management Area in the West Wales Shoreline Management Plan and so any residential dwelling on the site would be contrary to Policy ARNA 1 of the Gwynedd and Anglesey Joint Local Development Plan.