

PLANNING COMMITTEE	DATE: 25/06/2018
REPORT OF THE PLANNING AND PUBLIC PROTECTION SERVICE SENIOR MANAGER	DOLGELLAU

**Number: 1**

**Application Number: C17/0330/14/LL**

**Date Registered: 21/04/2017**

**Application Type: Full - Planning**

**Community: Caernarfon**

**Ward: Menai (Caernarfon)**

**Proposal: Construction of five houses (including two affordable houses) together with creating an entrance to the trunk road**

**Location: Former Marine Hotel site, North Road, Caernarfon, LL55 1BE**

**Summary of the Recommendation: TO DELEGATE THE RIGHT TO APPROVE SUBJECT TO COMPLETING A LEGAL AGREEMENT UNDER SECTION 106.**

PLANNING COMMITTEE	DATE: 25/06/2018
REPORT OF THE PLANNING AND PUBLIC PROTECTION SERVICE SENIOR MANAGER	DOLGELLAU

## 1. Description:

- 1.1 The Members will remember this application being deferred at the Committee in March in order to assess the impact of the development on a tree that has a tree protection order on it and that is located in the rear garden of Ynys Tudur, adjacent to the application site. As a result, a Trees Survey was submitted by the applicant and the Survey comes to the conclusion that the tree's safety can be ensured subject to following and undertaking careful building techniques.
- 1.2 To remind the Members of the application, this is a full application to construct five residential units including two affordable houses on a former hotel site to the north of the town centre and opposite the A487 junction. The application includes improvements to the existing entrance with the infrastructure in the form of retaining walls already erected under application number C13/0218/14/LL (for erecting one house). Three residential units will be located at the front of the site (adjacent to the road) and two detached houses at the rear of the site with a private road/parking spaces between them. Two four-storey buildings will be at the front of the site. From the trunk road the buildings would be three-storey and from the rear they would be four-storey. One building will form one open market house and the other will provide two two-storey affordable units with the first one located on the ground floor and the first floor and the second unit located on the second and third floors. The two houses at the rear of the site would be three-storey.
- 1.3 Externally, the dwellings will be constructed of natural slate roofs, white smooth-rendered walls, horizontal timber panels as architectural features on the external elevations with brown UPV-c openings. The parking spaces/external hard landscape will be of tarmac and brick pavement with timber fences along the boundaries and between the gardens of the houses.
- 1.4 The site is located within the development boundary of Caernarfon in the Gwynedd and Anglesey Joint Local Development Plan (LDP) but it is not allocated for any specific use. The site is set below the nearby trunk road with infrastructure in the form of erecting retaining walls already completed along the northern boundary and along the eastern boundary of the site itself. A grade II listed residential dwelling (Ynys Tudur) is located to the north, with the sycamore tree that is subject to a tree protection order located in the rear garden of the property. To the east lies the A487 trunk road with residential dwellings beyond. A garage forecourt is located to the south and the Lôn Las Menai path is located to the west, with the Menai Straits beyond.
- 1.5 An application was originally submitted for four open market houses within the context of the policies of the former local plan, the Gwynedd Unitary Development Plan, in which the threshold for providing affordable housing was higher for housing developments (only schemes of five or more houses were subject to an affordable housing contribution). As there had been a delay in receiving a revised site plan which complied with Welsh Government requirements (Economy and Infrastructure Department) in relation to visibility into and out of the entrance the threshold for providing affordable housing has reduced to two houses in the current local plan. To this end, therefore, the original application was amended to include two affordable houses in accordance with the relevant policies.

## 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

PLANNING COMMITTEE	DATE: 25/06/2018
REPORT OF THE PLANNING AND PUBLIC PROTECTION SERVICE SENIOR MANAGER	DOLGELLAU

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 seven 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 and Anglesey Joint Local Development Plan - LDP (2017):**

Policy PCYFF1 – development boundaries.

Policy PCYFF2 - development criteria.

Policy PCYFF3 – design and place shaping.

Policy PCYFF4 - design and landscaping.

Policy TAI1 - housing in the Sub-regional Centre and the Urban Service Centres

Policy TAI8 - appropriate mix of housing

Policy TAI5 - affordable housing threshold and distribution

Policy PS20 - safeguarding or enhancing heritage assets

Policy TRA 2 - Parking Standards

Policy TRA4 - managing transport impacts

Supplementary Planning Guidance: Affordable Housing (2009).

2.5 **National Policies:**

Technical Advice Note (TAN) 12 Design (2016).

TAN 18 Transport (2007).

TAN 24 The Historic Environment (2017).

3. **Relevant Planning History:**

- 3.1 Application number C13/0218/14/LL – construct a new house and entrance (revised application following approval under reference C11/0253/14/LL) approved June, 2013.

- 3.2 Application number C11/0253/14/LL – erect four houses and associated site work, approved in July 2011.

- 3.3 Application number C07A/0863/14/LL - construction of 15 flats and create parking spaces (revised plan to that which had been approved under application number C05A/0058/14/LL) approved in January 2008.

PLANNING COMMITTEE	DATE: 25/06/2018
REPORT OF THE PLANNING AND PUBLIC PROTECTION SERVICE SENIOR MANAGER	DOLGELLAU

3.4 Application number C05A/0058/14/LL – construction of 15 flats and parking spaces approved in 2005.

**4. Consultations:**

Community/Town Council:	Support with careful consideration to parking spaces.
Transportation Unit:	No objection, but with appropriate conditions and need to contact Welsh Government.
Natural Resources Wales:	No objection.
Tai Teg:	No response.
Welsh Water:	Applicant needs to contact Welsh Water as the development is located very close to a combined main sewer.
Housing Strategic Unit:	Submit the following observations:- <ul style="list-style-type: none"> <li>• There are 270 applicants on the Tai Teg register and 328 applicants on the Council's Common Housing Register who wish to live in the area.</li> <li>• Based on the information submitted with the application it seems that the proposal partly addresses the need in the area for affordable housing.</li> <li>• It would be necessary to consider giving a 30% discount of the open market price for the two affordable houses.</li> </ul>
Public Protection Unit:	No response.
Trees Officer:	A condition stating that the mitigation measures of the Trees Survey must be complied with in order to safeguard the sycamore tree that has a tree order on it.
Department for Economy, Science and Transport, Welsh Government:	Instruct that relevant conditions need to be included should the application be approved.
Public Consultation:	A notice was placed on the site and nearby residents were informed of the original plan and the revised plan. The advertising period has expired and objections were received from local residents on the following grounds: <ul style="list-style-type: none"> <li>• The buildings are much higher than the buildings around the site and the design of the houses is out of character and detrimentally affects visual amenities.</li> <li>• The entrance is very close to the busy roundabout to the local supermarket and this could</li> </ul>

PLANNING COMMITTEE	DATE: 25/06/2018
REPORT OF THE PLANNING AND PUBLIC PROTECTION SERVICE SENIOR MANAGER	DOLGELLAU

detrimentally affect the safety of users of this part of the trunk road.

- Not enough parking spaces are provided for visitors to the site and this would force cars to park on the verges of the trunk road.
- The development should be postponed until the by-pass has been completed.
- Siting houses at the front of the site would result in over-looking into the house next door (Ynys Tudur) as well as loss of light.
- Difficult to convey concerns without speaking face to face with a planning officer.
- Developing the site for housing would have a detrimental impact on the safety of the sycamore tree that is located in the rear garden of Ynys Tudur. It would need to be ensured that no development will detrimentally impact this tree.

In response to the above concerns together with the concerns of the Local Planning Authority, revised plans were submitted on the following grounds:

- Amendments to the external elevations of the proposed houses which reflect the designs and form of nearby dwellings.
- Changes to the entrance which comply with Welsh Government requirements.
- Re-set and re-design the houses at the rear of the site in order to reduce their impact on the amenities of the occupants of Ynys Tudur based on over-looking and creating oppressive structures.
- Lower the height of the two front houses in order to safeguard the character and setting of Ynys Tudur nearby which is a grade II listed building.

## **5. Assessment of the material planning considerations:**

### **The principle of the development**

- 5.1 The principle of constructing residential dwellings on this site is accepted in Policy PCYFF1 and TAI1 of the LDP. Policy PCYFF1 states that proposals will be approved within development boundaries in accordance with the other policies and proposals in the Plan, national planning policies and other material planning considerations. Policy TAI1 states that, in the Urban Service Centres, housing to meet the Plan's strategy will be secured through housing allocations along with suitable windfall sites within the development boundary. In Caernarfon, the indicative supply level for erecting houses is 415 units and the Plan anticipates that 212 of these units will be provided on windfall sites such as this current site. Given this information together with the provision which has already been identified for sites which have been allocated for housing in the Town, it is believed that approving the revised development on this site would be within the context of the indicative supply.

PLANNING COMMITTEE	DATE: 25/06/2018
REPORT OF THE PLANNING AND PUBLIC PROTECTION SERVICE SENIOR MANAGER	DOLGELLAU

- 5.2 Policy TAI8 states that all new residential developments should contribute to improving the balance of housing and meet the needs of the whole community. To this end, the proposal has been amended to include three four-bedroom houses together with two two-bedroom affordable houses. Note also that several previous applications have been approved for residential developments on this site which had a much higher density which is confirmation in itself that a residential development here is acceptable in principle.

### **Visual amenities**

- 5.3 Following the Local Planning Authority's concerns regarding the height, form and design of the four proposed houses, the applicant has re-designed the external elevations of the houses themselves in order to reflect architectural elements as well as the form of the established dwellings in the application site catchment area. The houses in the site catchment area, though large in scale, are domestic in nature and appearance and of varied construction including clean brick work and rendered and coloured walls with natural slate roofs. They are detached houses or semi-detached houses in the form of Victorian-age villas with features such as bay windows, steel verandas and hip-roofs.
- 5.4 The site is located in a visible place on the northern boundary of the town and could be called a landmark site in the townscape. The surrounding area is an established residential area with substantial houses to the east and north. A single-storey, modern, commercial building (Moduron Menai) is located to the south of the site which is used as an office for car sales and a grade II listed building (Ynys Tudur) located on the northern outskirts of the site. The proposal is to erect the two front houses as four-storey and the two rear houses varying from three-storeys but broken up with a two-storey and single-storey element. The houses at the front of the site will be 10.1m above the level of the adjacent trunk road (12.8m from the ground level below) with the houses at the rear varying in height from 4.6m to 10.1m to the ridge of the main roof. The two front houses will be set back approximately 3.8m from the trunk road itself creating an open plot and space to the front of the site.
- 5.5 The two front houses will have a three-storey appearance from the trunk road and four-storey from the rear taking into account the flow of the land down towards the Menai Straits. The elevations of the four houses (particularly the two houses at the rear of the site) will be broken up by a mix of roof designs (ridge roofs, hip-roofs together with single-elevation roofs), windows/openings, varied external materials and balconies and porches. The external designs will be in keeping with materials which are common in the area, namely, natural slate and painted render. The main aspect/view from the houses will be to the west and advantage will be taken of this by designing the rear elevations with limited balconies (Juliet type) and windows in the form of patio doors in order to lighten the internal rooms and take advantage of the view. The density of the proposal reflects the density of the residential area nearby and the impact of the houses has been reduced somewhat due to their setting below the nearby trunk road. It must be ensured that the proposal does not affect the tree which is subject to a tree preservation order by including an appropriate condition despite it being located on the land of Ynys Tudur. Therefore, despite local concerns about visual impact, it is believed that this latest proposal is acceptable based on the requirements of Policy PCYFF2 and PCYFF3 of the LDP.
- 5.6 As referred to above, a grade II listed building is located on the northern boundary of the site. Ynys Tudur is listed as a good example of a 19th century suburban property. The effect and impact of this latest proposal on the setting of the listed building is mitigated based on:-

PLANNING COMMITTEE	DATE: 25/06/2018
REPORT OF THE PLANNING AND PUBLIC PROTECTION SERVICE SENIOR MANAGER	DOLGELLAU

A fairly substantial garage which is not part of the original house is located between the site and the listed house and which extends the distance between house number 3 and the listed building itself - there will be a space of 3m between the southern gable-end of the garage and the northern gable-end of the nearest house;

House number 3 is set into the landscape and under the adjacent road with the height of the ridge of the roof set 600mm lower than the ridge of the main roof of Ynys Tudur;

Ynys Tudur, among other buildings, is seen in an urban context. Consequently, it is not considered that the location of the proposed house within the site affects the setting of Ynys Tudur as a listed building; and

The design, external materials and form of the proposed houses break up their size and scale and, therefore, reduce their impact on the setting of the listed building. Therefore, the proposal complies with Policy PS20 of the LDP in relation to developments affecting the setting of listed buildings together with safeguarding heritage assets.

### **General and residential amenities**

- 5.7 As referred to above, the proposal is located in a residential area and correspondence was received from some local residents objecting to the application on the grounds of overlooking and shadow. The nearest property to the site is Ynys Tudur and house number 3 is located 3m away from the garage of Ynys Tudur. This house does not have any openings facing Ynys Tudur and Ynys Tudur does not have any openings on its southern gable-end apart from a solid door in the corner of the southern gable-end of the garage. To this end, therefore, it is not believed that there will be a substantial detrimental effect on the occupants of Ynys Tudur given the location and setting of house number 3 based on over-looking, loss of privacy and creating an oppressive structure.
- 5.8 House number 5 is located to the rear of house number 3 and to the south-west of the rear elevation of Ynys Tudur. Given the objections received from the occupants of Ynys Tudur in relation to over-looking, loss of privacy together with creating an oppressive structure, this house has been reorientated so that the front openings of the house face the rear elevation of house Number 3. Given the location of the openings of house number 5, it is considered that there will be indirect views into the rear garden and rear windows of Ynys Tudur. In addition, the design of house number 5 has been revised so that a single garage is located adjacent to the rear boundary of Ynys Tudur rather than a three-storey structure as shown in the previous plans. It is believed that this reduces any unacceptable oppressive impact on the amenities of Ynys Tudur. It is intended to erect a solid 1.2m fence between the northern boundary of the site with the garden of Ynys Tudur and in addition to this, there will be no windows on the northern gable-end of house number 5 facing the rear garden of Ynys Tudur.
- 5.9 Given the revised setting and design of house number 5 in relation to the rear setting of Ynys Tudur it is, therefore, believed that the proposal will not have a substantial detrimental effect on the amenities of the occupants of Ynys Tudur based on creating an oppressive structure/shadow or on the grounds of loss of privacy and over-looking. It is acknowledged, however, given the line of the sun, there will be some shadow to the bottom part of the garden of Ynys Tudur but given the size of the garden and the

PLANNING COMMITTEE	DATE: 25/06/2018
REPORT OF THE PLANNING AND PUBLIC PROTECTION SERVICE SENIOR MANAGER	DOLGELLAU

distance of this part of the house, it is not believed that this will be substantial in its impact on the residential amenities of this dwelling. It is not anticipated that there will be any loss of privacy or over-looking to the south as commercial use is made of the nearby site for the sale of cars and there will be no effect on residential amenities to the west either as there is a public footpath and vegetation here. It must also be noted that an element of mutual over-looking exists in this area already based on the location of the houses and the urban nature of the area. Despite the objections received following re-advertising the application, it is considered that the proposal as revised is acceptable based on the requirements of Policy PCYFF2 of the LDP.

### **Transport and access matters**

- 5.10 The responses of the Transportation Unit and Welsh Government were received stating that there is no objection to the proposal subject to including relevant conditions concerning the design of the entrance and the need to safeguard the integrity of the nearby junction (A487). Therefore the proposal is acceptable based on the requirements of Policy TRA2 and TRA4 of the LDP.

### **Affordable housing matters**

- 5.11 On a site such as this, Policy TAI15 of the LDP expects at least 30% of the residential units to be affordable. To this end, two of the five units are proposed as intermediate affordable ones. The Council's Housing Strategic Unit has confirmed that this type of house is needed in the area, particularly two-bedroom houses. Therefore, the application complies with the requirements of Policy TAI15 of the LDP.

### **Biodiversity matters**

- 5.12 As referred to above, the sycamore tree lies adjacent to the northern boundary of the site and in the rear garden of Ynys Tudur, which is adjacent to the site. Concerns have already been expressed by the occupier of Ynys Tudur regarding the detrimental impact that the development could have on the health of the tree that is safeguarded by a protection order. After receiving these concerns, the Members decided to defer the application to assess the impact of the development on the tree itself. In light of this decision, a Trees Survey was submitted by the applicant and the Survey came to the conclusion that the trees expert would be required on site during the building work to ensure that the land work is supervised within an area of safeguarding the tree's roots. A response was received by the Trees Officer after a site visit which confirms that a condition should be included with any planning permission to state that the applicant would have to follow mitigation measures noted in the Survey to avoid harm to the tree. To this end, therefore, it is believed that the proposal is acceptable and complies with the requirements of Policy AMG 5 of the LDP.

### **Relevant Planning History**

- 5.13 There is a lengthy planning history to this site in relation to developing it for residential use varying from providing 15 flats in 2005 to erecting a house in 2013. The principle of developing this particular site for residential use, therefore, is already well-established and accepted by the Local Planning Authority and considering that work has already started on the site by erecting retaining walls, application number C11/0253/14/LL (for erecting four houses) as well as application number C13/0218/14/LL (for erecting one house) remain live.



PLANNING COMMITTEE	DATE: 25/06/2018
REPORT OF THE PLANNING AND PUBLIC PROTECTION SERVICE SENIOR MANAGER	DOLGELLAU

**6. Conclusions:**

- 6.1 Having considered the assessment above and all the material planning matters including the local and national policies and guidance, as well as the objections received following the statutory notification period, it is deemed that the revised application is acceptable and satisfies the requirements of the relevant policies and guidance noted above.

**7. Recommendation:**

- 7.1 To delegate the right to the Senior Planning Manager to approve the application, subject to the applicant completing a legal agreement under Section 106 in order to ensure that two affordable houses out of a total of five are affordable houses initially and in perpetuity and to relevant conditions relating to:

1. Five years.
2. In accordance with the revised plans.
3. Natural slate.
4. Agree the houses' external materials.
5. Withdrawal of permitted development rights regarding the location of windows.
6. Withdrawal of permitted development rights for extensions.
7. Condition to protect a tree with a tree preservation order.
8. Transportation Unit and Welsh Government highways conditions.
9. Welsh Water condition regarding protecting the combined sewer.