

PLANNING COMMITTEE	DATE: 23/07/2018
REPORT OF THE PLANNING AND PUBLIC PROTECTION SERVICE SENIOR MANAGER	CAERNARFON

**Number: 2**

**Application Number: C17/1011/24/LL**

**Date Registered: 18/10/2017**

**Application Type: Full - Planning**

**Community: Llanwnda**

**Ward: Llanwnda**

**Proposal: Full application for the construction of four new two-storey dwellings to replace four previously approved bungalows**

**Location: Fron Deg Site, Rhostryfan, Caernarfon, Gwynedd, LL54 7NU**

**Summary of the Recommendation: TO APPROVE WITH CONDITIONS**

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## 1. Description:

- 1.1 Members are reminded that this application was deferred at the committee meeting on 14 May 2018, due to difficulties in relation to registering to speak and a suggestion that a site visit should be held.
- 1.2 A full application for the construction of four two-storey dwellings to replace four previously approved bungalows within an existing residential estate in the centre of the village of Rhostryfan.
- 1.3 The application site is an empty plot within a larger residential estate that is partly developed. The land is located within the development boundary of Rhostryfan village and within a built up area, which consists of residential dwellings in the form of individual, terraced and semi-detached houses, the design and size of nearby houses varies including single and two-storey dwellings. There is an existing access to the site off the nearby public road with a standard estate road leading to the housing estate. The level of the land rises from the access road towards the highest part of the estate itself.
- 1.4 The proposed buildings are referred to as types A and B and include the following:

### Type A:

- Ground floor – internal porch, toilet, open-plan dining/kitchen/living room
- First floor – two bedrooms, bathroom
- The total internal floor area of the house would be approximately 62m<sup>2</sup>

### Type B:

- Ground floor – internal porch, toilet, open-plan living/dining room, kitchen
- First floor – two bedrooms, bathroom
- The total internal floor area of the house would be approximately 82m<sup>2</sup>
- Additionally, it is proposed to include individual gardens to the rear of the houses and parking spaces on the sides

Externally, the buildings are to be finished with a natural slate roof and rendered walls including natural stone features.

- 1.5 The application has been amended from the original submission by increasing the parking spaces to include one additional space for each individual house.
- 1.6 Note that formal discussions have been held regarding this proposal through the service's pre-application procedure. These matters are specifically discussed further on in this report.
- 1.7 The application is being submitted to committee following receipt of more than three objections to the proposal in the public consultation.

## 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.

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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 **Anglesey and Gwynedd Joint Local Development Plan 2011-26, adopted 31 July 2017**

PS 1 – The Welsh Language and Culture

ISA 1 – Infrastructure Provision

TRA 2 – Parking standards

TRA 4 – Managing transport impacts

PS 5 – Sustainable developments

PCYFF 1 – Development boundaries

PCYFF 2 – Development criteria

PCYFF 3 – Design and place shaping

TAI 4 – Housing in local, rural and coastal villages

TAI 8 – An appropriate mix of housing

TAI 15 – Affordable housing

2.4 **National Policies:**

Planning Policy Wales Edition 9, 2016

Technical Advice Note 12: Design

3. **Relevant Planning History:**

3.1 There is extensive planning history related to this site in the form of historical applications for residential development in addition to recent applications relating to individual houses that have already been constructed within the estate. It is believed that the following are the most relevant in this case:

- Application C06A/0786/24/LL – revised application to application C03A/0816/24/MG for 17 two-storey houses – refused 08.02.07
- Application C03A/0816/24/MG – Erection of 18 dwellings (reserved matters under application C00A/0625/24/AM) approved 09.06.04
- Application C00A/0625/24/AM – Residential development and new access (renew outline application C97A/0587/24/AM) approved 08.01.01
- Application C97A/0597/24/AM – Residential development and new access (renew outline application 3/24/377) approved 11.12.97.

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#### 4. Consultations:

Community/Town Council:	Refuse on grounds of local concerns that the houses would obstruct the natural light of the existing houses on the Fron Deg site.
Transportation Unit:	Need two parking spaces for each house. After amending plans to include additional spaces, the service no longer objects to the proposal and it is suggested that standard conditions be included.
Housing Strategic Unit:	The plan addresses the need in the area, it is noted that there is a higher demand for two-storey houses but demand also remains for bungalows. It is noted that this application does not propose any affordable provision.
Welsh Water:	No objection, suggest including standard advice regarding issues of drainage
Public Protection Unit:	Not received
Land Drainage Unit:	Suggest undertaking a flood impact assessment due to flooding impacts in the past. Further information was received regarding flood prevention work and consequently it is believed that this will lead to an improvement, it is not believed that there is a sufficient reason to refuse the application.

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Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period has expired and several letters / correspondences have been received objecting on the following grounds:

- Existing parking problems, shortage of parking provision
- A history of flooding on the estate
- Loss of light
- Detrimental impact on the amenities of nearby residents and general amenities in the nearby area
- No demand for two-storey houses, need single-storey houses
- Overlooking
- Previous application for the same thing was refused
- Misleading information
- Inadequate sunlight analysis
- Lack of consultation

As well as the above objections, objections were received that were not material planning objections and these included:

- Loss of view

## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 The relevant planning history of this site is crucial to consider when making a decision on this current application. Planning permission has been given to develop the site for residential use, the site has been partly developed and the majority of houses approved have now been constructed. This means that the remainder of the development that was not commenced at the same time remains 'live' and no further permission will be needed to construct the four bungalows originally proposed for the site of this current application. 14 properties have already been constructed on the site. It appears that three of these are currently unoccupied, with residents in the other eleven properties.
- 5.2 Policy PCYFF 1 is relevant in this case as policy requirements state that proposals will be approved within development boundaries in accordance with the other policies and proposals in the LDP.
- 5.3 A Welsh Language Statement is usually requested through policy PS 1 when proposed developments belong to specific categories. In this case, it is not believed there is any need for a Language Statement under criterion 1b of the policy (residential developments) as the proposal does not involve adding to the number of houses that have already been approved and the number that could be erected without requiring further permission.
- 5.4 Policy TAI 4 approves proposals for open market housing in local villages (subject to the requirements of Policy TAI 15 regarding the provision of affordable housing). The village of Rhostryfan (according to Appendix 5 of the LDP) has exceeded its indicative

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supply of new windfall housing (partly because of the development of this entire site), however, as this site is within the development boundary and because it does not propose any additional number of houses to that which has been approved and may be lawfully erected, it is believed that the proposal is acceptable and is in accordance with this policy.

- 5.5 In terms of affordable housing, again, as this current proposal does not involve adding any new houses to the number that has already been approved and may be lawfully erected without further consent, it is not believed that in this case, there is any justification to ask for an element of affordability and therefore it is not believed that the proposal is unacceptable in terms of TAI 15 policy requirements
- 5.6 Policy TAI 8 notes that an appropriate mix of housing should be ensured within new residential developments. In this case, it is intended to construct 4 two-storey houses rather than the four bungalows that were originally proposed. It is accepted there are mainly two-storey houses on the estate, but it is also seen that smaller houses have also been built, it is therefore believed that there is already a mix of housing on the site. The Council's Strategic Housing Unit notes that there is greater demand for two-storey housing in the area, although there is also sufficient demand for single-storey housing. Nevertheless, it is believed that this current proposal is acceptable and that it responds to the specific demand for two-storey dwellings in the area as has been confirmed.

#### **Visual, general and residential amenities**

- 5.7 The area that surrounds this site includes buildings of various appearance, size and design. The finish of these buildings varies, but there are some common features such as slate roofs, stone, render and pebble-dash finished walls. The built up nature of the nearby area is fairly dense in form with terraced housing and estate houses and the proximity of these houses to each other within the area.
- 5.8 The proposal, in respect of its size, design and finish does complement the general features of the area and the appearances reflect what has already been permitted within the estate. It is not believed that the proposed buildings are unacceptable in terms of their appearance and features and it is not believed that they would impact the visual amenities of the area to an unacceptable degree. The proposal is, therefore, considered to be acceptable in relation to the material requirements of policy PCYFF 3.
- 5.9 As previously noted, the existing built up nature of the area is fairly dense. This means that matters such as proximity and over-looking are fairly common within this area and specifically within the estate itself. This of course is no justification for exacerbating the existing situation, but this is mentioned in order to present a picture of the area as things currently stand.
- 5.10 The proposed houses are to be constructed on land that has been empty since the site was originally developed and until recently, it has been an untidy site due to left over building materials and equipment. The level of the land itself rises from the lower corner near the access to the estate towards the highest part.
- 5.11 Pre-application discussions were held between the agent and the planning officers, it was suggested that windows to be included on the first floor at the rear of the houses should be removed and included on the gable ends to avoid any obvious overlooking of houses and of the rear of houses located behind the site. Therefore it is seen that there will only be bathroom windows, with opaque glazing in the rear of the houses. A suggestion was also made to reduce the height of the houses on plots 1 and 2 to reduce

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the shadowing and domineering impact on the gardens of the houses to the rear. Additionally, it was suggested that the design and finish of the front of the houses reflected that of the existing houses opposite the site to ensure suitable continuity. As a result of these amendments, that mean that there will only be a bathroom window on the rear of the houses, a distance of approximately 18m between the rear of the houses on plots 1 and 2 and the rear of Braich Melyn house, and approximately 22m between the rear of plots 3 and 4 and the rear of the closest Tai Bodawen houses, it is considered that sufficient distances will be created.

- 5.12 A detailed plan was submitted with the application that indicates the path of sunlight and the shadowing that would occur as a result, in relation to plots 1 and 2 and houses behind the site. It can be seen from the plans that there would be no apparent impact on the sites located behind the development and that two-storey dwellings on this site, as opposed to the originally proposed bungalows, would not be harmful in relation to this aspect.
- 5.13 It is inevitable that constructing houses on this site would have some impact on nearby amenities, consideration must be given to how much more impact the houses subject to this application would have as opposed to the houses that could be lawfully built on the site. This proposal is for two bedroom houses, the same number that was proposed for the bungalows. There will be no increase in the number of bedrooms between the permitted houses and those that are subject to this application. The form of the buildings is of course another matter, and it is acknowledged that building houses in this location is likely to affect existing housing to various degrees. However it is believed that there is a need to weigh up the proposal against the lawful right to build four bungalows and in doing so, to determine whether it would be unacceptable to construct two-storey houses on the site, to take the place of the bungalows that were originally approved. Initial concerns about the proposal were highlighted during the pre-application discussions and changes have been made to the proposal in line with the advice given. This has resulted in the final plans incorporating all of the suggested changes and are considered acceptable in principle. Full consideration was given to the concerns highlighted by local residents in terms of the impact of the proposal on their amenities including matters relating to overlooking and overshadowing however it is not believed that the long term impact would be any greater than completing the previous approved application.
- 5.14 Since deferring the application, an additional plan has been submitted that highlights the difference between the footprints of the four bungalows that were previously permitted, and the four houses that are the subject of this current application. It can be seen that there is an obvious difference between these two plans in relation to floor area, with the houses in the current application taking up far less space. It also shows that the latest houses would be located further away from the rear boundary of the site that borders with the gardens and rear of Tai Bodawen and Braich Melyn.
- 5.10 Consequently, it is not believed that the proposal is unacceptable in terms of the relevant requirements of policy PCYFF2.

#### **Transport and access matters**

- 5.16 The local member expressed concerns about a number of matters, including the situation regarding parking, access and flooding matters. In response to these observations the Senior Officer from the Transportation Unit has expanded on the observations that were originally submitted during the consultation period, and



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strongly confirms that it would be unreasonable to object or refuse the application on these grounds.

*"Water problems – It is understood that the problems in the past originate from a site that is located higher up than the estate itself. Cartrefi Cymunedol Gwynedd, the owner of the nearby housing for older people, has complained to the current developer who has, in turn, complained to the Community Council and the Welsh Highland Railway about the water that emanates from the cycle track above the site, and water that flows from houses located further up again. The Council's Flooding Unit is familiar with the site's history.*

*Parking - The original houses that were granted permission in the 90s had one parking space and a garage (which are not normally used to keep a vehicle), rather than the two/three parking spaces that are now required. Unfortunately, these large houses are all located in a cluster at the far end of the estate, which means that the residents tend to park around the turning circle. Unfortunately, this historical situation cannot be addressed.*

*The houses that are the subject of this current application all include two parking spaces, which is sufficient provision for two bedroom houses.*

*Access for emergency vehicles / refuse collection - The estate has not been adopted by the Council, therefore it is technically a private estate that has not been completed, and the Municipal Unit are not allowed past the houses for older people further down. The Local Member noted that the service now used smaller vehicles for collection - it was a matter for the Senior Municipal Manager to decide whether to overrule the collections policy, and it was supposed that a smaller collection vehicle was already used in Rhostryfan village as a number of the streets were narrow and winding. In an emergency, the services would probably park as close as possible, or move vehicles as necessary, however it is not anticipated that this would be a huge problem".*

- 5.17 Concern has been raised by local residents about the impact of the proposed development on matters relating to parking within the estate. The application was originally submitted with one parking space shown to the side of the four houses. The Transportation Unit was not satisfied with this number and, consequently, the plan was amended to include provision for two vehicles.
- 5.18 The Transportation Unit accepts the increase in parking spaces and has, consequently, suggested including material conditions for the proposal, thus ensuring the application is acceptable in relation to the requirements of policies TRA 2 and TRA 4.
- 5.19 It is acknowledged that the existing estate could be busy in terms of the movements of residents, visitors, deliveries etc. However, it is not believed that the proposed development is likely to exacerbate the situation to an entirely unacceptable degree especially given the existing right to construct four bungalows. It can be seen from previous detailed plans that the bungalows' development included one parking space and a garage as approved and therefore it is not believed that the existing proposal would be worse than what has been approved, and remains live. The Transportation Unit has no objections to the proposal in its amended form and it is not believed that it is possible to refuse the application on the grounds of these matters.

### **Relevant Planning History**

- 5.20 As has already been noted, this site has an extensive planning history and applications have been approved and renewed for residential developments over a number of years before development commenced on site. It is also seen that an application was refused



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in the past to construct 17 houses due to a concern regarding matters relating to amenities, over-development etc.

### **Flooding matters**

- 5.21 A response was received from the Land Drainage Unit originally asking for a flood impact assessment of the site due to past flooding incidents. As this Unit, along with Welsh Water, is responsible for matters relating to land drainage, surface water and the suitability of drainage methods and flooding as a result of surface water runoff, there was no need to consult with Natural Resources Wales in this case. Discussions were held between the agent of the application and the Unit. More recently, confirmation was received within an amended Design and Access Statement relating to work undertaken in response to historical flooding problems. It was noted there was an understanding that a culvert on higher ground and outside the site was causing surface water overflow towards the site. This matter was discussed with the landowners, Welsh Highland Railway, and it was agreed that the applicant would be allowed to clear the culvert, create a bund as an obstacle between the culvert and nearby houses and was given permission to have access to the culvert in future to ensure maintenance. It is also noted that rainwater harvesting measures will be installed on the site and it is alleged that this development is smaller than the bungalows in terms of surface area, and natural drainage will be much better.
- 5.22 After receiving details of the work relating to the culvert, a response was received from the Land Drainage Unit stating that the work that has already been completed on the Highland Railway land is an improvement to what was there during previous flooding, and when ensuring to maintain the current situation there is no sufficient reason to recommend refusing the application. Additionally, Welsh Water does not object to the proposal and has suggested that standard conditions and advice be included in relation to drainage matters.
- 5.23 It is acknowledged that concerns have been highlighted by local residents regarding the elevated nature of the site along with the form of the land which leads to occasional flooding events as a consequence of surface water flow following heavy rain. But as already noted above, the Drainage Unit and Welsh Water have reached the conclusion that the proposal would not exacerbate the situation. It is not believed either that the situation would be any different to what it could be should the bungalows be erected. However by ensuring there are protective measures in place, the hope is that the impact will be less in future. The situation has been discussed extensively by the Council's Land Drainage Unit, including a formal second consultation having received additional information, but the outcome of the discussions was to accept that constructing these houses would not exacerbate the situation.
- 5.24 It is therefore believed that the proposal is acceptable in terms of the relevant requirements of policies ISA 1, PS 5 and PCYFF 3.

### **Response to the public consultation**

- 5.25 Observations have been received from neighbours of the site expressing concerns about the impact of the development on amenities and the impact on the area in general. Full consideration has been given to all the material planning observations, as was noted in the above assessment; and, having considered the application in its entirety and whether it conforms to adopted policies and guidelines as well as the site's planning history, the proposal is not believed to be unacceptable based on the reasons noted.

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**6. Conclusions:**

- 6.1 Having considered the above and all the material planning matters including the local and national policies and guidance, the site's planning history and the live permission that exists to erect four bungalows on the site together with the observations received as part of the public consultation, it is believed that this proposal to construct four, two-storey houses with ancillary facilities is acceptable and conforms to the requirements of relevant policies as noted above.

**7. Recommendation:**

- 7.1 Approve - conditions

1. Time
2. Compliance with plans
3. Materials and slates
4. Highway conditions
5. Welsh Water
6. Boundary treatment details
7. Withdrawal of permitted development rights and window PD rights
8. Party wall note