

<b>PLANNING COMMITTEE</b>	<b>DATE: 24/09/2018</b>
<b>REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER</b>	<b>DOLGELLAU</b>

**Number: 2**

**Application Number: C18/0048/39/LL**

**Date Registered: 23/01/2018**

**Application Type: Full - Planning**

**Community: Llanengan**

**Ward: Abersoch**

**Proposal: Construction of a new beach hut has not complied with condition 2 of planning permission C15/0537/39/L dated 3 July 2015**

**Location: Beach Hut Number 15, Abersoch Beach, Abersoch, Pwllheli, Gwynedd, LL53 7EY**

**Summary of the Recommendation: TO REFUSE**

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## 1. Description:

- 1.1 This is an application to retain the work of demolishing the original beach hut and building a new beach hut that does not comply with planning permission granted on 3 July 2015 in its stead. Permission was granted to erect a new hut measuring 5.5 metres by 3.7 metres in floor surface area, with the height of the ridge no more than that of the existing huts on either side. The hut as constructed measures 5.7 metres by 5.5 metres, and 0.9 metres higher than the ridge of the huts on either side. A platform measuring 4.9 metres by 5.5 metres has been constructed in front of the hut, with a storage area beneath. The walls of the hut have been clad in dark blue steel profile sheeting, a steel 'roller shutter' door painted white to the front elevation, whilst the pitched roof is clad in dark grey profile sheeting. The platform in front of the hut is constructed from concrete panels, and there does not appear to be an intention to clad this in timber.
- 1.2 The hut stands amongst a row of other beach huts on Borth Fawr beach in Abersoch. This is a rural coastal site within the Llŷn Area of Outstanding Natural Beauty, near a Heritage Coast and within the Coastal Change Management Area.
- 1.3 The application is submitted to the Planning Committee as more than three objections have been 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 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**

PCYFF 3: Design and place shaping  
 ARNA 1: Coastal Change Management Area  
 PS 19: Conserving and where appropriate enhancing the natural environment  
 AMG 1: Areas of Outstanding Natural Beauty Management Plans  
 AMG 4: Coastal Protection  
 AMG 5: Local Biodiversity Conservation

### 2.4 **National Policies:**

Planning Policy Wales (Edition 9) 2016  
 Technical Advice Note 12: Design

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### 3. Relevant Planning History:

- 3.1 C15/0537/39/LL - Demolish an existing beach hut and construct a new beach hut and ancillary decking area. Approved with conditions - 3 July 2015.

### 4. Consultations:

Community/Town Council: Objects, since the original plan was not adhered to. That plan was supported on condition that it would be the same size as the original hut. It was expressed that any application to construct a hut in future would include a condition that the hut would be of timber or corrugated iron/metal, like the rest of the huts, and that it should not be of concrete and steel joists as this is. It was also asked whether Gwynedd Council intended to insist that the applicant demolish it and construct it in accordance with the original permission, and, even, fine the applicant as Leicestershire County Council had done this week, following a case where building work was carried out in defiance of a planning decision?

Local Member: I object to the application because the conditions of the development were not adhered to and the building is incompatible

Area of Outstanding Natural Beauty Unit: It is concerning that the new beach hut has been constructed differently from the plans approved in 2015.

The building is higher than that shown on the plans and extends into the dunes a little. This does not, however, change the visual appearance of the hut considerably. However, the metal "roller" door and the concrete platform are alien elements to this location and are incompatible.

Biodiversity Unit: No biodiversity concerns in relation to the application.

Welsh Water: No observations to offer in relation to this application.

Natural Resources Wales: We have no objections to the application but we do have the following observations.

The application site is located outside but close to a C2 zone, as defined in the development advice map referred to in TAN 15 Development and Flood Risk (July 2004).

Our latest flood map confirms that the beach hut is located directly outside 1% (1 in 1000 years) and 0.1% (1 in 1000 years) tidal flood outlines. However, because of the hut is in

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an open coastal location, the applicant should be aware of the risk of flooding from the waves. Furthermore, an increase in sea level as a result of climate change could lead to more frequent storms and flooding. Therefore, we recommend that the building materials chosen should be as strong as possible and can withstand floods.

The proposal is directly outside the Pen Llŷn a'r Sarnau Special Area of Conservation (SAC). If appropriate precautions involving pollution prevention and waste control are implemented we do not consider that the development will have an impact on the characteristics or the conservation objectives of this designated site.

Any waste from excavation, or demolition or construction waste generated during this work should be disposed of in a satisfactory manner and in accordance with the requirements of Section 34, Environmental Protection Act 1990.

We refer you to NRW 'Advice for Developers'. We kindly ask that copies of the guidelines be provided for applicants with any permission granted for the proposal.

Our observations noted above only relate to specific matters that can be seen in our check-list, "Natural Resources Wales and Planning Consultations" (March 2015), available on our website:

(<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>).

We have not considered the potential impacts on other matters, and it is not possible to disregard the possibility that the proposed development could affect other interests, including environmental interests of local importance.

The applicants' attention should be drawn to the fact that it is their responsibility to ensure they obtain the relevant licences/permissions for their development, in addition to planning permission.

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Public Consultation: A notice was posted on the site. The advertising period ended on 20 February 2018. Seven objections were received, including an objection from the Campaign for the Protection of Rural Wales, based on:

- The development was not in accordance with the original approved plans;
- Proportion was at odds with other huts on either side;
- Had the appearance of an industrial unit because of the use of a 'roller shutter' door and concrete panels as a platform, and was, therefore, out of character with the beach;
- The size of the hut was not in proportion to the other huts on the beach;
- An unacceptable industrial design setting a precedent for reconstructing other larger huts in future that could have a negative impact on tourism and is at odds with the character of the beach;
- Ridge of the roof clearly higher than that of neighbouring huts and contrary to policy PCYFF3 in terms of setting, appearance, scale, height, mass, elevations treatments;
- Creating an unacceptable over development in the beach area;
- Development substantially larger than the original hut and that which was permitted.

## 5. Assessment of the material planning considerations:

### Visual amenities and landscape

- 5.1 The application involves retaining a seaside hut that's larger than what was originally approved, and which is considerably larger than what originally existed on the site. The hut that was constructed measures 5.5 metres in width and extends back 5.7 metres from the line of the beach huts. The timber decking extends out 4.9 metres in front of the hut, and there is an enclosed storage space beneath it. Whilst the hut that was originally approved extends to the same height as the neighbouring huts, the ridge of the hut constructed on the site measures 0.9 metres higher than the huts on either side of it. A steel 'roller shutter' door has been installed on the front elevation, and gives it an industrial appearance. Furthermore, the depth of the hut is substantial compared with other huts, and some excavation work into the dune has taken place in order to accommodate a building of this size.
- 5.2 Policy PCYFF 3 states that proposed developments are expected to demonstrate high quality design that give full consideration to the natural environment, historic and built environment and that they contribute to creating attractive and sustainable places. Proposals will only be approved if they comply with all the criteria noted in the policy. This includes that the development must add to and enhance the character and appearance of the site, the building or the area in terms of setting, appearance, scale, height, mass and elevation treatment. Also that it respects the context of the site and its place in the local landscape.
- 5.3 Several observations have been received expressing concern about the proposal based on size, height and the finished design of the hut, and this is the reason for submitting it to the committee. In this particular case, it is stated that the depth and height of the new hut is considerably larger than that which originally existed on the site and that which was permitted in 2015. The hut as constructed measures 0.9 metres higher than

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the other huts on either side of it, and there is concern that the non-permitted increase in size, height, scale and mass of the hut as constructed does not improve the character and appearance of the site. Additionally, it is considered the hut, because of its size and the combination of its design and external finish, far more resembles an industrial building than a traditional sea side hut.

- 5.4 The need to ensure the finish of any building is of materials that can withstand the features of a coastal climate is recognised, but it is considered that the size of the building and the combination of materials and design do not reflect the intended use of the building, and mean that the development in its current form contravenes policy Policy PCYFF 3 of the LDP and does not respect the context of its site and place in the landscape.
- 5.5 The site is located within the Llŷn Area of Outstanding Natural Beauty, therefore policy AMG 1 is a consideration here. Since the proposal will replace the existing hut and will be amongst a row of similar huts, it is not considered that the proposal would be likely to have a significant impact on the setting or on important views into the AONB in this case. Nevertheless, it was stated that the AONB Officer was concerned that the hut was not in accordance with what was originally approved, even though the construction does not much change the external appearance of what was originally approved. There is no objection to the application in principle, but it is further noted that the 'roller shutter' doors or the concrete platform are features that are in keeping with the location. It is noted that it would be possible to install this type of door on any of the existing huts without the need for planning permission, and, in fact, permission has been granted for installing such doors as these on some other huts that have been developed on the beach. Using a 'roller shutter' door in itself is not reason enough to justify the existing application, and a condition could be imposed to cover the platform with timber if necessary. However, there is an industrial feel to the current appearance and finish of the building, and it is considered that the building in its current form is contrary to policy AMG 1 and the principles of PS 19 of the LDP.
- 5.6 As the proposal involves the replacing a hut that already exists for a larger one, rather than it being a new coastal development, it is considered that the proposal meets the principles of policy AMG 4 of the LDP. Because of the nature of the use, it must be located on the beach and it will have a close visual connection with the existing buildings and structures.

#### **Flooding and coastal change management**

- 5.7 Policy ARNA 1 is a consideration here, where inappropriate developments should be avoided in vulnerable coastal areas in an effort to reduce flooding risks and the impact of coastal erosion. Although the site is within a Coastal Change Management Area (CCMA) the proposal can be acceptable within the CCMA, as it is associated with the existing non-residential use of the site. Although criterion 6 requires a flood consequence assessment, Natural Resources Wales have not requested such an assessment in their comments, only to state that the site is outside the flooding outline and draw attention to the possibility of flooding and advise that the huts should be of suitable material. The proposal is to replace the existing hut with a larger hut and this is considered acceptable in terms of the principles of policy ARNA 1 of the LDP.

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### **Biodiversity Matters**

- 5.8 The Biodiversity Officer had no biodiversity concerns regarding the application, therefore, it is considered that the proposal is acceptable in terms of policy AMG 5 of the LDP.

### **Any other matters**

- 5.9 A letter was written to the applicant on 6 March 2018 expressing concern about the height of the new hut in relation to the other huts on the beach, and the impact the increased height and the industrial appearance of the building would have on the visual amenities and character of the AONB. The applicant was asked to consider reducing the height of the ridge of the hut's roof to that of the huts on either side, and remove the 'roller shutter' doors and install traditional timber doors in its stead. The agent responded on 5 July 2018 explaining that there were huts of different sizes on the beach already, and that this contributed to the character and charm of the huts. In the response, it stated that the huts differed substantially in height, floor surface area, width, colour, openings, platforms or not, and that all this contributed to their charm. It is also stated that the hut was a very small part of the AONB, and that no single hut, of this size and finish, would materially harm the AONB.
- 5.10 The agent's response is noted. However, whilst every application needs to be considered on its own merits, the cumulative effect of such developments must also be considered on a particular area, and especially within the AONB, which is a statutory designation of national importance. Planning Policy Wales makes clear that the primary objective for an AONB designation is the conservation and enhancement of its natural beauty. Development plan policies and development management decisions affecting AONBs should favour conservation of natural beauty, although it will also be appropriate to have regard to the economic and social well-being of the areas. Local authorities, other public bodies and other relevant authorities have a statutory duty to have regard to AONB purposes. A statutory designation does not necessarily prohibit developments, but proposals for developments must be carefully assessed for their impact on those elements of the natural heritage that the designation intends to protect.

## **6. Conclusions:**

- 6.1 It is noted that no planning permission exists for the hut that has been built, since it has not been built in accordance with the plan approved in 2015. The hut is larger than what was approved at that time. Nevertheless, it is important to note that every application submitted to the local planning authority must be determined on its own merits. In considering enforcement action, the decisive issue for the local planning authority should be whether the breach of planning control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest. Any enforcement action must be commensurate with the case in question. It should aim to correct the effects of the breach of planning regulation, rather than to punish the person responsible for doing so.
- 6.2 Since the introduction of the Gwynedd and Anglesey Joint Local Development Plan in July 2017, the Council has approved two applications for replacing original huts with new ones on the beach at Borth Mawr, Abersoch. One measured 5 metres in length and 3.5 in width, the other measured 5 metres in length and 4.2 metres in width. Both measure 3.3 metres in height above the timber platforms in front. The area of the hut that is the subject of this application measures 5.5 metres in length and 5.7 metres in

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width. It can, therefore, be seen that the area of the sea-side huts is constantly expanding. Additionally, the height of the new hut measures 4.5 metres above the level of the platform in front of it, whilst the huts on either side measure 3.6 metres in height.

- 6.1 Having assessed the proposal against the relevant policies and having considered all the responses and observations submitted, it is considered that the beach hut that has been constructed is unacceptable in size, bulk and design. The development, because of its size and bulk is inconsistent with the traditional character and appearance of sea-side huts and its design is more akin to an industrial building. If consistently bigger sea side huts are allowed to be developed, their impact will spoil the feel and character of the beach side area of Abersoch and the AONB that is a designation of national importance. It is not considered that the current application is contrary to the planning policies referred to in this report and a recommendation to allow the hut to remain in its current form cannot be granted for the reasons previously noted.

## **7. Recommendation:**

- 7.1 To refuse -

1. Size, height, bulk and industrial design of the development have an unacceptable detrimental impact on the visual amenities and character of the AONB, contrary to policies PCYFF 3, PS 19 and AMG1 of the Gwynedd and Anglesey Joint Local Development Plan 2011 - 2026.