

PLANNING COMMITTEE	DATE: 04/07/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	

Number: 3

Application Number: C22/0223/15/LL

Date Registered: 08/03/2022

Application Type: Full

Community: Llanberis

Ward: Llanberis

Proposal: Application for the erection of a dormer bungalow, widen existing access and provide parking spaces (re-submission of application refused under ref. C21/1140/15/LL).

Location: Y Berllan, Ffordd Capel Coch, Llanberis, Caernarfon, Gwynedd, LL55 4SH

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1 This is a full application to erect a new two-bedroom house in the rear garden of the property known as Y Berllan, located in the centre of the village of Llanberis. The application is a resubmission of what was previously refused in January 2022 under reference C21/1140/15/LL, and this latest application has been called in at the Local Member's request on the grounds that the amended proposal is, by now, acceptable in relation to flood risk and design.
- 1.2 Internally, this latest proposal will provide a living room, kitchen, hallway, toilet and dining room on the ground floor with two bedrooms, small storage areas and a bathroom on the first floor. Externally, the house would be of a natural slate roof, white coloured rendered walls with local stone and white coloured UPVC openings. It would measure 8.8m in length (previously 8m), 6m in width (no change from the previous application) with a height of 5.9m (previously 6.1m) to the ridge, on a plot of land measuring approximately 0.03 ha. The proposal would also involve widening the existing entrance, creating 2 parking spaces and a turning area at the front of the property. There would be 2 parking spaces for Y Berllan between this dwelling and the proposed dwelling in a space measuring 5m in width with a turning area on the eastern gable end of Y Berllan.
- 1.3 The site is located within the development boundary for Llanberis in the Anglesey and Gwynedd Joint Local Development Plan, 2017 (LDP), however, it has not been designated for any specific land use. It is also located within a residential area that also includes hotels, restaurants and shops along the High Street. Natural Resources Wales (NRW) has confirmed that, as part of the statutory consultation process, the site is located within Flood Zone A of the TAN 15 Development Advice Maps and the NRW Flood Maps for Planning confirm that the site is vulnerable to flooding within Flood Zone 3 (Rivers). The site also lies within the Dinorwig Landscape of Outstanding Historic Interest.
- 1.4 In support of the application, a Flood Consequence Assessment was submitted in response to concerns about the risk of flooding that had been raised as part of the previous application.

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 (Wales) Act 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 2011-2026 adopted 31 July 2017:**
- ISA 1: Infrastructure provision.
 PS 2: Infrastructure and developer contributions.
 PCYFF 1: Development Boundaries.
 PCYFF 2: Development criteria.
 PCYFF 3: Design and place shaping.
 PCYFF 4: Design and landscaping.
 PCYFF 5: Carbon management.

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PCYFF 6: Water conservation.
 PS 5: Sustainable development.
 PS 6: Alleviating and adapting to the effects of climate change.
 AMG 5: Local biodiversity conservation.
 TRA 2: Parking standards.
 TRA 4: Managing transport impacts.
 PS 17: Settlement strategy.
 TAI 2: Housing in local service centres.
 AT 1: Conservation areas, World Heritage Sites and Registered Landscapes, Parks and Historic Gardens.

2.4 **National Policies:**

Future Wales: The National Plan 2040.
 Planning Policy Wales (Edition 11 - February 2021).
 Technical Advice Note 12: Design (2016).
 Technical Advice Note 15: Development and Flood Risk (2004).
 Technical Advice Note 24: The Historic Landscape (2017).

3. **Relevant Planning History:**

3.1 Application C21/1140/15/LL – Application for the erection of a dormer bungalow, widen existing access and provide parking spaces, refused January 2022 on the grounds of: -

- Its disposition, location and design would lead to an oppressive intrusion that would be harmful to the amenities of nearby residents on grounds of noise disturbance and creating an oppressive structure.
- Create a discordant feature within the local streetscape.
- The proposal is contrary to the requirements of Policy ISA 1 and TAN 15 as no Flood Consequence Assessment had been submitted with the application.

3.2 Pre-application enquiry number Y21/0486 to construct a new house - in response to the enquiry, concern was expressed by the LPA regarding the impact of such a proposal on the visual amenities of the street-scene and its impact on the residential amenities of the occupiers of Y Berllan.

3.3 3/15/230C - construction of a house approved in June 1991 (the existing house, namely Y Berllan).

3.4 .3/15/230B - construction of a bungalow, approved March 1991.

3.5 3/15/230A - construction of 2 bungalows approved in October 1991, contrary to the officers' recommendation.

4. **Consultations:**

Community/Town Council: No response.

Transportation Unit: No recommendation.

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Natural Resources Wales:

We have concerns regarding the application as submitted.

However, we are satisfied that these concerns can be overcome if the document noted below is included in the approved plans and documents condition on the decision notice:

- *Flood Consequence Assessment. Phil Jones Consultancy.*

Flood Risk

The planning application proposes a development that is extremely vulnerable. The application site is within Zone A of the Development Advice Map (DAP) included in TAN15 (2004). However, our Flood Map for Planning (FMP) notes that the application site is at risk and is within a Flood Zone 3. As confirmed in the letter from Welsh Government dated 15 December 2021, Welsh Government and NRW have confidence in the FMP, which represents better and more recent data than the DAP.

We have reviewed the Flood Consequence Assessment (FCA) (Phil Jones Consultancy, Land at Y Berllan, Ffordd Capel Coch, Llanberis, LL55 4SH, dated February 2022), submitted to support the application. The FCA has provided information in relation to the current levels of the land that shows that the site is raised higher than the end walls of the culvert that was recently built under the High Street.

The culvert was upgraded to improve the conveyance of water as part of the Llanberis Flood Alleviation Scheme following widespread floods in the town during November 2012. It is accepted that the nearby property of Y Berllan did not suffer any internal flooding during this incident as recorded in the Llanberis Flood Investigation report dated 22/11/2012.

Although no modelling has been undertaken, the existing ground levels mean that the risk of flooding to the property is extremely unlikely. As further mitigation measures, the FCA notes that it is intended to raise the finished floor level (FFL) of the property by a further 250mm above the existing ground level. We recommend that the Finished Floor Levels are clearly shown on the plans. Therefore, the FCA demonstrates that the risks and outcomes can be managed to an acceptable level.

As it is a matter for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN 15, we recommend you consider consulting other professional advisers on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during

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incidents of floods. Our involvement during flooding emergencies is restricted to issuing flood warnings to residents/users.

Other matters

The above comments only relate specifically to matters on our check-list, Advice Service on Development Plans: consultation topics (September 2018), which can be seen on our website. We have not considered the potential impacts on other matters and we cannot disregard the possibility that the proposed development can impact the interests of others. The applicant is reminded of the fact that it is their responsibility to ensure that all other licences/permissions relevant to the development are acquired, as well as planning permission.

Welsh Water: Standard condition regarding the disposal of surface water from the site.

Public Protection Unit: No response.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has already expired and responses objecting to the application have been received on the grounds of: -

- Proximity of the house to the hotel nearby.
- Windows at the rear of the house overlooking the nearby hotel and would lead to a loss of privacy.
- Disappointed that the proposal involves the felling of fruit trees from the original orchard of Plas Coch.

Other correspondences were also received supporting the application on the following grounds: -

- It is impossible for local people to purchase houses within the village due to their high prices and the only option here is to build a new house.
- The plan does not disturb the surrounding environment or the neighbours who live near the site.
- The house will be for a local person and family.

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5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The site is located within the development boundary in the LDP, and in accordance with Policy PCYFF 1, 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.
- 5.2 Llanberis is identified as a Local Service Centre in Policy TAI 2 and this policy supports housing developments to meet the Plan's Strategy through housing designations and suitable windfall sites within the development boundary, and are based on the indicative provision contained within the Plan (Policy PS 17). In this case, the indicative provision for Llanberis is 65 units and, to date, 16 units have been completed and sites with extant permission equating to 12 units. Therefore, it can currently be confirmed that sufficient capacity exists within the village for additional residential units.
- 5.3 Although the application would be acceptable in relation to capacity, it is considered that it must also comply with the other relevant policies within the LDP in accordance with the requirements of policy PCYFF1 (development boundaries) and the requirements of Policy PCYFF 2 (development criteria) which are discussed in the assessment below.

General and residential amenities

- 5.4 Policy PCYFF2 of the LDP states that proposals that would have a significant detrimental impact on health, safety or amenities of the owners of local property, land uses or other property or the features of the local area due to an increase in activities, disturbance, vibration, noise, dust, fumes, litter, drainage, light pollution or other forms of disturbance or pollution, will be refused.
- 5.5 The proposed house would be located within 5m of the rear of the existing house (Y Berllan) with the plans showing that the dormer bungalow would be 5.9m in height compared to the height of 5m for Y Berllan. Y Berllan has a garage door facing the front of the application site, and several windows along its rear elevation with direct views across the application site where there is currently an open garden. There are residential dwellings located to the south (1-5 Minafon Terrace) with the principal elevations to the north, a dwelling known as Eirianfa to the west (rear) of the site and Plas Coch Hotel. There is a high privet between the front of Minafon Terrace and the application site with a low stone wall running between the rear of the application site and the rear of Eirianfa and Plas Coch. Although the LPA does not have significant concerns about the impact of the development on the amenities of the residents of Minafon Terrace or the occupiers of Eirianfa and Plas Coch, there are significant concerns about the detrimental impact that the construction of a new house would have on the amenities of the occupiers of Y Berllan, in particularly the proximity of the new dwelling to Y Berllan, creating an oppressive structure and the associated noise disturbance that would derive from the new house (the reduction in the size, design and scale of the current house is the minimum compared with the house previously refused).
- 5.6 It is considered that constructing a new house with a height of 5.9m, at a distance of 5m from the existing dwelling would create an oppressive structure at the expense of the amenities of the residents of Y Berllan. There are windows at the rear of Y Berllan with open and unrestricted views to the rear garden/curtilage in the form of a green lawn, and it is believed that constructing a 5.9m high dwelling in the form of a solid gable end measuring 8.8m in length would create a mask and oppressive structure for occupants of Y Berllan, and the 5m space designated in the plans submitted with the application would be taken up by parking spaces for their vehicles. This in turn would reduce the space between the proposed dwelling and the rear of Y Berllan, and would create a claustrophobic atmosphere.

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- 5.7 In addition to the proposed dwelling creating an oppressive structure, it is also believed that locating a new dwelling adjacent to the existing dwelling would undermine the occupants of Y Berllan, based on noise disturbance from the activities and movements associated with modern life, and the movements of vehicles in and out of the site, sharing the same entrance. It is anticipated that a combination of these two elements that could derive from the proposal would create noise levels that are considerably higher compared to the existing situation. To this end, therefore, it is believed that the proposal is be contrary to the requirements of Policy PCYFF 2 and that approving the application would be detrimental to the living conditions of the residents/occupiers of Y Berllan.
- 5.8 Policy PCYFF 3 states that all proposed developments are expected to demonstrate high quality design that gives full consideration to the natural environment, historic and built environment and that they contribute to creating attractive and sustainable places. Proposals will be approved if they contribute to and enhance the character and appearance of the site, and if they respect the context of the site and its place in the local landscape. National planning policies reflect these objectives within the TAN 12: Design (Chapter 4) and Planning Policy Wales, 2021 documents. National policies state that it is important to evaluate the local context when dealing with planning applications and how proposals reflect the requirements of local policies. Evaluating *character* means the consideration of factors such as scale (the development in relation to its environment), density (need to safeguard quality of life), the development plan (how the development integrates with its environment) and appearance (external design).
- 5.9 The existing dwelling (Y Berllan) is located within a fairly substantial curtilage with an open amenity space at the front of the dwelling and an amenity space to the rear, and this plan (although having been amended so that the gable-end of the new house now faces the front of the site rather than the rear of Y Berllan as previously) creates a visual break in the form of a pleasant green space that contributes to the character of the local street-scene within what can be described as a built-up area. The development of the amenity space to the rear of the site by constructing a new house would undermine this character and, possibly, would equate to an over-development of the site itself, given that the setting of the house is so close to the existing dwelling and the associated parking spaces and turning circle. It is considered that the proposed house has been designed to fit the restrictions of the site without considering its impact on the visual (and residential) amenities and its setting within this part of the townscape. Its adjacent setting to Y Berllan and the proportion / size of the house would create a structure with an incongruous and awkward character at the expense of visual amenities. To this end, therefore, it is believed that the proposal is contrary to Policy PCYFF of the LDP.
- 5.10 Notwithstanding the above assessment, it is not considered that the proposal would have a significant detrimental impact on the character or integrity of the wider area designated by CADW as the Dinorwig Landscape of Outstanding Historic Interest.

Flooding Matters

- 5.11 Policy ISA 1 states that proposals will only be granted where adequate infrastructure capacity exists or where it is delivered in a timely manner, and Policies PS 5 and PS 6 refer to the need to alleviate and adapt to the effects of climate change. In addition, applications must include flood mitigation risk measures where appropriate. As already noted, the site is located within Flood Zone A within the current TAN 15 Development Advice Maps. Normally, applications within zone A do not require a Flood Consequence Assessment due to the low risk of flooding.
- 5.12 It is noted that the draft TAN 15: Development, Flooding and Coastal Erosion (December 2021) is an additional material consideration for current planning applications. The Development Advice Maps within this document are far more recent than the current maps and show that the application site is located within a Flood Zone 3. Zone 3 recognises lands that are at the highest risk of flooding. Residential developments are described as *developments at high risk*. and the draft TAN does not

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allow such developments within Zone 3 due to the high risk to life from floods from rivers and the sea.

- 5.13 In response to the previous refusal and the advice of Natural resources Wales (NRW), a Flood Consequence Assessment was submitted with the application. The assessment shows that the existing ground levels mean that the risk of flooding in the new house would be extremely unlikely, and also refers to the implementation of mitigation measures. Based on the assessment, NRW had no objection to the proposal.
- 5.14 Although the TAN 15 draft is a material consideration to this current application, the risk of flooding must be considered under the criteria of the existing TAN. As the site is within flood Zone A, the proposal is not contrary to the content of the current TAN. By submitting a Flood Consequence Assessment, the applicant has taken the new development maps into consideration but the evidence shows that the risk is low, and that risks can be mitigated.
- 5.15 To this end, and by taking the above assessment into account, it is believed that the proposal in relation to the ability to manage flood risk to the occupants of the proposed house is acceptable. It is therefore considered that this latest application complies with the requirements of policy ISA 1, PS 5 and the content of the current TAN 15: Development and Flood Risk (2004).

Transport and access matters

- 5.16 In response to the statutory consultation process, the Transportation Unit has stated that it does not propose to provide a recommendation for this latest proposal based on parking standards and road safety. However, the Unit submitted responses to the pre-application enquiry in 2021 where it was noted that the existing access would need to be shared for the new dwelling by slightly extending the existing access. Also, 2 parking spaces would need to be provided for the proposed house and a turning circle within the site, and this arrangement could not be amended in future. The applicant has shown parking spaces for 2 cars in front of the proposed dwelling and 2 parking spaces for Y Berllan within the site, and widening the existing access.
- 5.17 Given the location and layout of the extended access, the fact that there is already access on this part of the road, and that the applicant has complied with the requirements of the Transportation Unit due to the pre-application advice procedure, it is believed that the proposal is acceptable based on the requirements of policies TRA 1 and TRA 4 of the LDP.

6. Conclusions:

- 6.1 Having considered the above assessment, it is believed that this latest proposal continues to be unacceptable. Full consideration was given to the observations received from local residents, statutory consultees and although the applicant has responded to the previous flood risk concerns regarding the proposal, the Local Planning Authority is not convinced that this latest proposal will not have a detrimental impact on the residential and general amenities of neighbouring occupants, and that it will safeguard the visual amenities of the street-scene. To this end, it is therefore considered that this latest proposal is not acceptable based on the reasons for refusal below.

Recommendation:

- 7.1 To refuse the application for the following reasons:-
1. The house, due to its disposition and location would lead to an oppressive intrusion that would be harmful to the amenities of nearby residents on grounds of noise disturbance and creating an oppressive structure. The proposal is therefore contrary to the requirements of

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Policy PCYFF 2 (development criteria) of the Anglesey and Gwynedd Joint Local Development Plan 2017 and Technical Advice Note 12: Design and Chapter 3 of Planning Policy Wales, 2021.

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2. The house, due to its setting and location would create a discordant structure within the local street-scene at the expense of visual amenities. The proposal is therefore contrary to the requirements of Policy PCYFF 2 of the Anglesey and Gwynedd Joint Local Development Plan 2017, and the advice included in Technical Advice Note 12: Design and Chapter 3 of Planning Policy Wales, 2021.