

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

**Number: 4**

**Application Number: C22/0242/34/LL**

**Date Registered: 01/04/2022**

**Application Type: Full**

**Community: Clynnog**

**Ward: Clynnog**

**Proposal: Construction of new house and parking spaces**

**Location: Land near Penlon, Clynnog Fawr, LL54 5PE**

**Summary of the Recommendation: TO REFUSE**

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## **1. Description:**

- 1.1 This is a full application to construct a two-storey house on a plot of land near Pen Lôn, within the development boundary of Clynnog Fawr. Internally, on the ground floor, the house would provide two bedrooms (one with an en-suite), a bathroom and two storage rooms, with a lounge, dining room, kitchen including two storage rooms along with a storage room and landing on the first floor. Externally, the roof would be of natural blue slate, rendered walls with timber doors and aluminium windows. At the front of the site two parking spaces will be provided with a new access to the rear service road that leads to a class III County Highway. Currently, the site consists of mature vegetation along the North and Western boundaries as well as a number of mature trees and these trees would have to be felled to situate a new house within the site itself. The width of the house would be approximately 7.5m, and 10.6m long with a height to the ridge of approximately 7.5m. Although the application form states that trees will not be felled as part of the proposal, it is assumed that it would be inevitable for the trees and vegetation on the site to be replaced by the new house. It is proposed to retain the hedge along the Western boundary of the site.
- 1.2 The site stands on a plot of land in front of dwellings known as Y Ficerdy and Clynnog House and the residential dwellings of Tŷ Isaf and Court Cottages are located towards the rear of the site. At the end of the road where the site is located there is also a back entrance to the Church of Beuno Sant. The site is located within a residential area with a bus stop above the site to the right of the access along the class III County Highway. The rear service road is used by the existing nearby five houses and is also used by the Church of Beuno Sant. It is also noted that the site is located directly near Listed Buildings, and is within the AONB and is also in a Conservation Area.
- 1.3 The previous application was submitted to the Planning Committee in September 2021, however, it was resolved to defer the application to discuss a way forward and to submit amended plans. The application was withdrawn and this application was submitted.
- 1.4 The only changes seen as part of this application are two dormer windows in the roof of the Western elevation. This includes changing from a mono-pitch dormer window to two dormer windows including a traditional ridge roof. In addition, the agent notes the acceptable requirements of the site for turning and parking and the observations of the Transportation Unit notes that there is no objection to the application.
- 1.5 The application was submitted to the Planning Committee at the Local Member's request.

## **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.

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## 2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017**

PCYFF 1: Development boundaries

PCYFF 2: Development criteria

PCYFF 3 : Design and place shaping

PCYFF 4 : Design and Landscaping

PS 5: Sustainable development

PS 19: Conserving and where Appropriate Enhancing the Natural Environment

PS 20: Protecting and where appropriate enhancing heritage assets

AT1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens.

TRA 2: Parking standards

TRA 4 : Managing transport impacts

TAI 4: Housing in Local, Rural and Coastal Villages

AMG 1: Areas of Outstanding Natural Beauty Management Plans

## 2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

TAN 12 Design (2016).

TAN 24: The Historic Environment

Gwynedd Design Guide (2003)

## 3. **Relevant Planning History:**

3.1 C03D/0217/34/LL - Construction of two-storey Dwellinghouse with a garage beneath - Withdrawn.

C04D/0175/34/LL - Construction of dwellinghouse - Refused - 17-08-2004.

C21/0495/34/LL - Construction of new two-storey dwelling - Withdrawn.

Pre-application enquiry number Y21\_0049 - erecting one house with the LPA responding by referring to the relevant planning policies. The site is within the development boundary, however, the application subject is referred to as small and on a slope that is a cause of concern to the LPA. The need for statutory consultations was also noted as the site is located within the AONB, Clynnog Conservation Area, proximity to a bus stop and close to a number of Grade II Listed Buildings.

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It was advised to submit a Heritage Assessment referring to the AONB and the Conservation Area and the Listed Building. A report was received as part of this current application.

#### 4. Consultations:

Community/Town Council: No objection from Clynnog fawr Community Council on condition that the house will be a home for a local family.

Transportation Unit: I refer to the above application and wish to state that I do not intend to submit a recommendation as it is assumed that the proposed development will not have a detrimental impact on any road, or proposed road.

Natural Resources Wales: We have reviewed the planning application submitted to us, and from the information provided, we are not of the opinion that the proposed development impacts any matters listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018). Therefore, we have no observations to make on the proposed development

Welsh Water: We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

The submitted application form indicates proposals to dispose surface water flows to the “main sewer” and we would advise under no circumstances would we allow surface water runoff from the proposed development to be communicate with the public combined sewerage network.

Accordingly, if you are minded to grant Planning Consent for the above development, we would request that the following **Condition and Advisory Notes** are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

#### **Condition**

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

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Archaeology Unit:

Thank you for consulting us on the above application. Having reviewed the area of proposed works with reference to the regional Historic Environment Record (HER), I have determined that there is a potential for archaeological impact and would like to draw your attention to the comments below.

The proposed development is for the erection of a single dwelling and associated amenities on land adjacent to Penlon, an existing dwelling at the centre of Clynnog Fawr. The development site is current undeveloped grassland, which looks to be occupied by a mix of vegetation and small trees. Historically the plot looks to be clear as early as the 1st ed OS map (late 19th century), however the earlier Tithe Map suggests buildings in this location – although the Tithe Map can be slightly ambiguous as to the exact location of historic structures.

Clynnog Fawr itself is a centre of known medieval activity, as is well evidence by St Bueno’s Church (LB ref. 3758) located less than 500m south of the development site. The road running through the centre of the village is at the least medieval in origin, it also being proposed as a Roman Road (PRN: 17823) on the route between Segontium to Nefyn. Archaeological investigation in the immediate vicinity (most notably in regards to improvements on the A449 to the west) have shown the presence of archaeological deposits of varying periods in the area, with Bronze Age burnt mounds to the south-west (Roberts: GAT, 2009).

Despite the small scale of the development, it falls in an area of known archaeological sensitivity, and in a location where historic mapping suggests there could be remains of structures beneath the surface. As such it is important to mitigate any potential here whereby newly encountered archaeological remains would enhance the wider understanding of the area. Ensuring any yet undiscovered archaeological material is not unduly destroyed or lost, contributes to the preservation of heritage, and also has the potential to improve our wider understanding. As such, it is considered appropriate that a programme of mitigation be implemented during the development, in the event of planning consent being granted. This mitigation will allow for any archaeological material to be properly and appropriately assessed, recorded and if necessary, removed.

In the light of these comments and in accordance with Planning Policy Wales (2021) and TAN 24: The Historic Environment, it is recommended that the planning authority should require that appropriate archaeological mitigation is undertaken, should planning be granted. The following condition wording is suggested to secure such a scheme of work:

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- a) **No development (including topsoil strip or other groundworks) shall take place until a specification for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and all archaeological work completed in strict accordance with the approved details.**
- b) **A detailed report on the archaeological work, as required by condition (a), shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.**

**Reasons:**

- 1) To ensure the implementation of an appropriate programme of archaeological mitigation in accordance with the requirements of Planning Policy Wales 2021 and TAN24: The Historic Environment.
- 2) To ensure that the work will comply with Management of Archaeological Projects (MAP2) and the Standards and Guidance of the Chartered Institute for Archaeologists (CIfA).

The archaeological mitigation should entail a formal programme of archaeological work known as a *Watching Brief*, to be undertaken on an *intensive* basis on all ground-disturbing works (including but not limited to footings, drainage, and access). The work should be supported by sufficient desk-based research to aid interpretation of any archaeological evidence encountered.

An appropriate, qualified archaeological contractor should be appointed to undertake the work, a database of which can be found either at <http://www.bajr.org/RACsmap/default.asp> (British Archaeological Jobs & Resources) or at <https://www.archaeologists.net/civicrm-contact-distance-search> (Chartered Institute for Archaeologists). The appointed archaeological contractor must agree a specification for the work with GAPS before commencing the project.

AONB Unit

The site in question is in the village of Clynnog Fawr and is within the AONB. As the site is near a road in the centre of the village it is very prominent. In addition to being within the AONB, the site is within a Conservation Area and there are a number of historic buildings in the vicinity, some are listed. It is proposed to erect a two-storey house that appears to be of a reasonable size for the site with some traditional features and others that are more modern. The materials correspond to other houses in the vicinity. The pitched roof dormer windows in the western elevation is noted as different to the previous application. It does not appear that the development would

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affect the AONB.

Trees Unit

No observations

CADW

Not received

Land Drainage Unit

Since 7 January 2019, sustainable drainage systems (SuDS) are required to control surface water for every new development of more than one dwelling or where the building surface area has drainage implications of 100m<sup>2</sup> or more. Drainage systems must be designed and constructed in accordance with the minimum standards for sustainable drainage as published by Welsh Ministers.

These systems must be approved by Gwynedd Council in its role as SuDS Approval Body (SAB) prior to commencement of the construction work.

Due to the size and nature of the development, an application may need to be submitted to the SuDS Approval Body to be approved before construction work commences. No drainage details have been submitted to date, and until an application is made to the SuDS Approval Body, there is no assurance that the site plan would enable compliance with the full suite of national NDS standards. It is therefore proposed that a discussion is held with SAB prior to submitting any application.

Rights of Way Unit:

I refer to the above application. It does not appear that there are any Rights of Way recorded that will be affected by this proposal.

Biodiversity Unit

Hard to tell as no pictures supplied but it looks like a small area of grassland (former garden), which looks a bit over grown with scrub and trees at the boundary edges. As it's not very clear what is currently there, an ecological assessment (full PEA probably not needed) to include biodiversity enhancements would be needed (with biodiversity enhancement measures).

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Public Consultation: A notice was posted on the site and nearby residents were notified with a notice placed in the press. The advertisement period expired on 5/5/2022 and four letters / pieces of correspondence were received objecting to the application on the following grounds:

- The proposal will be oppressive on a small site
- Proposed as a holiday home.
- The proposal will affect other members in the community.
- Overlooking of adjacent dwellings.
- There is not enough space for parking
- Not enough space for turning
- Concerns regarding the impact of the proposal on road safety.
- The possibility the site may be a haven for wildlife
- Safeguarding a sycamore tree.

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

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

- 5.1 The principle of locating new developments are entrenched in Policy PCYFF1 of the LDP which states that proposals located within development boundaries in accordance with other policies and proposals within the LDP, national planning policies and other planning considerations will be approved. Policy TAI 4 states that in Local Villages (such as Clynnog Fawr) proposals for open market housing will be approved if the size, scale, type and design of the development is in keeping with the character of the settlement and that the site is located within the settlement's development boundary.
- 5.2 The indicative supply level of housing for Clynnog Fawr over the Plan period, as noted in Appendix 5 of the Joint Local Development Plan, is 10 units (including a 10% 'slippage allowance', which means that the method of calculating the figure has taken into account potential unforeseen circumstances which could influence the provision of housing, e.e. land ownership matters, infrastructure restrictions, etc.). During the period 2011-2020, 5 units were completed in Clynnog Fawr. In April 2020, the land bank, i.e. sites with extant planning permission, was 1 unit. Taking into consideration all the above information collectively, it means there is adequate capacity within the indicative supply for Clynnog Fawr, and a Welsh language statement is therefore not required to support this application.
- 5.3 Taking this into consideration, the principle to erect a new house on the site may be acceptable, but the proposal is required to comply with policy TAI 4 criteria and other relevant policies as discussed below.

### **Design and visual amenities.**

- 5.4 The requirements of Policy PCYFF 3 (reflected generally in the TAN 12 document) state that every proposal is 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. This policy only approves proposals that comply with a number of criteria that include:-
- That the development must add to and enhance the character and appearance of the site in terms of setting, appearance, scale, height, mass and elevation treatment.



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- That the development respects the context of the site and its place in the local landscape, its impact on the street scene and the local historic and cultural heritage
- 5.5 The site is located within an Area of Outstanding Natural Beauty, therefore policy AMG 1 of the LDP is a consideration here. As well as being located within the AONB, the site is also within the Clynnog Fawr Conservation Area and the document Managing Conservation Areas in Wales, 2017 (that supports the advice included in Planning Policy Wales and TAN 24) notes that there is a strong presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting, and indeed, it is a requirement for Local Planning Authorities to seek these aims as one of their statutory responsibilities.
- 5.6 TAN 24 The Historic Landscape, states that local planning authorities should carefully and thoroughly consider the impact of proposed developments within the locations of historic assets (e.g. conservation areas) - *The setting of an historic asset includes the surroundings in which it is understood, experienced and appreciated embracing present and past relationships to the surrounding landscape. Elements of a setting may make a positive or negative contribution to the significance of an asset and may affect the ability to appreciate that significance or may be neutral.* Policy PS20 of the LDP states that only proposals that will preserve and where appropriate enhance the heritage assets, their setting and significant views into and out of the building/area will be granted.
- 5.7 The proposal involves erecting a fairly traditional looking two-storey house within an empty space between buildings. The site may be described as an infill site. The site is located on a plot of land between an unclassified road that serves five existing dwellings and the Church of Beuno Sant and the class III County Highway situated south of the site. The site is on a piece of open limited land with the western boundary measuring approximately 16.5m and the southern boundary along the A499 measuring approximately 14.5m, while the eastern boundary of the proposed site is in an arch shape. The proposed house due to its design and size fills the majority of the site and this means that there is not much open/amenity area around the house and also there is a lack of parking and turning area provision within the site.
- 5.8 Please note that Clynnog Fawr has a variety in terms of the relationship of buildings and gardens and space, and the village is mainly defined by the balance between the built form and green open areas. The built forms surrounding the site vary from small terraced housing, larger detached and semi-detached houses with extensive gardens and larger sized buildings including the Church of Beuno Sant and the former Beuno public house which are also listed buildings. There are several listed properties close to the site which contribute to the area's character and sensitivity.
- 5.9 No formal response was received from CADW on this application, but we expect to receive their observations prior to the planning committee meeting. However, it is felt that the space around the buildings form an important part of the character and setting of the conservation area and the listed buildings. An additional dwelling on this site will change this importance balance and will lead to the loss of the open character and create a development that would look as if it had been squeezed into the space available and would not reflect the surrounding development pattern.
- 5.10 Having considered the above, it is believed that the proposal as submitted will create an incongruous and oppressive structure in the streetscape and will undermine visual amenities as well as the character of this part of the Clynnog Fawr conservation area. Therefore, the proposal does

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not comply with the requirements of policies PCYFF 3, TAI 4, PS 19, PS 20, AMG 1 and AT 1 of the LDP or with the advice in Policy Planning Wales, TAN 12 and TAN 24.

### **General and residential amenities**

- 5.11 Residential dwellings are located to the North and South West of the application site. Correspondence was received from neighbours objecting to the application and drawing attention to over-looking issues if the development is approved. A dwellinghouse (Tŷ Isaf) is situated approximately 20m behind the site with a green plot currently used as a vineyard. Although the house is quite a substantial two-storey dwelling with a lounge and doors opening outwards with a juliet balcony on the northern elevation and windows on the western elevation serving the diner and kitchen on the first floor, it is not considered that the proposal would detrimentally impair the residential or general amenities of nearby occupiers on the grounds of overlooking and loss of privacy and therefore is in compliance with Policy PCYFF 2 of the LDP.

### **Transport and access matters**

- 5.13 Policy TRA 4 of the LDP states that proposals which would amongst other matters cause unacceptable harm to the safe and efficient operation of the highway, will be refused. The proposal involves creating parking spaces and a new vehicular access in the front of the site to enable access to the adjacent rear service road.
- 5.13 Following a period of consultation, please note also that the Transportation Unit raises concern regarding the proposal and they see no negative effect in terms of parking cars on the site or vehicle movements in and out of the site into the nearby unclassified road.
- 5.14 Doubt has arisen regarding the ownership of the road that links the site to the village's county highway and that the Local Planning Authority should seek an explanation and confirmation on this situation prior to the committee date. If it becomes evident that the road is private then the applicant will not have access rights to the proposed property, however, this is a matter regarding the ability to implement any permission (should permission be given) and it is not material to the application. This is a private land matter between landowners. However, conditions may still be imposed on any permission to ensure safe access into the property. To this end, it is not believed that the proposal would detrimentally impact the users of the back service road and therefore, it is considered that the proposal as submitted complies to policy TRA 4 of the LDP.

### **Biodiversity Matters**

- 5.15 Observations were received from the Biodiversity Unit stating the need for an Ecological report together with measures to improve Biodiversity on the site. The observations indicate that no site visit has been completed by a Biodiversity officer. In addition, the unit had no objection to the previous application and no assessment was requested. As not much time has elapsed since the last application and nothing obvious has changed in the site, it is not considered reasonable to ask for an assessment and the unit has not received sufficient evidence to justify the need for an assessment. It is therefore considered that the proposal complies with policy PS 19.

### **Relevant Planning History**

- 5.16 In 2003 an application was withdrawn for this site to build a two-storey house with a garage underneath (C03D/0217/34/LL) and then an application was refused on this site to build a dwellinghouse in 2004 (C04D/0175/34/LL) based on an over-development of the site together with

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the lack of parking and turning provision. Another application was submitted in May 2021 (C21/0495/34/LL) for a new two-storey dwelling, however, the application was deferred in the Planning Committee (6 September 2021) to hold further discussions with the agent to discuss a way forward and submit amended plans.

- 5.17 As referred to above, the proposal is very similar in terms of setting, form/design and scale to the structure refused in 2004 and the only changes since the previous application was withdrawn are the changes to the dormer window in the ridge roof on the Western elevation. Considering the similarity between the plans and the matters refused in 2004 and this application, it is not believed that the proposal satisfies current policies due to the reasons discussed in the above assessment.

### **Archaeological Matters**

- 5.18 Observations were received from the Archaeology Unit stating that the site is in a sensitive area of archaeological remains and should the planning committee approve this application, it was proposed to impose conditions on any planning permission stating the need for mitigating measures prior to the commencement of any work on the site.

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

- 5.19 As referred to above, a number of objections were submitted on the grounds of an oppressive proposal on a small site, impact on the amenities of nearby neighbours, road safety and parking space. These matters have been considered in the above assessment.

## **6. Conclusions:**

- 6.1 Following the above discussion, and having considered all relevant matters including local and national policies and guidance, as well as the observations received, we cannot recommend the approval of the application due to the failure to satisfy the LDP's housing policy requirements regarding the development's suitability to comply with the character of the settlement in terms of size and scale together with protecting the open space from over-development to protect the appearance and character of the local conservation area.

## **7. Recommendation:**

- 7.1 To refuse – reasons

1. The proposal, due to its size and setting is contrary to the requirements of policies PCYFF 3 and TAI 4 of the LDP. It is considered that the proposal would be contrary to the development pattern due to the lack of curtilage /open area around the house. It is not considered that the proposal will add to or improve the character and appearance of the site and there would be a loss of an open space between existing dwellings that will damage the appearance and character of the streetscape and the conservation area.
2. It is considered that the proposal is contrary to the requirements of policies PS19, PS20, AT 1 and AMG 1 of the LDP as the proposal would not, due to the loss of an open space as well as the size and appearance of the house, safeguard or improve the setting and appearance of the conservation area or the Area of Outstanding Natural Beauty and the important views in and out of the area.