

<b>PLANNING COMMITTEE</b>	<b>DATE: 30/09/2024</b>
<b>REPORT OF THE ASSISTANT HEAD OF DEPARTMENT</b>	

**Number: 1**

**Application Number: C24/0362/38/AC**

**Date Registered: 09/05/2024**

**Application Type: Varying a Condition**

**Community: Llanbedrog**

**Ward: Llanbedrog and Mynytho**

**Proposal: Application to amend condition 2 of planning permission C21/1210/38/LL to refer to revised plans as part of this s73 application rather than plans submitted on 14/12/21 as referred to in condition 2**

**Location: Woodcroft, Llanbedrog, Pwllheli, Gwynedd, LL53 7UA**

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

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## 1. Description:

- 1.1 This is a retrospective application to vary Condition 2 of planning permission C21/1210/38/LL i.e. an application for full planning permission to demolish a bungalow and construct a new dwelling in its place, in order to refer to revised plans submitted as part of the current application rather than plans approved as part of decision C21/1210/38/LL. For clarity, to convey the correct height of the ridge as built for this proposal as there is a claim that the owner has built a house that was refused in a previous application.
- 1.2 Discussions were held between the site's owner and officers from the enforcement service following an investigation into the claim that the development was not being maintained in line with what was approved. It has emerged that there is some inconsistency in earlier plans approved in terms of the height of the original house and the proposed although the rest of the plans were correct. As a result, it was determined that a further application must be submitted to revise the condition relating to maintaining the development in accordance with the approved plans.
- 1.3 The original house was a single-storey two-bedroom cottage with an asbestos ridge roof. The site is located at the top of a slope above a private road which is a public right of way (Byway - Right of Way Number 21: Llanbedrog). The original house was 4.9m high to the roof's apex and approximately 75m<sup>2</sup> of floor area (including an external building). A new house was approved that was 6.1m high with a mono pitch 3.7m high roof wing section extending 11.6m towards the north and a floor area of 160m<sup>2</sup>. More recent applications were submitted to undertake minor changes to some aspects of these plans.
- 1.4 The application is submitted before the Committee at the request of the Local Member.

## 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 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 7 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
- PCYFF 1: Development Boundaries
- PCYFF 2: Development criteria
- PCYFF 3: Design and place shaping
- AMG 5: Local Biodiversity Conservation

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TRA 2: Parking standards

TRA 4: Managing transport impacts

#### 2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 12 - February 2024)

Technical Advice Note 12: Design

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

3.1 C21/0452/38/LL - Demolition of existing bungalow and construction of new dwelling including an annexe. - Refused 18/10/21

C21/1210/38/LL - Demolition of existing bungalow and construction of new dwelling – Approved 10/02/22.

C22/0445/38/DA - Non-material amendment to planning permission C21/1210/38/LL to increase wall height by 25cm - Approved 07/07/22.

C22/0755/38/DA - Non-material amendment to planning permission C21/1210/38/LL to increase wall height of bedroom wing by 400mm, reduce the width of eastern gable-end, increase the width of the bedroom wing and add rooflights - Approved 20/09/22.

C23/0176/38/RA - Application to discharge conditions 3 and 4 of planning permission C21/1210/38/LL relating to the details of the roof slates and external finishes - Approved 10/03/23.

### 4. **Consultations:**

Community/Town Council: Not received

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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 of objection were received on the following grounds:

- The building's height is more than what has been approved.
- Information/plans submitted incorrect and misleading.
- Lack of compliance with the adopted policies of the LDP.
- It is similar to an earlier application that was refused.
- Over-development.
- Detrimental effect on residential amenities of neighbours/loss of privacy.
- Detrimental impact on the area's visual amenities.
- Overlooking/oppressive effect.
- Setting a precedent by not following planning rules.

## 5. Assessment of the material planning considerations:

### The principle of the development

5.1 It is a requirement that planning applications are determined in accordance with the adopted development plan unless other material planning considerations state otherwise. The Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case. The principle of the proposal to erect a house of a similar size and design on this site has already been accepted via permission for C21/1210/38/LL. That application was considered in the context of all planning policies listed in 2.3 above and those policies have not changed since then. That permission has been implemented and is extant. Therefore, it is considered that the principle of erecting a dwelling on the site continues to be acceptable and is in accordance with the principle of current housing policies.

### Visual amenities

5.2 Generally, policy PCYFF 2 of the Joint Local Development Plan approve proposals for new developments that comply with the LDP's other policies as long as they will not have a detrimental impact on health, safety or the amenities of the residents of local properties or on the landscape of the area in general.

5.3 The changes proposed would mean that there would be some change to the height of the building's finished roof. Whilst accepting that this is slightly higher than what was originally approved, such a height is not unexpected or uncommon in comparatively intense built situations such as this and it does not appear to stand out as the highest building in the neighbourhood. Therefore, it is not believed that the height is contrary to Llanbedrog's general development plan.

5.4 The concerns of neighbours are noted regarding the loss of light and the risk of shadowing the rear of their property because of the development. Whilst accepting that some shadowing will unavoidably derive from the development from the rear parts for periods of the day, when considering the proposal in its entirety, it is not believed that significant harm would derive from the development to the residential amenities of neighbours and the new building will not be tantamount to a dominant element over its closest neighbours.

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- 5.5 In light of the above discussion, and having discussed all the relevant planning matters, it is believed that this amended plan remains acceptable under policy PCYFF 2 of the LDP as it relates to the protection of private amenities near development sites.

#### **General and residential amenities**

- 5.6 Policy PCYFF 2 of the LDP encourages the refusal of proposals that will have a significantly harmful impact on the amenities of local property occupiers. It is accepted that the property in its new guise would create a new residential element associated with some of the elements of the new building and it was not considered that totally harmful impact would stem from this. As a result of this latest change to roof's height, it is not believed that the proposal would cause new detrimental overlooking over any other property to an extent that is more than what has been granted. In addition, the dominating impacts or the unacceptable shadowing would be no more than what has been granted deriving from the latest proposal. It is therefore believed that the development is acceptable under the requirements of policy PCYFF 2 of the LDP as it relates to the protection of neighbours' private amenities.

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

- 5.7 There is no change to the site's setting so that there is no impact on the site's access and parking and therefore it is believed that allowing the variation of this condition would be acceptable under policy TRA 2 and TRA 4 of the LDP as it relates to the protection of highway safety.

#### **Biodiversity matters**

- 5.8 No Green Infrastructure Statement was submitted with the application in this case as it is an alteration to an element of the development that has already been approved and was approved prior when the legislation requiring a Green Infrastructure Statement had come into effect. However, it is possible to impose a condition to ensure enhancements to biodiversity and therefore the proposal is not considered to be totally contrary to the relevant requirements as noted in Chapter 6 Planning Policy Wales regarding the green infrastructure and the phased approach.

#### **Linguistic matters**

- 5.9 This application has been granted to demolish and construct a house on this site and the development has already been implemented. The existing application offers a change to the built element of the development only and it does not relate to a change in the type of development as has been approved. Therefore, in this case, it is not considered that the proposal is contrary to policy PS 1: The Welsh Language and Culture

#### **Relevant planning history**

- 5.10 It can be seen from the Planning history that minor changes have been undertaken to the development since the original permission was given. It was not considered that these changes would amend the form, size and impact of the development as granted to a different significant extent and therefore following full consideration of all the material Planning matters at the time including the observations received, the minor alterations are granted as submitted.

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

- 5.11 It is acknowledged that several objections have been received to this proposal and it is considered that all material planning matters have been given appropriate consideration as part of the above

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assessment. A decision is made based on a full consideration of all the material planning considerations and all the comments received during the public consultation and that no one was let down when considering this application.

## **6. Conclusions:**

- 6.1 It is not believed that the changes as proposed are significantly different in terms of impact and appearance compared with the original permission and it is not believed that the impact would create a significant detrimental impact that would be more than what was considered acceptable in the past. Given the above assessment, it is considered that this proposal is acceptable on the grounds of protecting the visual amenities of the local area and the residential amenities of neighbouring occupants and it is not believed that the proposal is contrary to local or national policies and there is no material planning matter that outweighs these policy considerations. To this end, therefore, it is believed that this proposal is acceptable subject to the inclusion of the following conditions. All material considerations were considered when determining this application; including those raised by objectors, but it has not changed the recommendation.

## **7. Recommendation:**

- 7.1 Approve - conditions

1. Time
2. In accordance with the plans
3. In compliance with the relevant conditions of the original application
4. Ensuring biodiversity enhancements