

PLANNING COMMITTEE	DATE: 21/10/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 3

Application Number: C24/0640/42/LL

Date Registered: 09/08/2024

Application Type: Full

Community: Nefyn

Ward: Morfa Nefyn and Tudweiliog

Proposal: Full application to construct a 3-bedroom, two-storey residential property (C3 use) as well as the creation of a new vehicular access

Location: Glascoed, Lôn Cae Glas, Edern, Pwllheli, Gwynedd, LL53 8YT

Summary of the Recommendation: Approve with conditions

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1. Description:

1.1 This is a full application to erect a two-storey residential property within a section of garden in an existing property in the village of Edern. The proposed house would be a two-storey dormer property with living rooms on the first floor and the bedrooms and a bathroom on the ground floor. Specifically, it would provide the following:

- Ground floor: 3 bedrooms (1 en-suite), bathroom, toilet, utility room
- First floor: Kitchen, living room, lounge/snug

1.2 An opening will lead out of the first-floor kitchen to an exterior balcony that would be located on an elevation facing outwards over the proposed parking site with a high-level opaque glass handrail on the south-western side of the balcony. The house would include slate ridge roofs with the finish of the exterior walls in a combination of render, stone, and cedar / larch timber boards. The house would measure 10.5m by 12.3m at the most, with a height of approximately 6.3m. As part of the application, it is intended to create a new vehicular and pedestrian access and there would be room to park two cars within the site. It is intended to create a new soil *clawdd* on the boundary with Glascoed and to plant native plants along it.

1.3 The site is located within the development boundary of Edern as shown in the Anglesey and Gwynedd Joint Local Development Plan. The site is also within the Western Llŷn Special Landscape Area and the Llŷn and Enlli Landscape of Outstanding Historic Interest. An unclassified public road runs along the northern boundary of the site and residential houses of various sizes and form are located nearby.

1.4 The application is submitted to committee for a decision at the request of the local member who expresses his objection to the proposal on the grounds of overdevelopment, not in keeping, the house is too large/prominent on the end of a small and neat housing terrace, objection to a side and rear balcony, and unsuitable access to Lôn Cae Glas, which is an exceptionally narrow and dangerous road.

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

TRA 2: Parking Standards

TRA 4: Managing transport impacts

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PS5: Sustainable development
 PCYFF 1: Development boundaries
 PCYFF 2: Development criteria.
 PCYFF 3: Design and place shaping
 PS 16: Housing provision
 PS 17: Settlement strategy
 TAI 4: Housing in local, rural and coastal villages
 PS 19: Conserving and/or enhancing the natural environment
 AMG 2: Special landscape areas
 AMG 5: Local biodiversity conservation
 PS 20: Protecting and where appropriate enhancing heritage assets
 AT 1: Conservation Areas, World Heritage Sites and Landscapes, Registered Historic Parks and Gardens

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 Application 3/4/1828 - Outline application for the erection of a bungalow - Refused 04/12/68.
- 3.2 Application 95/00306/OUT22 – Outline application to erect a dwelling – Refused 29/11/95.
- 3.3 Application C18/0507/42/LL – Construction of new house – Approved 14/01/19

4. Consultations:

- Community/Town Council: Refuse - overdevelopment; is not in keeping with the area and the new access is unsuitable for the narrow road, i.e., Lôn Cae Glas.
- Transportation Unit: The applicant is requested to provide a detailed plan for the proposed access point. No responses to this comment had been received from the agent at the time of writing this report.
- Welsh Water: Standard advice and response in relation to drainage matters.
- Public Protection Unit: The Service has considered the above planning application; it was noted that the development is very close to houses. The Service does not object, however, it is recommended that the following conditions are imposed on any consent given:- Restrict construction working hours; the applicant must use best practice methods to reduce noise and vibration from the development and consider the recommendations of 'BS5228: Control of Noise and Vibration on Construction and Open Sites'; no materials should be burnt on the site at any time.

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Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period expired and letters / correspondence were received objecting on the following grounds:

- The access from Lôn Cae Glas would be incredibly dangerous; the road is continuously used by the HGVs of a local engineering company, as well as many tractors; it can also be seen that there are caravans nearby therefore holiday traffic is constant.
- The house would affect the privacy of an adjacent house due to overlooking into a rear patio area, which is a private area.

In addition to the above objections, an objection was submitted that was not a valid planning objection, which included:

- The applicant does not live in the existing house; he lives and works in London and Glascoed is let as a holiday unit.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The site is located within the development boundary of Edern, policy PCYFF 1 states that developments will be approved within Development boundaries in accordance with the other policies of the LDP. The site forms part of a residential garden, therefore, it is believed that it is previously developed land and that the principle of the proposal is fully acceptable based on the sustainable development requirements and thus, the relevant criteria of policy PS 1. The village of Edern has been identified as a Coastal/Rural Village in the LDP and, therefore, the proposal must be considered in accordance with the requirements of policy TAI 4 ('Houses in Local, Rural and Coastal Villages'). The indicative level of housing supply to Edern over the Plan period is 12 units. During the period 2011 to 2022, a total of 3 units have been completed in Edern. The windfall land bank, i.e., sites with extant planning permission on sites not allocated for housing, in April 2024, was 4 units. Based on this information, approving a development at this scale would be completely acceptable on the grounds of the indicative growth level for the Village.
- 5.2 Policy TAI 4 supports proposals for open market housing in the villages if there is compliance with the criteria in the policy. The two criteria in the policy note that the size, scale, type and design of the development must be balanced with the character of the settlement and that the site is located within the development boundary of the settlement. As noted previously, the site is located within the development boundary of the village and therefore the proposal is in line with these criteria. The proposal will be assessed in more detail in the rest of this report in terms of the size, scale, type and design of the proposal. However, in principle, the proposal is acceptable in relation to Policy TAI 4 of the LDP. As 1 house is proposed, it does not meet the threshold of requiring an affordable house contribution.
- 5.3 It is noted here that the description of the application refers to the use of the proposed dwelling as permanent residential use within use class C3. This means that it is possible to control, through a condition, the use to ensure that this will be permanent residential use and not holiday use or second home use, which are uses defined in separate use classes, i.e., C5 and C6. Considering the local demand for housing, it is believed that providing a permanent home for a family would make a positive contribution to this demand.

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Language Matters

- 5.4 In accordance with the Planning (Wales) Act 2015, it is a duty when determining a planning application to consider the Welsh language, where it is relevant to that application. This is further reiterated in para. 3.28 of Planning Policy Wales (Edition 11, 2021), and Technical Advice Note 20. The Supplementary Planning Guidance (SPG) 'Maintaining and Creating Distinctive and Sustainable Communities' (adopted July 2019), provides further guidance on how it is expected for Welsh language considerations to be incorporated in each relevant development.
- 5.5 It is noted that there are some specific types of development where it will be required for the proposal to submit a Welsh Language Statement or a Welsh Language Impact Assessment. The thresholds in terms of when it is expected to submit a Statement/Report have been highlighted in Policy PS1 of the Joint LDP, along with Diagram 5 of the SPG. In terms of the type of developments in question, the following is noted: The proposal does not reach the thresholds for submitting a Welsh Language Statement or a Report on a Welsh Language Impact Assessment. However, Appendix 5 of the SPG notes that every housing, retail, commercial or industrial development where there is no need to submit a Welsh Language Impact Statement/Assessment should show how consideration has been given to the language.
- 5.6 As this development, accumulatively, would not provide more than the complete indicative housing provision for the village of Edern, no Welsh language statement is needed with the application. It is not considered that the proposed development is likely to have a detrimental impact on the Language because of the proposal and by imposing a condition to secure a Welsh name for the settlement, it is considered that they comply with the requirements of policy PS1 in relation to that.

Visual amenities

- 5.7 The proposal involves erecting a new residential house in a residential area of the village. The house would be a dormer type and would be finished with a slate ridge roof and walls in a combination of stone, render and cedar / larch timber boards. It is also intended to create a new access to the site with parking provision to the side of the house. In terms of materials, it is considered that slate, render, timber boards and stone would be suitable for the location and in-keeping with the local construction materials. In terms of the balcony, it must be acknowledged that there are similar features such as balconies on other houses in the broader area which vary in terms of their size and appearance and it is not believed that this proposal would be significantly different, if at all, to the types of developments already approved in the locality.
- 5.8 The building in terms of its size, design, layout and location is unchanged from what was deemed reasonable with the previous application. It is believed that the situation is unchanged from what was previously considered and therefore it is believed that the proposal continues to be suitable for the site and that it would not cause an overdevelopment of the site. The proposal would be located near other houses, and it is not considered that it would stand out prominently in the landscape. It can be seen that nearby houses vary in terms of their size and design, although there are relatively large detached two-storey houses nearby, particularly to the north of the site, and it is believed that this variety is common through the village. Therefore, it is considered that the proposal is acceptable and that it would not have a detrimental impact on the visual amenities of the area or character of the Special Landscape Area. The proposal is considered acceptable in terms of Policies PCYFF 3 and AMG 2 of the LDP.
- 5.9 The site lies within the Llŷn and Enlli Landscape of Outstanding Historic Interest. The proposal relates to the construction of one dwelling house on the site and in terms of its location and size, it is considered that the impact of the proposal would be local and that it would not have a broader

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impact on the historic landscape. Therefore, it is considered that the proposal is acceptable in terms of Policy AT 1 of the LDP.

General and residential amenities

- 5.10 Dwellings have been located in the vicinity of the application with associated gardens to the west and south-west of the site. No first-floor window is located on the south-west side of the property that would face the nearby gardens. There is a balcony on this side but it is intended to install a 1.8m high opaque screen on the south-western side of the balcony. It is considered that this would remove any likely overlooking to nearby gardens. The main windows of the property will look towards the north-west and east and those windows would not affect any nearby houses. The windows that would face the garden of the Glascoed property itself would be ground floor windows and would be noted on the plans as ones with opaque glass. A *clawdd* would be erected on the boundary with Glascoed and therefore as ground floor windows are proposed, it is not considered that these would have to be opaque as it is not considered that they would cause overlooking. Therefore, it is not considered that a condition is required to ensure that these are opaque glass in the future. However, it is likely that some of them would include opaque glass in any case, since they are for a bathroom, toilet and en-suite. Therefore, it is not considered that the proposal would cause wholly unacceptable harm to the local neighbourhood on the grounds of overlooking or loss of privacy.
- 5.11 It is accepted that erecting a house in this location is likely to change the current situation on the site somewhat, but it can be seen that there is a relatively intensive residential area here already and it is not believed that adding one house would be an unacceptable change in the situation. Steps have been taken in terms of the layout and design of the building to reduce the impact and it can be seen that opaque glass is to be used as appropriate to protect against any potential for harmful impact. Therefore, it is not considered that the proposal would cause significant harm to the amenities of the local community, and that it is acceptable in respect of Policy PCYFF 2 of the LDP.

Transport and access matters

- 5.12 The proposal involves creating a new vehicular access and parking and turning provision within the site. It is acknowledged that the public highway is narrow and winding in places but that in itself does not mean that it cannot be driven along and considering that the site is within the village's 20mph zone, the creation of a new access should not create obvious barriers in terms of its impact on road safety.
- 5.13 Nevertheless, objections to the proposal were received on the grounds of road safety. The Transportation Unit was consulted regarding the proposal and they have no concerns regarding the proposal but ask for more information on technical elements relating to creating the access. It is hoped that these details will be submitted before the application is determined and that the response of the Transportation Unit has been received. However, it is believed if this cannot be done, imposing a condition to agree on details is completely acceptable in a case like this and no development will be commenced until written confirmation of those details are received. It is intended to include conditions regarding the access and to ensure that the parking spaces are operational before the property is occupied. As a result, it is not considered that the proposal would disrupt road safety and that it is acceptable in terms of Policies TRA 2 and TRA 4 of the LDP.
- 5.14 For information, the previous application was not objected to on the grounds of transport either and considering that the layout of the proposal is the same, the size of the property is unchanged and there is no change to the access and parking provision, it is not believed that the situation has

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changed so that it is now unacceptable. Indeed, since designating the 20mph area as seen here, it is likely that road safety has improved from what it used to be.

Biodiversity matters

- 5.15 As a result to the development of the site, there would be losses to parts of the *clawdd* and existing growth with the road in order to create a new access. Therefore, in the case of the previous application, it is considered that the plan to create a new *clawdd* and hedge planting appears to match what is lost as a result of the development. It is intended to impose a condition to ensure that any hedges and growth would be cut during the bird nesting season (March to August).
- 5.16 In accordance with recent legislative changes to Planning Policy Wales (PPW) and the need to introduce a Green Infrastructure Statement, a statement has been submitted and for the purpose of satisfying PPW in terms of this particular aspect, it is believed that this has been done in this case by confirming that bird and bat boxes would be erected on the new house. Therefore, it is believed that the proposal is acceptable on the grounds of policy AMG 5 as well as an update to chapter 6 of Planning Policy Wales relating to the green infrastructure and the phased approach.

Relevant planning history

- 5.17 As noted in the report, a previous Planning application has been approved for the same as the current proposal. Some objections were received to it at the time; however, it was assessed as an acceptable proposal and thus, it was approved. It can be seen that this consent only expired at the beginning of this year, therefore it is not believed that a lengthy period of time has elapsed so that the situation has changed, not only on the site itself, but essentially, in policy terms. The same policies as existing were used to consider the previous application and as the situation is unchanged, it is not possible to consider an unchanged application to be unacceptable in policy terms.
- 5.18 An objection was received from the previous local member, but there was no objection to the proposal from the Community Council at the time and the proposal was not objected to by any statutory consultee.

Response to the public consultation

- 5.19 It is acknowledged that objections have been received to this proposal during the consultation period and it is considered that all relevant planning matters have been given due attention as part of the above 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 Having considered the above and all the relevant planning matters including the local and national policies and guidance, as well as all the observations and objections received, it is believed that the proposal is acceptable and thus satisfies the requirements of the relevant policies as noted above.

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7. Recommendation:

7.1 To delegate powers to the Senior Planning Manager to approve the application, subject to:

Conditions

1. Time
2. Compliance with plans
3. Exterior materials/finishes
4. There is a need to ensure that a 1.8 metre high opaque glass screen is installed on the south-western side of the balcony at all times
5. Boundary wall near the access no higher than 1 metre
6. Parking and turning spaces to be operational in accordance with the plan before the property is occupied for the first time
7. No tree or vegetation clearing between 1 March and 31 August
8. Erection of the soil *clawdd* before the property is occupied for the first time
9. Agree on a landscape plan
10. Implement the landscaping plan
11. To restrict the occupancy of the property to a permanent residence
12. Withdrawal of PD rights
13. Green Infrastructure Statement
14. Agree on a building management plan
15. Welsh Name