

PLANNING COMMITTEE	DATE: 13/02/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

Number: 10

Application Number: C16/1578/39/LL

Date Registered: 02/12/2016

Application Type: Full - Planning

Community: Llanengan

Ward: Abersoch

Proposal: Demolition of existing dwelling and associated outbuildings and erection of 2 dwellings and associated development

Location: Glenville, Abersoch, Pwllheli, LL537AG

Summary of the Recommendation: CONDITIONAL APPROVAL

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1. **Description:**

- 1.1 This is a full application to demolish an existing two-storey dwelling and to erect a pair of three storey houses on split levels with integrated garages in its place together with associated works. The houses have a modern design with traditional features such as front gables, a slate roof and white render. The internal layout of the houses are on split levels with a garage on the ground level, two bedrooms, dining room and living room and a kitchen on the first floor and a bedroom on the second floor in the roof space. Plans also indicate the intention to build an external front terrace to the living room on the first floor, an external back terrace to the bedrooms on the second floor in the roof space; please note that it is also proposed to erect a 1.8m high privacy screen for these terraces. It is also proposed to raise the site's forecourt level to the height of the adjacent county highway and this would be an increase of approximately 1 metre in height near the front elevation of the house.
- 1.2 The application site is located in a residential area within the Abersoch development boundary and the property's front curtilage boundary abuts the A499 class 1 county highway. The site is within the Llŷn Landscape Conservation Area and Registered Historic Landscape and there is an AONB designation over the adjacent county highway. It is proposed to use the existing access to an adjacent private track which is also a public footpath that leads from the nearby class 1 county highway. This track also serves other properties in the site's vicinity. The property is within a C1 Flood Zone.

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 Unitary Development Plan.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. 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 making the recommendation the Council has sought to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

2.3 **Gwynedd Unitary Development Plan 2009: (GUDP)**

POLICY B8 - THE LLŷN AND ANGLESEY AREAS OF OUTSTANDING NATURAL BEAUTY (AONB)- Safeguard, maintain and improve the character of the Area of Outstanding Natural Beauty by ensuring that proposals conform to a number of criteria aimed at protecting the recognised features of the site.

POLICY B10 PROTECT AND ENHANCE LANDSCAPE CONSERVATION AREAS Protect and enhance Landscape Conservation Areas by ensuring that proposals conform to a series of criteria aimed at avoiding significant harm to recognised features.

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POLICY B12 PROTECTING HISTORIC LANDSCAPES, PARKS AND GARDENS Safeguard landscapes, parks and gardens of special historic interest in Wales from developments which would cause significant damage to their character, their appearance or their setting.

POLICY B22 BUILDING DESIGN Promote good building design by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and character of the local landscape and environment.

POLICY B23 – AMENITIES - Safeguard the amenities of the local neighbourhood by ensuring that proposals must conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area.

POLICY B25 BUILDING MATERIALS Safeguard the visual character by ensuring that the building materials are of a high standard and in keeping with the character and appearance of the local area.

POLICY B29 – DEVELOPMENT ON LAND AT RISK OF FLOODING - Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A unless they conform with a series of criteria relevant to the features on the site and to the purpose of the development.

POLICY C3 – RE-USING PREVIOUSLY USED SITES - Proposals will be approved that prioritise re-using land and buildings previously developed and located within or around development boundaries, provided that the site or the building and the use are suitable.

POLICY CH4 – NEW DWELLINGS ON UNALLOCATED SITES WITHIN THE DEVELOPMENT BOUNDARIES OF LOCAL CENTRES AND VILLAGES - Approve proposals for the construction of new dwellings on unallocated sites within the development boundaries of Local Centres and Villages if they conform to criteria aimed at ensuring an affordable element within the development.

POLICY CH10 – SECOND HOMES - Refuse proposals for new dwelling(s) which would lead to an increase in the number of second homes within a community where they already constitute a high percentage of the housing stock.

POLICY CH33 SAFETY ON ROADS AND STREETS Development proposals will be approved provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

POLICY CH36 PRIVATE CAR PARKING FACILITIES Proposals for new developments, extensions to existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council's current parking guidelines. Consideration will be given to the accessibility of public transport services, the possibility of walking or cycling from the site and the proximity of the site to a public car park. In circumstances where there is an assessed need for off-street parking and where the developer does not offer parking facilities on the site, or where it is not possible to take advantage of the existing parking provisions, proposals will be approved provided the developer contributes to the cost of improving the accessibility of the site or providing the number of necessary parking spaces on another site nearby.

Supplementary Planning Guidance - Affordable Housing, Gwynedd Council (2009).

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The Gwynedd and Anglesey Joint Local Development Plan, is currently being discussed by the Inspectorate. At present, it is not a relevant planning consideration for making decisions on planning applications.

2.4 National Policies:

Planning Policy Wales (2016)

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)

Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010)

Technical Advice Note (TAN) 12: Design (2016)

Technical Advice Note (TAN) 15: Development and Flood Risk (2004)

Technical Advice Note (TAN) 18: Transport (2007)

3. Relevant Planning History:

3.1 C13/0826/39/LL - Demolition of existing dwelling and outbuildings and erection of 3 new dwellings with associated works - Glenville, Abersoch - Refused on 10 October 2016.

4. Consultations:

Community/Town Council: Oppose the application due to concern regarding the design, it is incongruous with other dwellings nearby. It was stated that the two proposed houses would be three storey as garages and external rooms would be constructed underneath. In addition, it was asked if there was a policy that grants the demolition of one dwelling to build two houses on the same site.

Transportation Unit: No objection to the proposal. It is assumed that there would be no increase in traffic to the site as a result of erecting two smaller houses rather than the existing substantial dwelling. Parking provision is sufficient for the scale of development.

Natural Resources Wales: No objection to the proposal as submitted, however, it is recommended that a condition is stipulated on any permission for the finished floor level height of the development to be no lower than 5.5 AOD and advise the developer to have flooding safety measures in place as part of the development where this is possible e.g. concrete or tiled floor, higher electricity sockets etc.

Welsh Water: Should the application be approved by the Council it would be necessary to impose appropriate conditions concerning land drainage together with Advice Notes on the consent.

Biodiversity Unit: The building is not suitable for bats. The Biodiversity Unit has no concerns regarding the application

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

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- Design - out of character with nearby dwellings
- Amenities - loss of privacy and light, close to Avallon
- Access - concern about increase in traffic and the hazardous junction
- Drainage
- That land behind the adjacent property floods at high tide.
- Loss of view and privacy
- Raising the site's height would cause water to flow to adjacent property
- Concern that the development would be larger than the existing building.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The proposal involves the demolition of one existing substantial dwelling and building two semi-detached three storey split level dwellings on a site within the Abersoch development boundary with residential houses on land to the east and south west. The site has not been earmarked for any particular use or as protected open land. In terms of housing policies, it is proposed to erect the houses on the site of the existing dwelling and Policies C1 and CH4 are relevant to this application.
- 5.2 Policy C1 states that the main focus for new development will be 'within the development boundaries of towns and Villages'. The application is not considered to be contrary to this policy.
- 5.3 Policy CH4 is relevant and states that, in principle, proposals for the construction of new dwellings on unallocated sites that are within village development boundaries will be approved provided they conform to all the relevant policies of the Plan and the three criteria which form part of the Policy. Criterion 1 relates to having a proportion of all units on the site as affordable units, unless it would be inappropriate to provide affordable housing on the site. The applicant states that three viability assessments for three different values have been submitted for the proposed houses and in each case the assessment indicates that the development would not provide sufficient returns to create an affordable house (one house of the proposed pair) or a commuted sum towards other affordable housing developments.
- 5.4 You should also note that the proposal entails building a pair of houses on the site where one house currently stands; therefore the application requests one additional unit within the development of semi-detached houses and therefore it is considered that it would not be reasonable to place an affordable dwelling restriction on one unit within a development of a pair of houses. As the policy requests that a 'proportion of the units on all sites are affordable' and in reality this is only an increase of one additional unit as an affordable house on the site, then it would be inappropriate to request that the one additional house should be affordable on the site and it is considered that approving the application would not undermine the aims of clause 1 within the policy. The second and third criteria involve arrangements for the provision of affordable housing and for reasons already noted these are not considered relevant. Therefore, based on the above it is considered that the application conforms to the principles of policies C1 and CH4 of the GUDP.

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- 5.5 Policy CH10 of the UDP which deals with second homes is relevant to the application. However, applications have been refused or approved in the past with permanent housing conditions as a result of Policy CH10 and it appears that the Planning Inspectorate affords very little weight to this policy when determining appeals against the refusal or that a condition is approved. From the appeals it seems that it cannot be proven with robust evidence that the residential units subject to the application would be holiday or second homes. Although there is a substantial percentage of second homes in Abersoch, an appeal on the site of the Power Boat Club has been approved, contrary to the Council's decision. The appeal related to removing a condition to restrict the occupancy of open market housing to be developed on the site for use as permanent homes only. On this basis, the LPA is not in a position to place weight to such a policy.
- 5.6 Policy C3 supports re-using previously developed land or buildings that are located within or near development boundaries, rather than utilising greenfield sites, provided that the site or building and the proposed use is suitable and conforms to the Plan's objectives and development strategy. The proposal involves demolishing the substantial existing house and to erect a pair of new three storey dwellings on the same site. It is realised that the previous application for a larger building on the site was refused on 19 October 2016. However, it is felt that the current proposal is more acceptable. The view is that the proposal is in compliance with the objectives of Policy C3.

Visual amenities

- 5.7 Policies B22 and B25 of the GUDP are relevant to this application and involve: design, finishes, appearances and visual amenities. There is currently one substantial dwelling on the site. The design of the proposed property is contemporary and it is recognised that there is a difference of opinion about contemporary design. This difference of opinion about contemporary design is objective and it can be seen that differing opinions have been conveyed in relation to the design of the proposed plan. There is a reference to design in paragraph 9.3.1 of Planning Policy Wales which states that "new housing developments should be well integrated and connected to the existing pattern of settlements". It is considered that the design would offer modern houses located on the site of the existing two-storey dwelling near the sea which is acceptable for developing. It is within an area characterised by detached houses in a variety of designs and sizes. The existing houses have no definite pattern or common theme. However, it is considered that any new development needs to be designed in a compatible manner that will not detract from the area's existing character. The submitted plan demonstrates a pair of houses in a modern design with traditional features. It is proposed to use slate on the roofs and the external walls will be finished with a white render and an oak covering on the upper section of the rear elevation. It is considered that these types of materials can be seen in the area and that the proposal would be suitable for the site in terms of finishes. It is also considered that the proposal offers housing of a size, scale and form which would, on the whole, be in keeping with the context of the site. It is also considered that the site is sufficient in size for housing and that it would not cause an over development of the site. Please note that the site's existing boundaries were raised with brick walls of different heights, it appears that it is not proposed to erect new boundaries for the development and therefore a condition should be imposed on the consent withdrawing permitted boundary rights in order to control the height of the new boundaries. Therefore, it is considered that the proposal is acceptable in respect of Policies B22 and B25 of the GUDP.

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- 5.8 The site lies within the Landscape Conservation Area (LCA) boundary and over the road is the Llŷn AONB. However, although the site is within the LCA, it is situated amongst existing houses and within the development boundary of the village of Abersoch and on a site where the existing house stands. As acknowledged above, there are many differently designed houses in the area and there is no typical building pattern. Although modern, this design is of a scale and uses materials that would be in keeping with the site. Despite being located within the LCA, it does not mean that a modern and contemporary design is not possible. It is therefore considered that the proposal is suitable for its location and context and that it would not have a detrimental effect on the LCA or the adjacent AONB. Also, as the location is within the built area of Abersoch it is not considered that this proposal would have a substantial detrimental impact on the area's visual amenities. Given the above, it is not believed that this development would have a detrimental effect on the LCA or the adjacent AONB and that it is acceptable in terms of Policies B8 and B10 of the GUDP.
- 5.9 The site lies within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest. Policy B12 states that consideration will be given to the information about the Historical Landscapes if the impact of proposals is on such a large scale that their impact would be greater than just a local impact. It is not considered that the proposal is on a large scale and the impact would be limited to be local only and therefore the proposal would not have a wider impact on the historical landscape. The proposal is not considered to be contrary to Policy B12 of the GUDP.

General and residential amenities

- 5.10 The application was advertised on the site and nearby residents were notified and two objections were received as a result of statutory notification. Policy B23 considers the impact of the proposal on nearby residential amenities. Concern has been stated by objectors regarding over-looking, loss of privacy, road safety and increase in the height of the property's forecourt level. The proposal entails the construction of a pair of semi-detached houses in the middle of the plot with the front elevation facing the county highway and the rear elevation facing land where a house is currently being erected. The proposed semi-detached houses will be situated on the site of the existing house. The plans indicate that the pair of proposed houses will be wider and a little higher than the existing dwelling with the gable-end of the houses a fraction over a metre closer to the south western boundary of the plot.
- 5.11 Please note that officers have received an objection on the grounds of an over development, impact on privacy, flooding at times of high tide, loss of light and raising the site's forecourt and these are referred to individually below:
- 5.12 Over development - As the plot is substantially larger than the building, it is not considered that the proposal in question would lead to an over development of the site as there is an amenity area to the front and back shown for both units and substantial parking.
- 5.13 Privacy - The plans show that it is proposed to erect a privacy screen at the side of the external terraces and this would reduce any impact on privacy of any adjacent property. A window is installed on the first floor level in the south western gable of the existing building and therefore it is not considered that there would be no objection to install a small bedroom window in a similar location in the proposed building. Any potential over looking can be controlled by imposing a planning condition that the glass in this window is opaque. There is some concern regarding

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the impact of the second floor terrace on the amenities of residents in the house that is in the process of being built on the land at the rear of the site. However, it is considered that the location of its garage, its distance from the site and the setting of the new house means that there will be no significant impact on the amenities of the householders. It also has to be realised that the existing property together with other residential properties in the vicinity of the site look over the land of the said dwelling and therefore it is likely that the proposal would not have more of a significant impact on the area or the neighbour.

- 5.14 Sunlight - We realise that the pair of new houses will be larger than the existing dwelling in terms of width and height and it is likely that this would have some impact on the sunlight to nearby property, but not to such an extent as to have an unacceptable oppressive impact, however, it would be difficult to object to the application on this basis only as such circumstances are likely to arise in an urban situation. It is considered that there would be no harm either to the amenities of the three houses to the north east as they are split by the track/public footpath.
- 5.15 Raising the forecourt height - We realise the concerns that the neighbour south west of the site has regarding the section of the proposal that will entail raising the forecourt level of the site due to the possibility that this may lead to water trickling into the neighbour's property and it is proposed to impose a condition on any permission to agree on the surfacing details of the site's forecourt with suitable material together with a drainage method for the forecourt.
- 5.16 Flooding at high tide - Flooding matters are considered in the paragraph below.

Based on this, it is considered that the proposal would not cause significant harm to the amenities of the neighbours in this case and therefore the proposal is considered to be acceptable in terms of policy B23 of the GUDP.

Transport and access matters

- 5.17 It is proposed to use the existing access to the adjacent private road and then to the adjacent class 1 county highway. The plan shows a proposal to create external parking for three cars with one additional space in the garage for both units (total of 8 parking spaces for the development). The private road that serves the site also serves other properties in the vicinity and the construction of two houses in place of the existing dwelling on the site is not considered to be likely to add significantly to the use made of the track/access by vehicles. The development will be limited to the site's boundaries and therefore it will not have an impact on the adjacent public footpath. Observations have been received from the Transportation Unit confirming that they have no objection to the proposal and they recommend including a condition / standard note regarding the provision of parking and turning area in accordance with the plans. It is considered that the proposal is acceptable in respect of Policies CH33 and CH36 of the GUDP.

Biodiversity matters

- 5.18 The Biodiversity Unit was consulted and observations were received to confirm that they had no objection to their proposal and therefore it is considered acceptable in the context of these matters.

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Flooding matters

- 5.19 The site lies within a C1 flood zone as defined on the flooding maps referred to in Technical Advice Note 15: Development and Flood Risk (TAN 15). The site's planning history indicates that the previous application for the site, namely application C16/0999/39/LL was refused on 10 October 2016. One of the reasons why the application was refused was based on flooding and the lack of information submitted with that application, specifically that the flooding consequence assessment was insufficient together with general policy concerns regarding the development of sites in a flood risk area.
- 5.20 As part of the current application, a revised flood consequence assessment has been submitted to the Council for consideration. The applicant states that the current assessment answers the concerns of NRW regarding the assessment submitted with the previous application and indicating that it is possible to manage flooding consequences in accordance with TAN 15 for the lifetime of the development. It should also be noted that the plan's design has changed in order that there are no living spaces on ground level, the finished floor height of the house has been raised to 5.5 AOD and the forecourt height has been raised to be level with the county highway in order to facilitate safe access in an emergency from the property.
- 5.21 The observations of NRW were received stating that they have no objection to the proposed plan as long as a condition is imposed on any consent enforcing that the floor of the houses should be constructed to a height of no lower than 5.5 AOD.
- 5.22 Policy B29 of the UDP together with TAN 15 manage specific developments in the C1 and C2 flood zones and directs them towards suitable land in zone A or B, unless they conform to a series of criteria relevant to the features on the site and to the purpose of the development. In this case, the development is located within a C1 flooding zone and a Flood Consequence Assessment has been submitted and assessed by Natural Resources Wales, and by now they have confirmed that they do not object to the proposal if the condition regarding the finished floor level as they have suggested is imposed on any permission.
- 5.23 A residential development is defined as a development that is very vulnerable within TAN 15 and thus a development of this type should not be approved within a C1 zone unless it complies with specific criteria within policy B29 and TAN 15. In this case, the proposal forms part of the Local Planning Authority's strategy by means of its location within the development boundary of the Urban Centre and will support the settlement by providing an additional residential unit. The proposal would also be located on previously developed land. Therefore as a result of the above, and as Natural Resources Wales are also satisfied with the proposal, it is considered that it complies with the requirements of Policy B29 of GUDP and TAN15.

6. Conclusions:

- 6.1 It is considered that the proposal to build a new house on this site is acceptable in respect of the relevant policies noted above and it is not considered that it would have an adversely harmful impact on the area's amenities (including the AONB over the road) or on nearby residents. Furthermore, it is considered that the location, design, finish and form of the development are acceptable and in keeping with the location. Having given full consideration to all the relevant planning matters and all the objections received, the development is considered suitable and acceptable for the site and complies with the local and national policies and guidelines noted.

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7. Recommendation:

7.1 To approve – conditions

1. Commencement within five years.
2. Slates and external materials
3. Agree on material of privacy screen and future maintenance
4. In accordance with the plans
5. Welsh Water conditions.
6. Finished floor level to be no lower than 5.50m AOD and the proposal to be in accordance with a Flood Consequences Assessment report.
7. Complete the parking and turning spaces in accordance with the plan, and they must be operational before the property is occupied for the first time.
- . Opaque glass for the side window in the bedroom
8. Withdrawal of boundary permitted rights.
9. Agree on the details of the drainage method and surface materials of the site's forecourt prior to the commencement of the development.

Note: copy of NRW letter