

**Number: 1**

**Application Number: C17/0159/39/LL**

**Date Registered: 18/02/2017**

**Application Type: Full - Planning**

**Community: Llanengan**

**Ward: Abersoch**

**Proposal: Demolition of existing dwelling and construction of replacement three-storey dwelling**

**Location: The Shanty, Pen Bennar, Abersoch, Pwllheli, Gwynedd, LL537BA**

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

PLANNING COMMITTEE	DATE: 25/09/2017
REPORT OF THE SENIOR MANAGER - PLANNING AND PUBLIC PROTECTION	PWLLHELI

1. **Description:**

- 1.1 The application was submitted to the Planning Committee dated 03 July 2017 when it was resolved to defer considering the application in order to provide an opportunity for members to visit the site before discussing this meeting in the meeting of the Planning Committee. The application includes demolishing an existing single-storey house located on a terraced site and constructing a three-storey house on the same site. The existing house comprises three buildings on two levels. The main house is single-storey and stands on the lowest part of the site. This building comprises of a kitchen, bathroom, dining and sitting room and three bedrooms. The two other buildings that are located on the highest part of the site also include bedrooms. The applicant states that the current buildings are made of timber and are reaching the end of their life as they are nearly 100 years old. The proposed house will be on three levels with external terraces stepping back to follow the site's profile. The lowest floor will be at a similar level to the existing house and comprises of a sitting area, three bedrooms and bathrooms. The extensive glazing on this level faces north-east and south-east. The middle floor (first floor) comprises of a kitchen, dining room and sitting area, master bedroom with bathroom and another bedroom. There is also a toilet and a utility room on this floor. The extensive glazing faces north-east and south-east and there is access to the external terrace. The highest floor (second floor) provides access to the house. It comprises an entrance lobby, a lift and ancillary accommodation for guests. This accommodation will comprise of a sitting room, bedroom and bathroom. The extensive glazing on this level faces north-east and south-east. It is also proposed to construct a garage for two cars (one behind the other) at the rear of the house and access to an adjacent parking space. Internally, the three levels will be connected by a space with stairs extending from the lowest to the highest level.
- 1.2 It is proposed to use slate for the majority of the external walls with timber cladding for the highest sections of the garage walls and a flat sedum green roof. It is proposed to make extensive use of glazing on the house's front elevation which is sea-facing. The terrace will be surrounded by a glass screen.
- 1.3 The plan shows that the shape, layout and design of the proposed house adhere to the site's surface and contours. It is noted that the proposed house is larger and taller than the existing house and also extends somewhat above the cliff to the rear of the site.
- 1.4 The construction work would include excavating the site in order to build the house.
- 1.5 An amended plan was submitted on 25 May 2017 indicating that part of the surface area of the terrace on the highest floor had been reduced and stepped back from the southern boundary and the height of the rear garage had been reduced by approximately 1.3 metres.
- 1.6 The site is on various levels and is sea-facing. It is located in a residential area amongst several other houses that are located on a cliff-side above the sea. Images were submitted with the application showing the proposed house in the broader landscape; it can be seen from these images that the house is mainly visible from the sea and the adjacent properties to the south and north of the site. The roof, part of the garage's rear wall and the site's boundary wall will be visible from the nearby public footpath. It is likely that part house's gable-end will be visible from the A499 county road which leads to the village.
- 1.7 The site is located on Abersoch headland, outside the village development boundary and within an Area of Outstanding Natural Beauty (AONB). Vehicular access will be

PLANNING COMMITTEE	DATE: 25/09/2017
REPORT OF THE SENIOR MANAGER - PLANNING AND PUBLIC PROTECTION	PWLLHELI

gained via a private road and a public footpath on higher ground to the west. The Pen Llŷn a'r Sarnau Special Area of Conservation is located nearby.

- 1.8 A Design and Access Statement was submitted as part of the application.
- 1.9 The application is being submitted to Committee as more than three objections have been received.

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 Unitary 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 set out below, 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 Gwynedd and Anglesey Joint Local Development Plan.

ISA - Infrastructure Provision  
 TRA2 - Parking standards  
 TRA4 - Managing transport impacts  
 PS 5 - Sustainable Developments  
 PCYFF 1 - Development boundaries  
 PCYFF2 - Development Criteria  
 PCYFF3 - Design and Place Shaping  
 PCYFF4 - Design and Landscaping  
 PCYFF5 - Carbon Management  
 TAI 5 - Local Market Housing  
 TAI 13 - Rebuild Housing  
 AMG 1 - Areas of Outstanding Natural Beauty Management Plans  
 AMG 4 - Coastal Protection  
 AMG 5 - Local Biodiversity Conservation.

2.5 **National Policies:**

Planning Policy Wales (Edition 9 2016)  
 TAN 12: Design  
 TAN 22: Sustainable Buildings

3. **Relevant Planning History:**

- 3.1 The site has no relevant planning history.

4. **Consultations:**

Town/Community Council: Object due to over development that will overwhelm the site on a cliff that can be seen from all directions - land and sea - and which is incompatible with the remainder of the surrounding houses. The location is also within the Area of

PLANNING COMMITTEE	DATE: 25/09/2017
REPORT OF THE SENIOR MANAGER - PLANNING AND PUBLIC PROTECTION	PWLLHELI

Outstanding Natural Beauty and the Heritage Coast.

Transportation Unit: I confirm that the Transportation Unit has no objections to the proposal.

The site is far beyond the adopted roads network, with vehicular access gained along a private road.

However, it is noted that the proposal provides two parking spaces for a four bedroom house.

Usually, up to three parking spaces can be expected for four bedrooms, in order to prevent any adverse impact on the local adopted roads network. Nevertheless, given that the site is located such a distance from the nearest adopted road the reduction in parking provision is unlikely to affect the county roads, also I note that the site abuts a communal car park and therefore I assume that the proposed parking provision is acceptable in this case.

I do not have any conditions or instructions to propose.

Natural Resources Wales: No objection to the application and propose standard observations. Consequently, it is intended to send a letter dated 16/03/2017 as an appendix to any permission granted by the Council in relation to the development.

Welsh Water: Proposes observations and conditions relating to discharging surface water into the public sewer. It is intended to send a letter dated 08/03/2017 as an appendix to any permission granted by the Council in relation to the development.

Rights of Way Unit: Following an inspection of the Official Map, the unit confirms that the development abuts public footpath 40 and also an unregistered Llanengan Community Council footpath. Therefore, these Paths need to be safeguarded and ensure that access is protected during and after the development.

Area of Outstanding Natural Beauty Unit: The Shanty is located on the end of Pen Benar headland in Abersoch and is within the Area of Outstanding Natural Beauty.

It is a single-story house, and it seems that it dates from the first part of the last century. Although it is characteristic of its time and is of a relatively interesting character, it does not have a historic or an architectural value. There are two single-storey buildings on land that is higher than the house which are used as additional accommodation. There are other houses on either side of The Shanty - quite substantial, modern houses with extensive glazed surfaces.

The house and the site are visible from the sea, some areas on the beach and in distant views from the A499 road which leads to the village. The National Coastal Path runs along the highest part of the site and there are views over the bay towards Snowdonia. Currently, the boundary between the Shanty site and the above path / car park is formed by shrubs.

PLANNING COMMITTEE	DATE: 25/09/2017
REPORT OF THE SENIOR MANAGER - PLANNING AND PUBLIC PROTECTION	PWLLHELI

The intention is to demolish all the existing buildings on the site and construct a new house. The Architect has designed a building that seeks to blend into this specific site. It is a building that is set on three different levels and is also curved. It is proposed for extensive parts of the front elevation to be made of timber and glass and it has a green flat roof to reduce the height of the building.

There is no doubt that there has been an effort to create a unique design for the site and it is believed that some aspects of the design and the materials are in keeping with this sensitive location. However, the size and scale of the building, which is on three floors (and a garage), is substantially larger than existing buildings and will fill the site to a vast degree. Therefore, the development will be prominent in the AONB coastline. There is also concern that the highest part of the development will obstruct views from the Coastal Path above the site.

It is noted that amended plans were received on 25/05/2017. The revised plan shows a reduction in the height of the house and as a result, it reduces the size and scale of the development and retains the views of the coastal public footpath above the building. The development is still quite substantial but due to the unique design and the choice of materials for the coastal location, it is not considered that it would affect the AONB.

#### Biodiversity Unit

Propose the following observations:

##### Nesting birds

There are some smaller trees and a hedge on the site that could be suitable for nesting birds. The site should either be cleared outside the nesting season (March to August), or a survey of the site should be arranged by a birds specialist directly before work commences.

##### Pen Llŷn a'r Sarnau SAC

As the site is located on a cliff-top above the sea, approximately 50 metres from the above European site, we as an Eligible Authority, are required to conduct a Test of Likely Significant Effect under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) before determining the application.

##### Test of Likely Significant Effect

This development has the potential to affect the Features of a European Site: Special Area of Conservation Pen Llŷn a'r Sarnau

Pollutants such as cement or fuel could be discharged into the sea and could affect the features of the SAC. The likelihood of this happening is low, and it could be reduced further by including a condition that a Pollution Prevention Plan be implemented.

Outcome: With the submitted details and the conditions outlined below, Gwynedd Council can be confident that the development on the Shanty site will not lead to Significantly

PLANNING COMMITTEE	DATE: 25/09/2017
REPORT OF THE SENIOR MANAGER - PLANNING AND PUBLIC PROTECTION	PWLLHELI

Harmful Impact on the features or the processes of the Llŷn Fens Special Area of Conservation.

Condition: The developer should submit a Pollution Prevention Plan for the approval of the Authority prior to the commencement of the work.

Public Consultation:

A notice was posted on site and neighbouring residents were notified. The advertisement period has expired and several items of correspondence were received objecting on the following grounds:

- Impact on the visual amenities of the area.
- Proposed house not in keeping with the area
- Proposed scheme is more similar to a hotel than a house.
- Creates a precedent for similar developments.
- Concerned about the proposal's impact on the public footpath.
- The site occupies a prominent location within a sensitive area.
- The development is of an unusual design.
- The site is visible from the local beaches.
- Concern that the proposal could have a negative impact on the Abersoch community.
- The development does not comply with Policy B8 of the GUDP.
- Although the proposal has an interesting design, it is not considered that it is in keeping with this prominent site.
- Contrary to policy CH13.
- Recent developments have impaired the public's enjoyment of the adjacent public footpath.
- That the car park located adjacent to the site serves 7 houses and not 4 as noted in the application.
- The car park is for 14 cars in the adjacent car park.
- It is understood that the building was originally a cricket pavilion, moved from another area of Gwynedd.
- The village residents had been using the path to the beach and it would be unfair to close it.
- The plan adds nothing to the village.
- The building should stay as it is and it is a part of the village's history.
- Is it possible to list it?

Other observations

- Would it be possible to include a condition to prevent building material from being kept in the car park?
- Is it possible to safeguard other parking spaces?
- Is it possible to prevent building work during the busiest time of the year?
- Safeguarding the public footpath.

PLANNING COMMITTEE	DATE: 25/09/2017
REPORT OF THE SENIOR MANAGER - PLANNING AND PUBLIC PROTECTION	PWLLHELI

## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 The proposal involves demolishing the existing house on the site and erecting a new building in its place. Local and national policies are supportive of reusing land that has been previously used for developments, rather than using greenfield. The application site is located within the development boundary of Abersoch and it would make use of previously developed land. From this viewpoint, it is considered that the proposal would comply with Policy PS 5 of the LDP
- 5.2 Policy TAI 13 of the LDP specifically relates to demolishing and building a new house within the village boundary and in the countryside. The policy supports demolishing and rebuilding a house if the proposal conforms with the criteria in the policy. Note that criterion 2, 3, 6, 10 and 11 are relevant to the proposal because the site is located within the village boundary and it states as follows:
- 5.3 Criterion 2. The building is not a listed building: The building is not listed and the Council's Conservation Officer has come to the conclusion that it is not of sufficient historical / architectural value that would justify including the building on a list of listed buildings.
- 5.4 Criterion 3: The existing building is of no architectural and/or historical and/or visual special value that would mean it should be retained: It is not feasible to repair, convert or extend the existing building without total or substantial reconstruction, and perhaps a structural report would be required to support the application. The building stands in a coastal location which is very open to the elements. The policy notes that perhaps a structural report to support the application will be necessary. No such report has been submitted as part of the application. The applicant has noted in the Design and Access Statement that the property has reached the end of its life and is not suitable to be developed to reach modern standards. Reconstructing using modern methods and materials suitable for such a site would be more sensible and provide a quality sustainable building. It can therefore be argued that the building's condition means that it is not feasible to repair it and that there is justification for constructing a new replacement house, which meets criterion 3. It was not considered that the building is of architectural / historical value that would be worth retaining.
- 5.5 Criterion 6: Outside the Coastal Change Management Area, a house to be built must be located on the same footprint as the existing building unless relocating within the curtilage can be shown to reduce its visual impact and its impact on local amenities: A plan submitted with the application shows that it is intended to locate the new house on the site of the existing house and, although the new building would be larger than the existing building, it is not considered that the difference in size is enough to substantially affect the landscape.
- 5.6 Criterion 10. The original building is demolished and, where appropriate, external buildings are demolished when the new house is completed: It is proposed to locate the proposed house on the existing footprint but there would be variances because of the design of the proposed property compared with the existing one in terms of its exact location on the site. However, in essence the proposed house would be located on the original building's site. The existing external buildings that are on a higher level are used as part of the existing house and are demolished as part of the proposal.

PLANNING COMMITTEE	DATE: 25/09/2017
REPORT OF THE SENIOR MANAGER - PLANNING AND PUBLIC PROTECTION	PWLLHELI

- 5.7 Criterion 11. Permitted development rights are withdrawn: It is intended to include a condition on any permission to remove permitted rights for building extensions to the new house.
- 5.8 It is considered that the proposal conforms to the policy's criteria that are relevant to the proposal.
- 5.9 The village of Abersoch is included as a Local Service Centres village, where the TAI 5 Local Market Housing policy is relevant in the LDP. However, it must be realised that the house already exists and, consequently, the proposal does not involve creating new residential unit(s) on the site. It is not considered that it would be reasonable to issue a local market housing restriction on the proposed house. It is not considered that approving the application would be contrary to Policy TAI 5.

### **Visual amenities**

- 5.10 The existing dwelling is of no important architectural value. It is noted that an objector has asked whether it is possible to give the building a listed building status. The observations were discussed with the Council's Conservation Officer who confirmed that the current building was not of historical or architectural value and that it did not justify listed status. The nature of the location means that part of the existing building, and the proposed building, is visible from the adjacent public footpath to the west and from the sea to the east. It is likely that the elevation that is visible from the sea would be the main elevation in terms of seeing the site in the context of the broader landscape. It is considered that the design of the property when looking at it from the sea blends in with the site because it follows the shape, layout and profile of the site and the use of materials that create a light design. The original plan showed that the garage roof was somewhat higher than the house roof and the top of the cliff and was therefore likely to affect views from the adjacent public footpath. It is noted that the observations of the AONB cause concern regarding the size and scale of the proposal along with the height of the house in relation to the adjacent path. After discussing the matter with the applicant, an amended plan dated 25 May was received that shows that the garage has been reduced by over a metre in height and is therefore less intrusive to the adjacent path. The applicant has prepared a photograph showing the house and the garage in relation to the public footpath behind the site and the image is submitted as part of the information presentation pack. It is felt that this amendment has reduced the impact of the proposal on the landscape and although it will be apparent from the direction of the sea it is not considered that it would have a negative impact on the AONB. Further comments were received from the AONB Unit on the amended plan, stating that the development is still quite substantial but due to the unique design and the choice of materials for the coastal location, it is not considered that it would affect the AONB. A number of letters / correspondence have been received objecting to the proposal as it is not in keeping with the AONB, and it is felt that these objections have been submitted because the design of the building is different to other properties in the area. We understand the objector's concerns, however it is felt that this in itself does not mean that the proposal would have a negative impact on the character of the area. It is understood that the design makes extensive use of terraces and substantial windows, however it is noted from the images submitted with the application that other houses near the site also share such architectural features. The proposed green flat roof reduces the height and impact of the building.
- 5.11 Images were submitted that show the development within the broader landscape. The images show that the design of the proposal is different to other houses in the vicinity. The images also provide a view of the proposal from the sea, from the



PLANNING COMMITTEE	DATE: 25/09/2017
REPORT OF THE SENIOR MANAGER - PLANNING AND PUBLIC PROTECTION	PWLLHELI

adjacent public footpath to the rear and from the A499 which leads to the village. It is felt that these images show that the building does not create an intrusive development in the landscape and although the appearance of the house is different, it is not considered that it would have a significant harmful impact on the landscape.

- 5.12 The site is located within the AONB where policy AMG 1 of the LDP applies. The aim of the policy is to safeguard, maintain and enhance the character of the Areas of Outstanding Natural Beauty. Development proposals will be refused if they cause significant harm to the landscape and the coastline including views into and out of the area, wildlife, historic remains and buildings, language and other features noted within the policy that are identified as the special features of Llŷn and contribute to the area's character. However, although the site is situated within the AONB, it is also an infill site with residential development on either side. 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. The proposed house would be on three levels compared with the existing house; however the applicant states that the house has been designed so that the shape and profile of the house reflect the layout of the site. It is realised that the proposed house would be larger than the existing house. The layout of the house, in addition to its design, allows for an amenity space around the building in the form of a terrace and garden. Its design, especially the sea-facing elevation, would be in keeping with the nature of the site and although it does not follow the housing pattern in the vicinity it is believed that it blends in and enriches the local area. Despite being located within the AONB, 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 AONB. Also, due to the location against the built background of Abersoch, it is not considered that the proposal would significantly harm the views in and out of the AONB. Given the above, it is not believed that this development would have a detrimental impact on the AONB and that it is acceptable in terms of Policy AMG 1 of the LDP.
- 5.13 As explained above, it is considered that the proposed property is acceptable for the site and that the proposed design blends into the area. It is not considered that the proposed house would cause significant harm to the landscape of the AONB. It is considered that the proposed house respects the vicinity without being detrimental or harmful to the character of the landscape and it is therefore considered that it satisfies the requirements of Policies PCYFF 3 and PCYFF 4.

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

- 5.14 The application was advertised at the site and nearby residents were notified. No response was received from the residents of the dwellings on either side of the site. The proposal involves erecting a larger and taller building than the existing house. The design of the new house, due to the height, location and size of the terraces means that the proposal will overlook properties to the south of the site. These concerns were discussed with the applicant and an amended plan was received showing that the edge of the terrace on the southern elevation had been moved nearer to the wall of the house. Thus, the edge of the terrace would be four metres from the site's southern boundary; this, along with the fact that it is also proposed to install a privacy screen along the side of the terrace, will safeguard the neighbours' amenities. In relation to the adjacent terrace between the window of the bathroom, the bedroom and the southern boundary, it has been understood from the applicant that there will be no access to it apart from the window of the bedroom for maintenance work only. It is felt that a condition should be included on any permission to prevent regular use of it. In relation to the impact of the proposal on the property to the north of the site,

PLANNING COMMITTEE	DATE: 25/09/2017
REPORT OF THE SENIOR MANAGER - PLANNING AND PUBLIC PROTECTION	PWLLHELI

it is noted that the plan shows that the terrace on the northern elevation is located approximately seven metres from the site boundary and looks over the roof of the parallel property. It does not have a significant impact on the privacy of the gardens or on the windows of the neighbour's property. Therefore, in light of the above, it is not considered that the proposal would cause significant harm to the amenities of the local neighbourhood and it is considered that it is acceptable in relation to Policy PCYFF 2 of the LDP.

### **Transport and access matters**

- 5.15 The proposal involves creating a new garage at the rear of the house for two vehicles as part of the development with access to the adjacent parking space where there are two other spaces. It is considered that this arrangement is acceptable and the Transportation Unit does not have any objection to the proposal. Correspondence was received casting doubt as to the accuracy of the applicant's parking details, however, the parking spaces referred to are on private land and this is a civil matter between neighbours. However, the proposal provides two parking spaces in addition to the current provision. In relation to the objector's observations regarding retaining the parking spaces of the occupants of neighbouring houses and preventing building materials from being stored in the car park; it is felt that there is not a sufficient reason for imposing such conditions on the permission as the road that leads to the site is a private road and it would not cause harm to transport on a public road. It is therefore considered that the proposal complies with the requirements of policies TRA 2 and TRA 4 of the LDP. There is a public footpath near the site and there is a need to safeguard this during and at the end of the development and this could be done by imposing a condition on the planning permission. The proposal is not contrary to policy TRA 4 of the LDP.

### **Biodiversity matters**

- 5.16 The Pen Llŷn a'r Sarnau Special Area of Conservation is located approximately 40 metres away. The Council's Biodiversity Unit and Natural Resources Wales were consulted and in light of the nature and the scale of the proposal they did not consider that the proposal would have a significant impact on this protected site subject to including a condition on any permission to enforce submitting a Pollution Prevention Plan to be approved by the Authority prior to the commencement of the work. It is therefore considered that the proposal is acceptable in relation to Policy AMG 4 of the LDP.

## **6. Conclusions:**

- 6.1 Having weighed up the proposal in the context of the relevant policies and the objectors' arguments, it is considered that the proposal is acceptable for approval. The location, density and increase in size are reasonable and the design and materials are an improvement for an open site of this type. Bearing in mind that there is already a dwelling on the site, and several other houses on either side of it, there will be no substantial change to the landscape of the AONB or any views of, and across it or any significant substantial impact on the amenities of nearby residents. In light of the above, and having given full consideration to all material planning issues, it is considered that this proposal is acceptable and that it complies with the requirements of the aforementioned policies.

PLANNING COMMITTEE	DATE: 25/09/2017
REPORT OF THE SENIOR MANAGER - PLANNING AND PUBLIC PROTECTION	PWLLHELI

7. **Recommendation:**

7.1 To approve – conditions

1. Commencement within five years.
2. In accordance with the plans.
3. Agree on all external materials.
4. Welsh Water conditions.
5. Submittal of a Pollution Prevention Plan prior to commencing any development on the site
6. Prevent the use of the roof between the bathroom and bedroom windows on the southern elevation as a terrace.
7. Clear the site outside the nesting season.
8. Must erect a privacy screen on the house's southern elevation before the house is occupied, and it must be maintained as such at all times.
9. Withdrawal of permitted rights on extensions to the house.
10. Submit details of the privacy screen including boundary treatment within a month of work commencing on the site.
11. Agree on the building's floor levels before work commences on the site.