

PLANNING COMMITTEE	DATE: 14/05/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

**Rhif: 5**

**Application Number: C18/0233/15/LL**

**Date Registered: 20/03/2018**

**Application Type: Full - Planning**

**Community: Llanberis**

**Ward: Llanberis**

**Proposal: Change of use of land to provide 5 formal parking spaces, new footpath and areas of garden**

**Location: Land Nr. - Tŷ Du Road, Llanberis, Caernarfon, Gwynedd, LL554HD**

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

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## **1 . Description:**

- 1.1 This is an application to provide 5 formal parking spaces on a new housing site adjacent to Ffordd Tŷ Du, Llanberis, to be let to local residents, together with providing a footpath to the site from Fron Goch and changes to the arrangement for gardens and access to the proposed houses on plots 8 and 9 of the development.
- 1.2 It is vital to remember when considering this application that the housing development in its entirety has already commenced and planning permission for 11 houses has been secured forever (C11/1103/15/AM) and that only the amendment of the site arrangement is under consideration as part of this application.
- 1.3 The new proposal is to create 5 permanent parking spaces on a plot of land 13m x 4.6m already converted into hardstanding, extend the gardens of both houses to include the 24m x 6m area that was outside the original red line and used in the past as an informal parking area by Fron Goch residents, and create a footpath, 30m long, leading between the gardens of two houses from Fron Goch into the new site in order to facilitate access to the parking areas.
- 1.4 The application is submitted to the Committee as three or more observations contrary to the Officer's recommendation were 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 Local 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, and in making 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. 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 Anglesey and Gwynedd Joint Local Development Plan. (July 2017)**

PCYFF 2: DEVELOPMENT CRITERIA

PCYFF 3: DESIGN AND PLACE SHAPING

TRA 4: MANAGING TRANSPORT IMPACTS

PS 19: CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT

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## 2.4 National Policies:

Planning Policy Wales, Edition 9, 2016.

## 3. Relevant Planning History:

C17/0807/15/LL : Amend condition 1 of planning permission C14/0240/15/MG to approve an alternative design for the approved housing - Approved 18/12/17

C14/0240/15/MG : Reserved matters application to erect 11 residential dwellings as approved under reference C11/1103/15/AM - Approved 18/06/15

C11/1103/15/AM – Outline application to erect 11 dwellings, clear the site and create an entrance and estate road (an amended application to a previous application refused for 16 dwellings) – Approved 19/04/12

C10A/0506/15/AM - Outline application to erect 16 dwellings along with the creation of a new access estate road - Refused 09/11/11: An appeal against the decision was later submitted and the appeal was refused because it would be an over-development of the site.

## 4. Consultations:

Community/Town Council: Not received

Transportation Unit: No objection

Natural Resources Wales: No objections - Standard notes for the applicant

Tree Officer: Not received

Welsh Water: Require a condition to ensure that no additional water flows into the public sewer as well as offering standard advice to the developer.

Public Consultation: A notice was posted on the site and nearby residents were notified. The following observations were received in response to the consultation, objecting on the grounds of material planning considerations:

- Concern due to the proximity of the parking spaces to the boundary with Bryn Du dwelling, as this would cause a nuisance because of car lights and exhaust fumes.
- Concern regarding road safety with cars going in and out of the parking spaces.
- This work is within the tree roots protection area
- A danger of pollution to the water course that passes the site
- That there is a flooding risk on the site and this development will aggravate the situation.

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The following observations were also received; these are not material planning considerations:

- That this proposal had not been included in the previous application in case it might cause objections.
- The parking spaces are too far from Fron Goch to be useful
- Not enough parking spaces were offered to compensate for the parking area lost on land near Fron Goch
- There is no information regarding what the cost will be to secure a parking space
- There is no assurance that the spaces will be permanently available.
- As vacant land is available more free parking spaces should be provided for local residents within the site

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

### **General**

- 5.1 It is a requirement that planning applications be 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. This site is located within the development boundary of the Local Service Village of Llanberis as defined by the LDP, and has been earmarked within the plan for 11 houses (designation T43).
- 5.2 It is important to remember that this application does not relate to the principle of the development and indeed, as the development has already commenced, in terms of planning, there is nothing that can be done to prevent the development that received approval in 2015 under reference number C14/0240/15/MG from progressing.
- 5.3 It should also be noted that in the past parking was near Fron Goch on private land and on an informal basis. Previous planning permissions were given with the understanding that this land was part of the new development site and there is no duty, in terms of planning, for the applicants in this case to provide any parking for local residents on the site. This will be a private parking site and any arrangements regarding parking rights are private matters between the users and the owner.

### **General and residential amenities**

- 5.4 Generally, policies PCYFF 2 and PCYFF 3 of the Joint Local Development Plan approve proposals for new developments provided that they do not have a detrimental impact on health, safety or the amenities of the residents of local properties or on the overall area.
- 5.5 Due to its location on a site near a new road in a housing estate that has already received planning permission, it is not considered that this parking site would cause a detrimental impact to the site's general appearance or impact on the area's visual amenities compared to what has already been approved. Indeed, there would be nothing to prevent informal parking from happening on the site anyway and this application is a matter of formalising the situation. Accepting that there might be some intrusion to

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neighbours' property due to car lights and noise, because of the small number of parking spaces proposed, the location and orientation of the parking site, together with the consistent use of the nearby road and indeed Ffordd Tŷ Du itself, it is not deemed that this development would change the situation in terms of private amenities in a significant way compared to what has already been approved.

- 5.6 The parking spaces would extend up to 1.2m to the tree root protection zone identified in the previous site plan, having said that work to the land surface has already occurred at this location as part of Welsh Water's sewerage improvements scheme. In this case, the intention is to place a surface of permeable blocks on a stone drainage basis, and it is not deemed that this would cause additional harm to what has already occurred and therefore the proposal is acceptable under policy PS 10 of the LDP.
- 5.7 In addition, despite the concerns of the objector regarding flooding risk, the site is not within a flood zone as defined by the Development Advice Maps that accompany TAN 15 'Development and Flood Risk' and Natural Resources Wales have no objection to the plan. It is considered that the intention to use a permeable surface that drains easily is a means to ensure that the land drainage situation on the site will not get worse as a result of this development.
- 5.8 Generally, it is considered that the arrangement of the proposed development is in keeping with the location in an acceptable manner. It is not considered that the proposed changes cause significant harm to the amenity quality of the site or the local neighbourhood compared to what has already received approval and, consequently, it is considered that the development is acceptable under Policies PCYFF 2 and PCYFF 3 of the LDP as they relate to these matters.

### **Highways matters**

- 5.9 The majority of the observations received from the public deal with concerns regarding loss of parking which has occurred traditionally on private land opposite the Fron Goch houses, and the lack of parking spaces offered to compensate for this. However, this is a matter concerning rights on private land and the developers are not required, in terms of planning, to provide any additional parking to what has already been agreed as part of the housing development.
- 5.10 The Transportation Unit did not anticipate that the proposed development would have a detrimental impact on any road and therefore it is considered that this proposal meets with the requirements of policy TRA 4 of the LDP.

### **6. Conclusions:**

- 6.1 Based on the above assessment, and having considered the relevant matters, it is believed that the amendments suggested as part of this application are acceptable and, by approving the amended plans, the development would continue to be acceptable under the policies noted above. All material considerations have been addressed when determining this application, including all matters raised by objectors, but it has not changed the recommendation.

### **7. Recommendation:**

- 7.1 To approve the application subject to material planning conditions involving:

1. Time

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2. In accordance with the plans
3. Welsh Water Condition

Notes

1. Welsh Water
2. Natural Resources Wales