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| PLANNING COMMITTEE | DATE: 18/05/2015 |
| REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER | DOLGELLAU |

Application Number: C14/0240/15/MG
Date Registered: 06/05/2014
Application Type: Reserved matters
Community: Llanberis
Ward: Llanberis

Proposal: RESERVED MATTERS APPLICATION FOR ERECTING 11 RESIDENTIAL DWELLINGS AS APPROVED UNDER REFERENCE C11/1103/15/AM
Location: LAND NEAR Tŷ DU ROAD, LLANBERIS, CAERNARFON, GWYNEDD, LL554HD

Summary of the Recommendation:

TO DELEGATE THE RIGHT TO APPROVE

1. Description:

- 1.1 This is an application relating to approving reserved matters following an outline permission that was granted in April 2012 under reference C11/1103/15/AM. The access and layout of the houses within the site have already been approved through the outline permission therefore this application deals with matters relating to size, appearance and landscaping.
- 1.2 The site is located within the development boundaries of the village of Llanberis that is defined as a 'local centre' in the Gwynedd Unitary Development Plan. Parts of the site are rocky and uneven on a ground level that varies compared with the streets nearby.
- 1.3 The proposal involves erecting 11 two-storey dwellings with a vehicular entrance and access from the adjacent public road. The houses vary in size to include a mixture of 4 and 3 bedroom houses.
- 1.4 Tŷ Du Road runs past part of the north-eastern boundary of the site whilst Frongoch Road runs along the southern/eastern boundary of the site.
- 1.5 A number of mature trees are located within the site and because there has been no significant activity on the site for many years, an overgrowth of plants, including some poisonous weeds, has taken over in some areas of the site. A tree preservation order has been confirmed on the site due to the presence of a number of mature trees of high value.
- 1.6 A small stream runs along the northern and western boundary of the site whilst residential dwellings that vary in size, form and finish are dispersed around the site.

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 planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

2.2 Gwynedd Unitary Development Plan 2009:

POLICY A1 – ENVIRONMENTAL OR OTHER IMPACT ASSESSMENTS - Ensure that sufficient information is provided with the planning application with regard to any significant likely environmental impact or other impacts in the form of an environmental impact assessment or other impact assessments.

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POLICY A3 – PRECAUTIONARY PRINCIPLE - Refuse proposals if there is any possibility of serious or irreversible damage to the environment or the community unless the relevant impact assessment can show beyond doubt ultimately that the impact can be avoided or alleviated.

POLICY B19 – PROTECTED TREES, WOODLANDS AND HEDGEROWS - Approve proposals that will lead to the loss of, or damage to protected trees, woodlands or hedgerows only when the economic and/or social benefits of the development outweigh any harm.

POLICY B20 – SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT - Refuse proposals which are likely to cause disturbance or unacceptable damage to protected species and their habitats unless they conform to a series of criteria aimed at safeguarding the recognised features of the site.

POLICY B21 – WILDLIFE CORRIDORS, HABITAT LINKAGES AND STEPPING STONES - Safeguard the integrity of landscape features which are important for wild flora and fauna unless the reasons for the development outweigh the need to retain the features and that mitigating measures can be provided.

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 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 building materials are of a high standard and are in keeping with the character and appearance of the local area.

POLICY B27 – LANDSCAPING SCHEMES - Ensure that permitted proposals incorporate high quality soft/hard landscaping which is appropriate for the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

POLICY B32 – INCREASING SURFACE WATER - Refuse proposals that do not include flood reduction measures or appropriate alleviating measures which will lead to a reduction in the volume and scale of surface water reaching and flowing into rivers and other water courses.

POLICY B35 – AVOIDING THE SPREAD OF INVASIVE SPECIES – Ensure that measures are taken to deal with invasive species where the development involves the disturbance of soil contaminated by invasive species.

POLICY C1 – LOCATING NEW DEVELOPMENT - Land within town and village development boundaries and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

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.

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POLICY CH30 – ACCESS FOR ALL – Refuse proposals for residential/business/industrial units or buildings/facilities for public use unless it can be shown that full consideration has been given to the provision of appropriate access for the widest possible range of individuals.

POLICY CH33 – SAFETY ON ROADS AND STREETS - Development proposals will be approved provided they 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, extension of existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council’s current parking guidelines and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

In addition to the policies of the Unitary Plan, consideration is given to the ‘Gwynedd Design Guidance’ document and the Supplementary Planning Guidance: Wildlife Sites.

2.3 National Policies:

Planning Policy Wales – edition 7, 2014

Technical Advice Note 5: Planning and Nature Conservation

Technical Advice Note 10: Tree Preservation Orders

Technical Advice Note 12: Design

Technical Advice Note 18: Transport

3. Relevant Planning History:

3.1 Application C11/1103/15/AM – an outline application to erect 11 dwellings, clear the site and create an entrance and estate road (an amended application to a previous application that was refused for 16 dwellings) – approved 19.04.12

3.2 Application C10A/0506/15/AM – an outline application to clear the site for erecting 16 dwellings and create a new entrance and estate road – refused 09.11.11 An appeal was submitted later on against the decision to refuse, and the appeal was refused in due course for reasons relating to over-development.

4. Consultations:

Community/Town Council: Not received.

Transportation Unit: General advice regarding the parking arrangement within the site.

Natural Resources Wales: Surface water matters are acceptable.

Welsh Water: Propose that the standard conditions as suggested in the outline application are endorsed.

Public Protection Unit: Not received.

Biodiversity Unit: The results of the bat survey are acceptable.

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Trees Officer: There is a need for the developer to follow the results and suggestions of the trees survey that was undertaken. The landscaping scheme is deemed to be acceptable.

Land Drainage Unit: Their final observations had not been received at the time of writing this report.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has ended and several items of correspondence were received objecting on the basis of the following relevant planning matters:

- A greenfield site
- The houses are close to existing houses/the height of the houses/overlooking/loss of light
- Effect on the public sewerage system
- Safety on the road/a safe route to school/sub-standard roads
- The entrance is close to a busy junction
- No affordable/local need housing
- Flooding/surface water
- Biodiversity matters / the effect on several species / wildlife site
- The effect on protected trees.
- Sustainability matters
- An inadequate landscaping scheme
- Shortage of parking / impact on the current parking situation

In addition to the above objections, objections were received that were not valid planning objections which included:

- The developer has not consulted with the local residents
- The viability of the development

5. Assessment of the material planning considerations:

The principle of the development

5.1 The main consideration in relation to this application is the suitability of the proposed scheme in terms of the reserved matters, taking into account that an outline application has already been approved and consequently the principle of a residential development containing 11 dwellings has been supported. You are reminded that the access and the layout of the houses within the site have been approved through the outline permission therefore it is matters relating to size, appearance and landscaping that form the reserved matters and are part of this application.

Visual amenities

5.2 When comparing what is proposed and what can be seen on the site at present, which is overgrown 'wilderness', obviously the effect on the visual amenities of the local area will be substantial in the short term.

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- 5.3 There is a prominent and considerable variety to the existing dwellings in the local area, from traditional terrace houses to large detached houses. It is believed that the design of the proposed houses conveys common appearances within the local area and reflects the common elements here by reflecting the height, scale, finishes and elements of the design. It is seen that finishes such as bay windows will be added on the front of the houses with stone sills above the windows and the front door.
- 5.4 It is not believed that the design and finishes of the proposed houses are unacceptable or alien within the local townscape; we see that the use of appropriate materials is proposed, and consequently the proposal is acceptable and satisfies the requirements of policies B22 and B25.
- 5.5 A report in the form of an assessment of the development's effect on trees on the site was submitted as an update to a previous tree report. Confirmation was received from the Council's Trees Officer that the developer should comply with the content of the report and the recommendations which would subsequently protect the trees on the site. It was also confirmed that the proposed landscaping scheme for the site was acceptable, therefore it is considered that the requirements of policies B19 and B27 are met.

General and residential amenities

- 5.6 Local residents have expressed concern regarding the proposal in terms of its effect on current residential amenities. The layout of the site in terms of the location of the houses, the access and the road have all been approved in the outline application, therefore they do not form part of this application. What is proposed here does not vary significantly from what has already been approved.
- 5.7 The design of the houses is standard and suits their location. It is not believed that they are likely, due to their design and layout, to impact on the general and residential amenities of the area to an unacceptable degree. The built-up nature of the local area means that existing developments are fairly close together and it is not believed that what is proposed here is likely to have an unacceptable impact compared with what already exists here. It is proposed to include a bathroom window on the gable-end of the house that would be closest to the existing property known as 16 Frongoch, it is not believed that this would be unacceptable or that it would impact on the residential amenities of this property, as it is not considered to be a 'main room'.
- 5.8 Full consideration has been given to the effect of the development on the general and residential amenities of the area when assessing the outline application for 11 dwellings on this site, and subsequently the principle has been accepted and approved. We see that the existing site has overgrown and in parts it contains harmful plants such as Japanese Knotweed. By developing the site, we can ensure that these invasive species are eradicated safely, which will benefit the local area. It is therefore considered that the proposal is acceptable and satisfies the requirements of policies B23 and B35.

Transport and access matters

- 5.9 It can be seen from the outline application that the vehicular entrance and the internal layout of the site, including the location of the road, have already been approved. Since no change is proposed to what has already been approved, these matters do not form part of this current application, and therefore we do not believe that there is a need to consider these matters once again.

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- 5.10 As background information, we note that extensive discussions were held between the Transportation Unit and the developer at the time of the outline application. It is acknowledged that the local roads network is substandard and that a safe route to school had been identified for Frongoch Road. However, it was decided that what is proposed is acceptable and that the access, the form and layout of the road, and the arrangement and number of parking spaces, are all acceptable. The proposal is therefore considered acceptable in respect of highways and access matters, and thus it is considered that the proposal continues to satisfy the requirements of policies CH30, CH33 and CH36.

Biodiversity Matters

- 5.11 Once again we see that concerns have been highlighted by local residents regarding the effect of the development on biodiversity and ecological matters in the local area. Thorough assessments have been undertaken within the site by qualified ecologists and the results of these inspections have been published in the form of official reports which include an update on the use of the site by bats (which state that there was not a high level of use by bats at the time). It is also noted that full consideration has been given to these matters with the outline application and that outline permission was granted after considering all the relevant matters in full.
- 5.12 The site has been designed so that specific areas are identified as ecological areas to mitigate the development's effect on species. Five bat roosts are also included within the site. This site has no protected status in terms of a formal designation, and what is reported in the ecological assessments and information is accepted by the Council's Senior Biodiversity officer.
- 5.13 It was previously noted in the report that the authority's Trees Officer accepts the content of the trees assessments. By preserving the most important trees on the site, including appropriate additional landscaping and eradicating invasive plants such as Japanese Knotweed, it is not considered that the site in terms of its current and finished state would suffer from any unacceptable impact in the long term.
- 5.14 Considering that all the formal assessments have been undertaken and submitted by qualified ecologists, that appropriate mitigation measures have been included and that everything has been assessed by relevant officers within the Council, it is believed that the proposal is acceptable and that it therefore complies with the requirements of policies A1, A3, B20, B35 and B21 of the UDP.

Relevant planning history

- 5.15 The outline permission has approved the principle of a residential development on this site. Following such an approval, further details must be submitted for reserved matters, as is the case here.
- 5.16 We see that what is proposed here is in accordance with what has already been approved in terms of the number and layout of the houses, the location of the entrance and the road. The details requested as reserved matters are acceptable and on this basis, the entire application is also acceptable.

Flooding matters

- 5.17 The site in its current state is wet in parts, this has probably stemmed from the lack of maintenance of the water course that crosses the site. Concerns have been highlighted in relation to the effect of the development on matters relating to flooding, particularly so on adjacent dwellings and on grounds lower down from this site.

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- 5.18 Natural Resources Wales (or the Environment Agency as it was previously known) did not object to the outline application, nor did Welsh Water or the Council's Land Drainage Unit. Although an initial letter was received from Welsh Water objecting to this proposal, confirmation was received that it had been sent in error and that they repeated the observations that had been given with the outline application.
- 5.19 Further information was requested from Natural Resources Wales in relation to a strategy and arrangement for the disposal of surface water within and away from the site. This information was submitted later on, and it was confirmed that this was acceptable. It was suggested that confirmation should be received that this was acceptable from the Council's Land Drainage Unit, as it was likely that consent would be needed under flood defence legislation to carry out work on the water course.
- 5.20 This confirmation has not been received at the time of writing this report but bearing in mind that outline permission has already been approved and that problems arising are likely to be the result of lack of maintenance on the current water course which affects unobstructed flow through the site, it is likely that the advice given would be standard advice to agree on details of arrangements through relevant land drainage legislation. In doing so, it is considered that the requirements of policy B32 would be met.

Response to the public consultation

- 5.21 It is acknowledged that concern has been highlighted with regard to developing the site at the time of determining the outline application and with this application. What is proposed here does not appear to be significantly different to what was approved through the associated outline permission and it confirms some aspects such as size, appearance and landscaping that had not been determined previously. The principle has already been established and approved, and full and worthy consideration has been given to the material planning observations received during the consultation period.

6. Conclusions:

- 6.1 Considering the above and having considered all the relevant matters including local and national policies and guidelines, and the observations received including letters of objection, it is not believed that the proposal is unacceptable or contrary to the requirements of the policies noted above. Therefore, based on the above, we believe the proposal is acceptable.

7. Recommendation:

- 7.1 To delegate the right to the Senior Planning Manager to approve the application, subject to receiving a favourable response from the Land Drainage Unit regarding arrangements for protecting the water course on the site and to relevant conditions relating to:
1. A relevant drainage condition (if one is suggested by the Land Drainage Unit)
 2. Carrying out the work in accordance with the recommendations in the Trees and Biodiversity Report (as updated since the outline application).