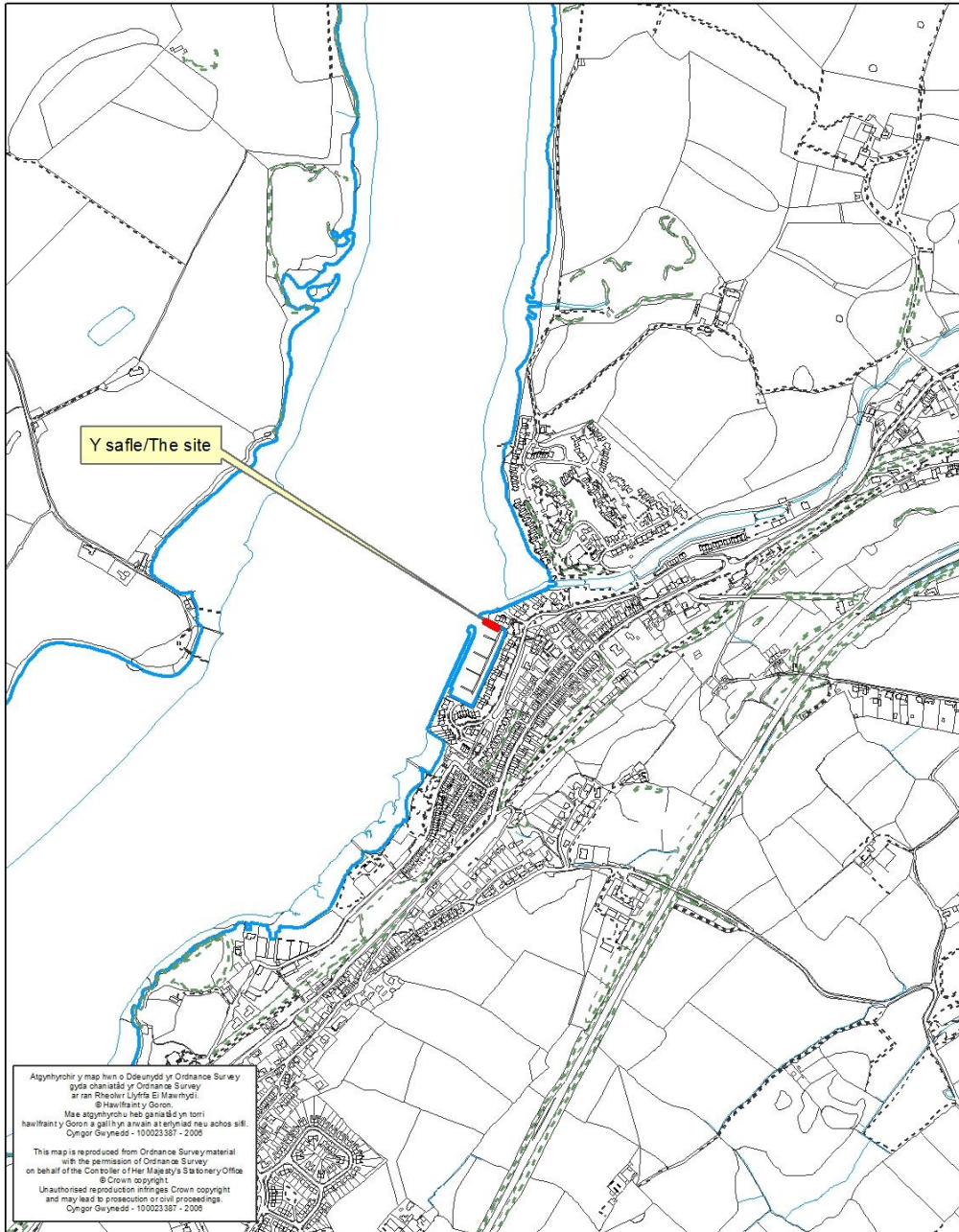


Number: 5



Rhif y Cais / Application Number : C15-0808-20-LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.
Location Plan for identification purposes only. Not to scale.



PLANNING COMMITTEE	DATE: 05/09/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

Application Number: C15/0808/20/LL
Date Registered: 29/07/2015
Application Type : Full - Planning
Community : Y Felinheli
Ward: Y Felinheli

Proposal: RETROSPECTIVE APPLICATION TO RETAIN A PONTOON WITHIN THE QUAY
Location: MENAI MARINA, FORMER SLATE QUAY, Y FELINHELI, GWYNEDD,
LL56 4JN

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

1. Description:

- 1.1 This application was deferred at the Committee on 19 October 2015 due to the procedure for speaking at the committee. The application was deferred at the Committee on 9 November 2015 due to the committee's decision to request an update to the structural assessment. This assessment was received on 15 April 2016 and a second consultation was undertaken. The application was deferred at the Committee on 13 June 2016 in order to obtain the opinion of a structural engineer on the engineering report and update received. This opinion was received on 24 June 2016 from the Technical Unit Manager, Gwynedd Consultancy. The application was deferred at the Planning Committee on 5 September 2016 in order to give the objectors three weeks as an opportunity to provide and submit their own engineering report. This report was received on 26 September 2016 and was sent to the Technical Unit Manager, Gwynedd Consultancy for observations.
- 1.2 This is a full retrospective planning application to retain a pontoon within the quay. The pontoon is located on the northern wall and measures 30m long and 2m wide. It is linked to the harbour wall in three locations by an iron bracket which allows the pontoon to rise with the tide. There is a ladder going down the wall to the centre of the pontoon. The pontoon is constructed from iron and wood.
- 1.3 The site is part of the existing marina located in Felinheli. The harbour wall is a grade II listed structure. The site is within a C2 Flooding 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 must also 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 decision.

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2.3 Gwynedd Unitary Development Plan 2009:

B2 – ALTERATIONS TO LISTED BUILDINGS OR BUILDINGS IN THEIR CURTILAGES - Ensure that proposals do not cause substantial damage to the special architectural or historical character of Listed Buildings.

B3 – DEVELOPMENTS AFFECTING THE SETTING OF A LISTED BUILDING - Ensure that proposals have no adverse effect on the setting of Listed Buildings and that they conform to a number of criteria aimed at safeguarding the special character of the Listed Building and the local environment.

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.

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.

B24 – ALTERING AND EXTENDING BUILDINGS WITHIN DEVELOPMENT BOUNDARIES, RURAL VILLAGES AND THE COUNTRYSIDE - Ensure that proposals for alterations or extensions to buildings conform to a series of criteria aimed at protecting the character and amenity value of the local area.

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.

The Gwynedd and Anglesey Joint Local Development Plan which is currently being prepared is subject to an ongoing Public Examination. At present, it is not a relevant planning consideration for making decisions on planning applications.

2.3 National Policies:

Planning Policy Wales (Edition 8, January 2016)
 Technical Advice Note 12: Design 2016

3. Relevant Planning History:

- 3.1 C01A/0292/20/LL Provide pontoons and a car park for cars (reviewed application) - Approved 4-1-2002
- 3.2 C15/0603/20/CR – Retrospective application to retain three closed security gates – Approved by the Committee on 7/9/15 and sent to Cadw.

4. Consultations:

Community/Town Council: Not received

Natural Resources Wales: No objection in principle, but makes the following observations:

- This development should have received a maritime licence from NRW prior to installation; legislation does not allow retrospective applications.
- We do not believe that the development would have a detrimental effect on the special area of conservation.

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- It is suggested that the applicant should prepare a flood implementation plan
(Original observations remain valid following the second consultation)

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:

- The impact of the pontoon on the wall's stability
- The wall's condition which is fairly vulnerable
- The impact of installing the pontoon on the wall and the possibility of the wall falling into the sea with the back gardens of nearby houses.
- The importance of obtaining an independent structural report.

The following observations were also received that are not material planning matters:

- Installed without permission
- Insurance Matters

Following receipt of an update to the structural assessment and a second consultation, a number of objections were received to the assessment, including:

- The assessment is completely inadequate
- The assessment does not refer to the crack at the top of the wall
- The assessment does not refer to the previous collapse
- The assessment does not refer to tide matters and the impact on the pontoon in a fragile location

The assessment does not refer to the fact that the pontoon has been raised from its position in Winter

Following receipt of the structural engineer's opinion on the report, an objection was received noting:

- The application was deferred in order to receive a detailed, factual and comprehensive report on the structure and condition of the marina wall.
- The latest opinion does not meet this requirement; it only reviews and repeats the report. There are no detailed calculations / information about the effect of the waves and the pressure on the pontoon attached to the wall.
- Not against the pontoon, but it is suggested that there is another way of installing it, which would be acceptable to all.

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5. Assessment of the relevant planning considerations:

- 5.1 The proposal entails retaining a pontoon located on the harbour's northern wall, measuring 30m long and 2m wide and constructed in iron and wood. It is linked to the harbour wall in three locations with an iron bracket which allows the pontoon to rise with the tide. A large pontoon has already been approved and installed within the harbour; therefore the proposal will not install any new feature at the site.
- 5.2 There are no concerns in terms of the appearance or design of the pontoon as it is similar to the existing pontoon on the site; it must also be borne in mind that the site continues to be used as a marina. It is not considered that it will look alien within the harbour nor will it have any detrimental effect on the appearance or character of the listed wall. It is not considered that the pontoon would have any detrimental impact on the amenities of the area or on the nearby residents and it is considered that it complies with the requirements of policies B2, B3, B22, B23, B24 and B25 of the GUDP.
- 5.3 The objections received draw attention to the condition of the harbour wall and the appropriateness of installing a pontoon on a wall where parts of it have collapsed in the past. This raises concern regarding whether the wall is structurally robust to be able to support the pontoon and the tide. An engineering report has been submitted with the application and states that installing the pontoon is unlikely to have any detrimental effect in terms of the structure's engineering.
- 5.4 Following the Committee's decision to request more information and as a result of that the receipt of the update to the structural assessment, a Surveyor within the Council was consulted in order to obtain confirmation that the report received is fit for purpose. A response was received from the Council's Surveyor stating: "Assessing the condition and strength of a unique structure such as this wall is a specialist field. Richard Broun Associates are specialists in the field - they provide guidance to us as a Council on similar situations and we acknowledge them as qualified, reliable and fair-minded Consultants. I cannot disagree with their findings in this case. According to their report they have inspected the wall on two different occasions with a year in between the two visits. Their findings seem confident and they are not ambiguous and do not raise any significant concerns. In the absence of specialist evidence to the contrary, I see no reason not to accept their findings and advice."
- 5.5 It is seen from the response to the consultation period that concerns remain about the situation and the content of the latest report received (referring to the observations received in Part 4 above). However, no specialist advice has been received which states to the contrary and therefore there is no reason not to accept the finding and advice noted in the most recent report by Richard Broun Associates. It must also be noted that the matters raised by the objectors are not planning matters and could possibly be civil matters.
- 5.6 Following deferral at the Committee in June in order to obtain the opinion of a structural engineer on the engineering report and update, this was received from an expert within the Gwynedd Consultancy Department stating that the findings of the engineering report were reasonable. He encourages the undertaking of regular inspections of the structure by the owner which will be advantageous to monitor the condition and any deterioration in the wall, if at all.

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5.7 Following the deferral at the Committee in September 2016 in order to give the objectors time to provide and submit their own engineering report, this report was received on 26 September 2016. A visual inspection was undertaken, and within the findings of this report, ARUP states “we would conclude that the wall with the attached pontoon, visually appears to be adequate”. From the new report commissioned by the objectors it does not appear that the wall is in a poor state of repair nor is it under any threat from the pontoon. ARUP suggests providing a way to monitor the wall regularly, as a fair mitigation measure. The observations of Gwynedd Consultancy are expected prior to the date of the Committee at which the observations will be given verbally. It is not considered that the content of the new report has submitted any new evidence and therefore the recommendation has not changed from the previous applications.

6. Conclusions:

6.1 The new pontoon is in keeping with the area in terms of design and appearance and as it is a working marina. There are no implications on the appearance or character of the listed structure or on the area’s amenities or nearby residents, and the submitted engineering report states that the wall is strong enough to be able to support this pontoon. The report from ARUP which was commissioned by the objectors does not present any evidence to the contrary. It is therefore considered that the proposal is acceptable and in accordance with policies B2, B3, B22, B23, B24 and B25 of the GUDP.

7. Recommendation: To approve subject to condition -

1. In accordance with the plans;