

PLANNING COMMITTEE	DATE: 26/02/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 4

Application Number: C23/0917/14/DT

Date Registered: 16/11/2023

Application Type: Householder

Community: Caernarfon

Ward: Menai

Proposal: Full renovation of existing house, proposed new garage, proposed photovoltaic system, landscaping and flood mitigation measures as well as demolition of existing outbuilding

Location: 7, Marine Terrace, Porth Waterloo, Caernarfon, Gwynedd, LL55 1LP

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is a householder application for alterations and modifications to a property to include landscaping, flood prevention and installation of the proposed photovoltaic system. An existing outbuilding will be demolished and a new garage will be built in its place on a location to the north of the site and will measure 6.1m x 8.5m. Opposite the new garage a solar panel arrangement will be installed on the former location of the outbuilding. This arrangement will consist of 4 lines of solar panels facing south to benefit from the sun's rays. Landscaping will be carried out on the site including creating a new footpath from the Menai Straits to the new garage passing the existing garden building on site. A new vehicular entrance track will also be installed in front of the existing property up to the proposed garage. Trees will be planted on the northern flank of the site. In addition to this flood relief works will be provided on site. These will include two flood gates on the boundary of the property with the Menai Straits.
- 1.2 In discussing the changes to the property the largest proposed changes will be internal, including the use of the existing connecting garage as a kitchen and dining room and changing the arrangement of some of the existing rooms, but there are some changes to the exterior elements of the property. There is no change to the overall floor area size of the property but a section of the ridge roof will be extended down on the south-eastern elevation which means it will extend over the outer wall to create shade. There will be changes to the north-eastern elevation including a slate diamond pattern finish and a new window arrangement will be created with the addition and repositioning of several windows. On the north-western elevation the proposed first-floor balcony will be extended to run up to the boundary of the property, and it is proposed to provide two open porches at the rear of the property.
- 1.3 The property is located near the Menai Strait at the far end of a row of residential houses on Marine Row, Port Waterloo. Due to its location near the water the Development Advice Maps state that the property is partly within the boundaries of flood zone C2 as well as within zone 3 of the flood maps for the latest planning. The property is located outside the Caernarfon Development boundary as set out in the LDP.
- 1.4 The application is before the Planning Committee because of a family connection with one of the planning officers.

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 Local 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, 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 **Anglesey and Gwynedd Joint Local Development Plan 2011-26, adopted 31 July 2017**

TRA 2: Parking standards

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TRA 4: Managing transport impacts

PS 5: Sustainable development

PS 6: Mitigate and adapt to the impacts of climate change

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping Policy

PS19: Conserving and where appropriate enhancing the natural environment

ARNA 1: Coastal Change Management Area

ADN 2: PV Solar Energy

AMG 3: Protecting and improving features and qualities that are unique to the character of the local landscape.

2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 12 - February 2024)

Technical Advice Note 12 - Design.

Technical Advice Note 15 - Development and Flood Risk

3. **Relevant Planning History:**

3.1 Not relevant.

4. **Consultations:**

Community/Town Council: No objection noting that the Committee acknowledged that the application is an an area of high risk (Unanimous)

Transportation Unit: I refer to the above application and I confirm that the transportation unit does not have any objection to the development.

Natural Resources Wales: We do not oppose the proposed development as submitted and we provide the following advice.

Flood Risk

The site is partly within zone C2 in accordance with the Development Advice maps that correspond to TAN 15: Development and Flood Risk. The site is also shown to be partly within flood zones 2 and 3 for the Sea in the more recent mapping known as Flood Maps for Planning (which accounts for the impacts

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of climate change).

The applicant has commissioned a Flood Outcome Assessment (Waterco Limited), October 2023) which considered the risk of flooding from the sea and provides suggested flood mitigation measures. It is noted and accepted that the proposal is for the householders' renewal of the existing house and does not create a new unit that is highly vulnerable (figure 2 in TAN15).

We note that the extreme sea level marks used (for 2018) are a mark point at the Menai Strait entrance along the coast off Fort Belan and quote a value of 3.51m AOD. Please be aware that the source of data used (DEFRA 'Coastal Design Sea Levels - Coastal Flood Boundary Extreme Sea Levels' (2018)) has values for estuaries including along the Menai Strait. There is a mark point off the town of Caernarfon where the river Seiont enters the Menai Strait with a value of 4.02mAOD which should have been used alone. However, it is noted that the FCA has used the 70th and 95th percentages to assess climate change scenarios. Despite this, due to the height of the existing walls, to which the flood gates will tie, the site/dwelling may still be at risk of flooding during the events considered i.e., the 0.5% event (2023) and contrary to the statement made in FCA page 10. The proposed garage is suitable above all the events considered.

The FCA also suggests a flood warning serves the site. Please be aware that the site falls within a flood warning area for the Llŷn Peninsula and Cardigan Bay coast and does not benefit from the flood warning service. The quay in Caernarfon is served by a flood warning service as is Felinheli. The triggers to consider issuing warnings are around 3mAOD in Caernarfon and 4.5mAOD in Felinheli. Therefore, it may be appropriate to register as an 'area of interest' through our local Alert and Information team (rhybuddio.hysbysu.gogledd@cyfoethnaturiolcymru.gov.uk) and decide when to lift/close the flood gates.

We identify the additional flood mitigation measures proposed that would be appropriate to reduce the effects of sea/tidal flooding forming.

The FCA also refers to a culverted watercourse that could overflow under the proposal (as it can currently do). As the proposal does not imply any additional load (which could affect any culverts) and the fact that the watercourse is considered an ordinary watercourse. We would also suggest that you consult your colleagues in the Flood and Water Management team at YGC who act as the Lead Local Flood Authority and may be aware of the watercourse.

Therefore, we would advise that, although the FCA may not have used the most suitable mark to assess offshore flood risk, it may be appropriate for the applicant to engage further with the FCA authors. However, as the proposal is not seen as intensifying use and providing flood mitigation i.e., 'improvement' in terms of risk, we do not want to make any further representations for the current proposal.

Protected Species

We note that the bat report submitted in support of the above

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application (Clwydian Ecology, July 2023. Protected Species Survey) reported that bats did not use the application site. We therefore have no adverse representations to make on the application as submitted.

Protected sites

The application is located within 75m of the Menai Strait and Colwyn Bay Special Area of Conservation (SAC).

From the information provided, we consider that the proposal is unlikely to have a material impact on the SAC, as long as the developer acts in accordance with the common building standards and practices.

Our advice may change if modifications are made to the proposed development before the application is decided. If there are any changes to the proposed development that could affect the consideration of potential environmental impacts, please contact us again before you determine the application.

As the competent authority under the Habitat and Species Protection Regulations 2017 (as amended), it is your Authority that will undertake the Likely Significant Impacts test for the proposed development. Should you conclude that the proposal is likely to have a significant impact on the Special Area of Conservation, either in isolation or in conjunction with other plans or projects, a proper assessment of the project's implications for that site must be carried out taking into account its conservation objectives. You must, for the purposes of the assessment, consult NRW and consider any comments we make within the reasonable period indicated by you.

Landscape

The development is located within 975m of the Ynys Môn Area of Outstanding Natural Beauty (AONB). We note that there is no landscape assessment information with the application and therefore, we assume that your Authority has screened the application and concluded that any impacts on the landscape are unlikely in line with Planning Policy Wales (PPW 11) of the Welsh Government's Planning Policy. If you need further advice, then please re-consult us.

Welsh Water:

Comments, conditions and advice offered to the applicant or letter dated 27-11-2023.

Biodiversity Unit:

I do not expect that this development would have a significant impact on the Menai SAC / SSSI providing strict pollution prevention measures are adhered to. The Ecology Report has been produced to a good standard. The assessment confirms that no bats are present in the building prior to development and justifies reasonable avoidance measures which must be taken to ensure there is no loss of habitat or disturbance to bats. All RAMS detailed within the Ecology Report provided must be adhered to. The design drawings / green infrastructure statement (GIS) and design plan must incorporate the enhancement measures provided (Section 8 and 9). These are suitable and reasonable for the scale of this development. The design provided

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incorporates the measures from the ecology report, this design should be conditioned with planning.

Further response:

This development will not have a significant impact on the SAC and can be screened out at the first stage of the HRA process.

Land Drainage Unit: The site of the development is within flood zone C2 and because of this we will leave NRW to comment on flood risk issues facing the development. This unit has no further comments to offer.

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

- Loss in privacy following extending the balcony to the boundary between number 7 and 6 Marine Terrace
- Plans do not give an accurate picture of the site.

5. Assessment of the relevant planning considerations:

The principle of the development

5.1 The house is located on a site near the Menai Strait and consequently partly within flood zones C2 in the Development Advice Maps and zone 2 and 3 in the flood maps for planning. The proposed changes and landscaping would mean providing a safe place for cars and also access with less risk of flooding. In addition to this the flood gates are being installed to mitigate against the potential impacts of flooding. It is planned to provide an arrangement of solar pv panels near the new garage. There are no major alterations to the property in terms of extensions, although two open porches are provided at the rear of the property, but rather its overall appearance and finish. A slate finish will be added to one elevation and the arrangement of windows and doors will change throughout the property. The biggest change would be to extend the existing balcony up to the property boundary. It is likely that only a few of the changes would be visible from public spaces. The intention includes internal alterations including the use of the existing connecting garage as a kitchen and dining room. The proposal as a whole is considered acceptable subject to compliance with relevant local and national policies which are addressed in the remainder of the report below.

Visual, general and residential amenities

5.2 Policy PCYFF3 states that proposals will be approved, including extensions and changes to existing buildings and structures, if they comply with a number of criteria that include that the proposal complements or enhances the character of the site, the building or the area in terms of siting, appearance, scale, height, massing and elevation treatment; that it respects the context of the site and its place in the local landscape; that it utilises materials appropriate to its surroundings and incorporates soft landscaping; that it enhances a safe and integrated transport and communications network; its drainage systems are designed to limit surface water run-off and flood risk and prevent pollution; that it achieves an inclusive design by ensuring barrier free environments, allowing access by all and to help create healthy and active environments, and considers the health and well-being of future users. The proposal includes minor external alterations to the existing building together with providing a garage and floodgates. It is

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considered that the visual impact of these elements of the proposal are acceptable and are in compliance with the policy principles of PCYFF 3.

- 5.3 Policy ADN2 also states that proposals will be permitted provided the panels have been adequately mitigated ensuring that this will not lead to a significant change to safety and amenities. It is believed that due to the small scale of the solar panel arrangement and its location in the curtilage of a property situated at the far end of a row of houses that the panels are suitably fitted in the landscape and have no impact on road safety, landscape designations and biodiversity. Although the panels will be a new feature in the landscape it is not believed that their impact will be significant enough to cause a negative impact to the amenities of neighbouring residents' and they will not be visible from neighbouring houses. It is therefore not believed that the proposed installation of solar panels will have a characteristic adverse effect on the character of the built form or natural landscape and therefore comply with policies ADN2 and AMG3 of the LDP.
- 5.4 The application was advertised on the site and nearby residents were notified and a response was received with concerns about the extension of the balcony and the potential impact and loss in privacy to property number 6. It is recognised that the balcony is slightly higher than the balcony level of the property next door, but due to the orientation of the houses as well as the location of the windows on existing balconies there is existing over-looking on site. It is therefore considered that extending the balcony will not have a materially different effect from the present situation. However, it is felt that a condition should be imposed forcing a privacy screen to be installed along the side of the balcony adjoining the property named number 6 Marine Row to protect residential amenities and privacy that may originate directly from the balcony extension. The new garage will be built on the curtilage of the property and the old garage will be demolished. The location of the proposed garage will mean it will be partially hidden by the property and it is believed it will not have a negative visual impact on the landscape or neighbours due to its size, scale and design. A screen by the property boundaries and landscaping will also help reduce the visual impact of the proposed garage.
- 5.5 The application site is located at the far end of a row of houses and would therefore be unlikely to significantly disrupt other houses nearby as the site is naturally subject to more change than houses with neighbours on each side. The proposed garage, and external alterations apart from the balcony are located on elevations away from the nearby houses. It is unlikely that the proposal would have a significant negative impact on the amenities of nearby residents. The application is therefore considered to be in accordance with policy PCYFF 2 in the LDP.

Transport and access matters

- 5.6 The proposal involves demolishing an existing outbuilding, constructing a new garage and also creating an additional access track within the property. Comments have been received from the Transportation Unit stating no objections to these proposed changes. It would therefore not be contrary to the objectives of Policies TRA 2 or TRA 4 within the LDP.

Biodiversity matters

- 5.7 Comments were received from the Biodiversity unit stating that the ecological report submitted as part of the application was acceptable and that the measures set out in the report needed to be followed when carrying out the work. It is noted that bird and bat boxes will be installed on the property and this is clearly shown on the plans. Confirmation has been received from the Biodiversity unit that this development will not have a significant impact on the adjacent Menai Strait and Colwyn Bay Special Area of Conservation and will be screened out of the first stage of the process under the Habitat and Species Protection Regulations 2017 (as amended). The Ecological Report was produced to a good standard. The assessment confirms that there are no bats present in the building prior to the development and justifies reasonable avoidance measures that must be taken to ensure there is no habitat loss or disruption to bats. Subject to appropriate conditions, the application is deemed to comply with policy PS 19 of the LDP, together with the

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update to chapter 6 of Planning Policy Wales published on 7th February 2024 relating to green infrastructure and the phased approach.

Flooding matters

- 5.8 This site is in a flood sensitive location and partly within zone C2 in accordance with the Development Advisory Maps in line with TAN15: Development and Flood risk. The site is also shown to be partly within flood zones 2 and 3 for the Sea in the more recent mapping known as Flood Maps for Planning (which accounts for the impacts of climate change). Natural Resources Wales' comments state that there is no objection to the proposal as it is not seen as intensifying use and provides flood mitigation i.e. a 'risk-based improvement'. As a result of this, there is no objection to the proposal in terms of flood impact and the proposal to comply with the policy requirements of PS6 and TAN 15 Development and Flood Risk.
- 5.9 The site is situated on the edge of the Waterloo Port to Felinheli Seafront Coastal Change Management Area (PU16.13) and therefore policy ARNA 1 applies. No new residential unit is being created at this location nor is there an increase in the number of bedrooms. Section 8 of the policy notes that limited residential extensions that are closely related to the existing scale of the property are permitted as presented in this application and therefore doesn't result in a potential increase in the number of people living in the property. In addition to this the policy allows for ancillary development such as the solar panels, a new garage, flood mitigation works and landscaping within the curtilage of existing dwellings as presented here. Natural Resources Wales has confirmed that the proposal is acceptable in terms of the impact of flooding. To this end, due to the small scale of the developments and does not significantly increase the bulk of the property, the proposal in its entirety complies with policy ARNA 1 of the LDP.

6. Conclusions:

- 6.1 Having weighed-up the proposal in the context of the relevant policies, it is considered that the proposal is acceptable as it would not have an impact on the streetscape, the amenities of nearby residents, road safety or biodiversity and is acceptable in terms of flooding matters.

7. Recommendation:

To approve – conditions

1. Five years to commence the work.
2. In accordance with plans.
3. Slates to match.
4. Opaque glass to be installed along the side of the balcony that borders with number 6 Marine Terrace
5. In accordance with the ecology report
6. Welsh Water Condition

Information note: Welsh Water/Natural Resources Wales and Biodiversity