

PLANNING COMMITTEE	DATE: 20/05/2024
THE REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 2

Application Number: C24/0131/42/DT

Date Registered: 21/02/2024

Application Type: Householder

Community: Morfa Nefyn

Ward: Morfa Nefyn and Tudweiliog

Proposal: Proposed external works including reinstatement and extension to terrace/patio area, construction of a new wall and other various alterations

Location: Hafan Lôn Bridin, Morfa Nefyn, Pwllheli, Gwynedd, LL53 6BY

Summary of the Recommendation: APPROVE WITH CONDITIONS

PLANNING COMMITTEE	DATE: 20/05/2024
THE REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

1. Description:

- 1.1 Application to undertake external works involving a residential property including reinstatement and extension to terrace/patio area, construction of a new wall and other various alterations.
- 1.2 The site is located outside the current development boundary of the village of Morfa Nefyn and is part of a cluster of other residential buildings that abut the nearby beach. For clarity, it is not a site within the Llŷn AONB, however, it is within the Llŷn and Enlli Landscape of Outstanding Historic Interest. The property and the cluster of adjacent houses are partly within part of the Site of Special Scientific Interest (SSSI) from Porth Dinllaen to Porth Pistyll and Clogwyni Pen Llŷn Special Area of Conservation (SAC) and opposite the Pen Llŷn a'r Sarnau SAC.
- 1.3 The proposal has been amended since it was originally submitted in response to the concerns raised by officers and during the public consultation. The proposal now entails:
- Creating a front wall by using gabions filled with stone, as well as an internal space to be used for storage.
 - Improve and extend the existing terrace/external area above the wall and include new boundary treatment in the form of wooden posts with a wire between them (this element has been changed from the original submission that included a glazed boundary treatment).
 - Changes to the floor level in front of the property by raising it by 150mm and creating a low 450mm high stone wall to highlight private land and the right of way.
- 1.4 To confirm, the right of way goes along the front of the site that runs parallel with the sea-wall. This is not a formal public footpath but is one that has historically been used by the public especially at times of high tide. The applicant has no intention to divert or stop-up the use of this path but there is an attempt to highlight the difference between the land used as a path and private lands by erecting a low stone wall.
- 1.5 The application is submitted to the Planning Committee for a decision following the receipt of the Local Member's comments who confirmed that he objected the proposal due to an over development of an ancient and beautiful house in a prominent place; it would spoil the character and appearance of the row of distinguished small houses that are directly near to the AONB: the unstable cliffs near the back/side garden should not be allowed to be affected.

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.

PLANNING COMMITTEE	DATE: 20/05/2024
THE REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

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

PS 1 - The Welsh Language and Culture

PCYFF 2 - Development criteria

PCYFF 3 - Design and place shaping

PCYFF 4 - Design and landscaping

TRA 2 - Parking standards

TRA 4 - Managing transport impacts

PS 19 - Conserving and where appropriate enhancing the natural environment

AMG 5 – Local Biodiversity Conservation

PS 20 - Conserving and enhancing cultural assets

AT 1 – Conservation areas, world heritage sites and landscapes, parks and registered historic gardens

Also relevant in this case are the following:

Supplementary Planning Guidance: Maintaining and Creating Distinctive and Sustainable Communities

2.4 National Policies:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 12 - February 2024)

Technical Advice Notes (TAN) 5: Planning and Nature Conservation

TAN 12: Design

TAN 24: The historic environment

3. Relevant Planning History:

- 3.1 Application C15/0598/42/LL - Demolish existing garage and connected building and build a double garage and new toilet - Approved 27/07/15

PLANNING COMMITTEE	DATE: 20/05/2024
THE REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

4. Consultations:

Community/Town Council:

Refuse - the plan is not in-keeping with the area.

Second consultation - An amended plan and information were received and as a result a second consultation was undertaken with the Community Council and the Local Member. No further observations were received for the amended plan at the time of writing this report.

Natural Resources Wales:

We do not oppose the proposed development as submitted and we provide the following advice:

Special Area of Conservation Sites (SAC)

The development is partly located within the Clogwyni Pen Llŷn SAC and opposite the Pen Llŷn a'r Sarnau SAC. Based on the information submitted, we are of the view that the proposed development is unlikely to harm the characteristics for which the Special Areas of Conservation have been designated, on condition that the work is undertaken as shown on the Proposed Site Plan and that no development work or storage of materials occurs outside the work areas shown on this plan.

Our advice is based on the understanding that no work will be undertaken (including for the purposes of constructing an access) along the foreshore. Should there be a need to undertake work or an access/such work then you should re-consult with NRW for further advice. The applicant should also note that a Maritime Permit may be required from NRW for any work towards the sea from the Mean High-Water Spring. All work on site should be carried out in line with the Guidance on Pollution Prevention 5 (GPP5): 'Work and maintenance work in or near water' that is available via the relevant website.

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 you indicate.

Site of Special Scientific Interest (SSSI)

PLANNING COMMITTEE	DATE: 20/05/2024
THE REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

The development is partly located within the Porth Dinllaen to Borth Pistyll SSSI. Based on the information submitted, we are of the view that the proposed development is unlikely to harm the characteristics of the SSSI Porth Dinllaen to Borth Pistyll of special interest, on condition that the work is undertaken as shown on the Proposed Site Plan and that no development work or storage of materials occurs outside the work areas shown on this plan.

Biodiversity Unit:

We agree with the observations of Natural Resources Wales, this development is unlikely to have a substantial impact on the protected sites. It will not be necessary to conduct a Likely Significant Effects test under the Regulations of the Conservation of Habitats and Species Regulations 2017 system, (as amended). No assessment has been conducted of the possible impact on biodiversity but in this case, it is not anticipated that the work would have a significant impact. The Green Infrastructure Statement notes that there will be Biodiversity improvements by maintaining a new planting area in front of the new terrace together with additional shrubs to the existing shrubs on the slope behind the terrace area. The details of the type of native species will be required to consider this as a Biodiversity improvement. The photographs within the information indicates the presence of Montbretia. The eradication of this plant would be considered as a Biodiversity improvement.

Public Consultation:

A notice was posted on the site and nearby residents were notified. The advertising period has expired and no letter / correspondence of objection have been received.

5. Assessment of the relevant planning considerations:

The principle of the development

- 5.1 Generally, policies PCYFF 2 and PCYFF 3 permit proposals for extensions and alterations to existing dwellings provided they do not have a detrimental impact on visual amenities and that they respect and improve the appearance of the site and the area in general. In addition, extensions to existing buildings are required to:
- add to and enhance the character and appearance of the site, the building or the area in terms of siting, appearance, scale, height, massing and elevation treatment;
 - respect the context of the site and its place within the local landscape
- 5.2 In this case, the proposal in question has been amended from its previous submission with a change to the type of proposed finish to the boundary treatment highlighted as an unacceptable element by officers with the original proposal. It can be seen that what is proposed makes use of

PLANNING COMMITTEE	DATE: 20/05/2024
THE REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

natural finishes such as stone, and it is believed that the scale, appearance and the expanse of the work is unacceptable within this special site.

Visual amenities

- 5.3 This proposal means undertaking work within the external area that has already been developed. The appearance of the existing site has 'dated' and shows its age, which is inevitable considering its location on such an open site at times of inclement weather. It can be seen that the finishes of the site are a mix of natural stone walls with slate and stone floors with concrete used to create the seawall. It is proposed to maintain these elevations by using natural stone material and it is believed that changing the handrail from glass as originally proposed to wooden posts with a wire running between them, is an improvement by not highlighting this new element and avoiding a too urban appearance. The original building and its relationship with the other cluster of nearby buildings looks striking however, it is believed that this proposal, bearing in mind its location in the far end of the site within part of the curtilage that has already been developed, is acceptable and would not affect the siting and appearance of the site to an unacceptable degree.
- 5.4 It is recognised that there is a lack of current space to enable the area to be extended in other directions such as towards the back and that it is due to practicality that the proposal has been submitted in this way. As already noted, it should also be recognised that changes have been made following the original proposal by reducing the prominence of the proposal by using less obvious finishes.
- 5.5 It must be acknowledged that the siting of other houses within the wider area varies in size and appearance. It can be seen that the external arrangements of many have been extended by including additions of various forms and it is not believed that this proposal would be substantially different, if at all, to the types of development that have already been approved locally.
- 5.6 Given the additions and alterations in the amended form, it is believed that what is proposed now is acceptable in relation to design and scale, and that as a result would be acceptable on the grounds of the relevant requirements of criteria policy PCYFF 3 which aims, amongst other things, to ensure that all proposals complement or enhance the character and appearance of the site, the building or the area.
- 5.7 Concern was highlighted about the impact of the proposal on the ancient building and its impact on the character and siting of the row of nearby buildings. It must be acknowledged that the building and its siting are attractive and are of a striking character that is an important contribution to the appearance of the nearby area. Despite its character and age this building nor any of the nearby buildings have not been listed. However, it must be ensured that a proposal that may affect the existing elevations of this distinctive site, does not affect to a totally unacceptable degree on its current character. It is deemed that amending the element that included a glazed handrail to a less conspicuous and natural element namely wooden posts and wire is a change for the better. It is noted that this area of the site has already been developed by creating concrete platforms and additional formal areas to the house. It is not considered that the scale, location and the appearance of the new elements would be likely to lead to a totally adverse impact on the character of the existing building and its relationship within the cluster of nearby buildings and therefore is acceptable in terms of the relevant requirements of policy PS 20. Given the size, form and location of the proposed development, it is not believed that the proposal will have a significant impact on the wider designation of the historic landscape that is relevant to this area, and therefore it is not considered that it would be unacceptable based on the relevant requirements of policy AT 1.

PLANNING COMMITTEE	DATE: 20/05/2024
THE REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

General and residential amenities

- 5.8 The property is located close to other residential dwellings. The location of the proposed development in the far area of the site, away from the nearby houses and within an area that is currently used as an external amenities space. It is not believed that the proposal would affect the residents of the nearest houses to an extent that is more than the current situation. Having conducted a full assessment of the proposal in its amended form and the likely impact, it is not found that there is no likely actual adverse impact. In relation to this element, it is not believed that the development would affect the residential amenities of nearby properties to a degree that is significantly more unacceptable than the existing situation in relation to matters regarding disturbance etc. Therefore, it is deemed that it would not affect the residents of nearby housing in terms of this particular aspect to an unacceptable degree and as a result it would not be unacceptable in terms of the relevant requirements of policy PCYFF 2.

Transport and access matters

- 5.9 The existing parking provision has been affected by the proposal because of the location of the work in the far end of the site and therefore it is not believed that the proposal is unacceptable based on the requirements of relevant policies TRA 2 and TRA 4 in relation to access and parking matters.

Biodiversity matters

- 5.10 As can be seen from the observations of the Biodiversity Unit and Natural Resources Wales, no concern has been highlighted about the proposal in terms of its impact on protected sites. There is no suggestion that it would be harmful to these designations due to the scale and location of the proposal. Improvements to the current situation are likely to derive as a result to the development by improving landscaping and eradicate invasive plants. In accordance with recent legislative changes to Planning Policy Wales (PCC) and the need to introduce a Green Infrastructure Statement, a statement has been submitted and for the purpose of satisfying PPW in terms of this aspect, it is believed that this has been done in this case. The proposal is therefore acceptable in relation to the requirements of policies AMG 5, PS 19 and PCYFF 4, together with an update to Chapter 6 Planning Policy Wales regarding green infrastructure and the phased approach.
- 5.11 The local member noted a concern regarding the impact of the proposal in a location so close to the cliffs behind the site. It is seen that a series of supporting walls already exist on the applicant's land and there is no suggestion that work would be done to change these elements. The proposed development will take place in the front section of the site and it is not shown to expand towards the back of the site affecting the bottom of the cliffs. No concern was highlighted by Natural Resources Wales regarding the proposal in terms of consideration regarding the stability of these cliffs.

The response to the public consultation

- 5.12 It is acknowledged that objections have been received to this proposal and it is considered that all relevant planning matters have been given appropriate consideration as part of the above assessment. A decision is made based on a full consideration of all the relevant planning considerations and all the comments received during the public consultation and that no one was let down when considering this application.

PLANNING COMMITTEE	DATE: 20/05/2024
THE REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Language Matters

- 5.13 In accordance with the Planning (Wales) Act 2015, it is a duty when making a decision on a planning application to consider the Welsh language, where it is relevant to that application. This is further reiterated in para. 3.28 of Planning Policy Wales (Edition 11, 2021), and Technical Advice Note 20. The Supplementary Planning Guidance (SPG) 'Maintaining and Creating Distinctive and Sustainable Communities' (adopted July 2019), provides further guidance on how it is expected for Welsh language considerations to be incorporated in each relevant development.
- 5.14 It is noted that there are some specific types of developments where it will be required for the proposal to submit a Welsh Language Statement or a Welsh Language Impact Assessment. The thresholds in terms of when it is expected to submit a Statement/Report have been highlighted in Policy PS1 of the Joint LDP, along with Diagram 5 of the SPG. In terms of the type of developments in question, the following is noted: The proposal does not reach the thresholds to submit a Welsh Language Statement or a Report on a Welsh Language Impact Assessment. However, Appendix 5 of the SPG notes that every housing, retail, commercial or industrial development where there is no need to submit a Welsh Language Impact Statement/Assessment should show how consideration has been given to the language.
- 5.15 The proposal before you is to undertake work within the site of the established residential property. Planning consent has already been approved in the past for work that is attached to the residential use, and the proposal before you entails further maintenance work to improve the area within their curtilage for supplementary use for the property. It is not considered that the proposed developments are likely to have a detrimental impact on the Language and therefore, it is considered that it complies with the requirements of policy PS1 in this context.

6. Conclusions:

- 6.1 Given the above and having considered all the relevant planning considerations, including local and national policies and guidance as well as all the observations received, it is believed that this proposal is now acceptable in its amended form and therefore satisfies the requirements of the relevant policies as noted above.

7. Recommendation:

- 7.1 To delegate powers to the Senior Planning Manager to approve the application, subject to the following conditions:
1. Time
 2. Compliance with plans
 3. Landscaping scheme
 4. Details of finishes/materials
 5. Eradicate invasive plants
 6. Agree/prevent work areas