

PLANNING COMMITTEE	DATE: 11/09/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 1

Application Number: C21/1220/42/LL

Date Registered: 16/12/2021

Application Type: Full

Community: Nefyn

Ward: Nefyn

Proposal: Demolition of existing dwelling and construct a new dwelling in its place, and work to stabilise the cliffs

Location: Morlais Lôn Penrallt, Nefyn, Pwllheli, Gwynedd, LL53 6EP

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 Members are reminded that this application was deferred at a previous meeting of the planning committee held on 17 July. At that time, it was resolved to defer the decision in order to conduct a site visit and have an opportunity to see the site in the context of its location.
- 1.2 Full application for the demolition of existing dwelling and construct a new house in its place as well as work to stabilise the sea cliffs. Externally, the new house would include a ridge roof finished in dark zinc and the finishes of the exterior walls would be a combination of timber boards on the upper floor and natural stone on the lower floors.
- 1.3 The site and existing building is located by the foot of the cliffs of Nefyn Beach. The cliffs have been designated as the Clogwyni Pen Llŷn Special Area of Conservation (SAC) and Porthdinllaen to Porth Pistyll Site of Special Scientific Interest (SSSI). Nearby buildings and sites to the north are a mix in terms of use and appearance, including residential houses, holiday homes, a sailing club and boat stores. The site is outside the current Nefyn development boundary with access gained to the site along the beach as well as a public footpath that leads down from the top of the cliff to the south, past the site and then onwards to the beach below.
- 1.4 The existing site includes a house dating back to the end of the 1960s/beginning of the 1970s and their form include flat roofs and elevations dating from this era. There is associated land to the rear which forms part of the cliff, whilst a slipway leads down to the beach. Public footpath No 19 - Nefyn, leads down to the site from the top of the cliff and then runs along the front of the existing building down to the beach.
- 1.5 The following information was submitted with the application:
- Protected Habitats and Species Survey
 - Design Statement
 - Geotechnical Report
 - Landscape Management Plan
 - Structural report
 - Repair/re-build costs report
 - For information, the above surveys and reports have been amended and updated because of changes to the plan and in response to matters raised relating to Biodiversity/ecological considerations and the stability of the cliffs.
- 1.6 The site and the wider area is within the Llŷn and Enlli Landscape of Outstanding Historic Interest designation. It is outside a nearby flood zone which relates to the beach only, and approximately 6m outside the line of the coastal change management area as highlighted on the shoreline management plan.
- 1.7 As in the case of the existing building, the new building would include three floors and within the interior, there would be:
- Ground floor - garage/boat stores, hallway, wet-room, equipment room
 - First floor - three bedrooms (one en-suite bedroom), bathroom, utility room, sports room/bunkhouse
 - Second floor - hallway/ shower-room/toilet, kitchen/dining room/open-plan dining room, 2 bedrooms (1 en-suite).

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1.8 Elements of the proposal have been amended since the original submission because of the comments received. The exterior finishes of the building have been changed following a comment from the AONB Unit. Additional information and reports were received relating to protecting the cliff and ecological matters after comments received from Natural Resources Wales, the Biodiversity Unit and the public consultation. A second full consultation has been held regarding the amendments and direct discussions have been held between the applicant's agent and officers from Natural Resources Wales and the Council's Biodiversity Unit.

1.9 Originally, a part of the proposal involved diverting the existing public footpath which runs past the site so that it would be re-located to be further from the building. Following discussions about receiving comments on the proposal from the Council's Rights of Way Unit, Nefyn Town Council and members of the Public, it was resolved that this proposal is too contentious and therefore the path will be kept as it is.

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 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven 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 2011-2026, adopted 31 July 2017

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

PS 5: Sustainable development

PS 6: Alleviating and Adapting to the Effects of Climate Change

AMG 4: Coastal Protection

AMG 5: Local Biodiversity Conservation

PS 19: Conserving and where appropriate enhancing the natural environment

TRA 4: Managing transport impacts

PS 17: Settlement strategy

TAI 13: Rebuilding of residential dwellings

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AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens

PS 20: Preserving and where appropriate enhancing heritage assets

Also relevant in this case is:

Supplementary Planning Guidance (SPG): Replacement Dwellings and Conversions in the Countryside

2.4 National Policies:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Technical Advice Note 12: Design

Technical Advice Note 5: Planning and nature conservation

Technical Advice Note 14: Coastal Planning

3. Relevant Planning History:

3.1 It does not appear that there are recent planning applications relating to this site.

Y21/0369 - Pre-application enquiry for the demolition of the existing house and construction of a replacement dwelling. It was noted in terms of the demolition and re-build policy that the proposal could be acceptable in principle. However, it was reiterated that the site's sensitive location meant that there would be a detailed inspection of any application due to its location close to statutory designations as well as matters relating to the stability of the nearby cliffs, Biodiversity, etc., and that the proposal should be discussed with relevant bodies before submitting a formal application. Some changes have been made to the plans received as a part of the enquiry and those submitted as a part of the existing Planning application.

4. Consultations:

Community/Town Council: To refuse: Not many changes have been made to what had been submitted initially, with the exact concerns arising

1. Against moving the line of the public footpath
2. An overdevelopment of the site
3. An alien and intrusive building in a beautiful area which is an Area of Special Scientific Interest as well as an ACA / Europe 4 Instability of the clay cliffs and the associated risks / Council report Gwynedd Environment 2021 and recent Rhyg Estate report.

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Transportation Unit: Not received

Natural Resources Wales: Several observations were received in response to the application and to subsequent amendments. It is believed that the latest responses are relevant:

1. We continue to have concerns regarding the proposed development as submitted. However, we are satisfied that these problems can be overcome by attaching the following conditions to any planning permission granted:

Condition 1: Protected Sites (Construction environmental Management Plan)

Condition 2: Biosecurity

2. For clarity, here is the response to the Appropriate Assessment carried out by the Biodiversity Unit: To confirm, and in accordance with the previous response, that we believe that the appropriate management measures and mitigation measures proposed will ensure that there will not be a detrimental impact on the two Special Conservation Area (SAC) (in accordance with the Habitats and Species Conservation Regulations 2017, as amended). This corresponds with the conclusion of the Appropriate Assessment carried out (Emily Meilleur, undated, C21.1220.42.LL Morlais Lôn Penrallt, Nefyn AA HRA final doc), and sent to us on 04/05/2023 and therefore we agree with the conclusions of the assessment.

Welsh Water: Standard response and advice in relation to drainage arrangements such as not allowing surface water to connect to the public sewerage network, SUDS matters, location of the company's equipment and the need to submit an application if there is a wish to connect to the public network.

Public Protection Unit: Not received

Rights of Way Unit: Numerous discussions were held regarding the matter of diverting the public footpath following concerns highlighted by the members of the public, the community council, the local member and the officers of the rights of way unit. In due course, confirmation was received from the agent that they were going to leave the path exactly as it is located presently and amend the plans to reflect that.

In response, the paths team confirmed that this was a wise decision under the circumstances and that information had been received to show how the building will be protected, whilst also allowing safe

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access to members of the public.

Biodiversity Unit:

A Habitats Regulations Assessment (HRA) has been carried out by the Biodiversity Unit in accordance with regulation 63 of the Habitats Regulations 2017 (as amended). It concludes that the work to stabilise the cliff will not affect the designations (SAC/SSSI) and that there would be no harmful impact on the habitats of Clogwyni Pen Llŷn (SAC) in the short or long term, and also there would be no harmful impact on the marine environment of Pen Llŷn a'r Sarnau SAC, its habitats and species.

In order to ensure that the habitats, species and function of the ACA/SSSI are protected, suitable protection conditions must be imposed during the demolition and construction period so that the cliff habitats are protected.

Land Drainage Unit

As in the case of other matters relating to the site, numerous discussions were held regarding the issue of cliff stability following concerns highlighted by members of the public, the community council, the local member and YGC engineers. In response, the YGC Chief Engineer notes that the proposal to install a system to batten and anchor the soil and a landslide restriction system to accompany the design statement. As a few comments are subjective, the report has been completed by competent and experienced individuals who are obviously satisfied with the findings of the report as it is.

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Public Consultation:

A notice was posted on the site and nearby residents were notified. The advertisement period has expired, and several letters /correspondences of objection were received on the following grounds:

- It would not be in-keeping/unacceptable design
- Over-development of the site, disrupting the character of the local area
- Concerns about landslides affecting the nearby buildings/users of public footpaths and the area in general
- Environmental harm
- Harm to the historical landscape
- The land is too unstable for such a building
- Intrusive and alien development in a beautiful and sensitive area
- It involves felling several mature Jacana trees and blackthorn hedges that have stabilised the cliffs, since the roots support the topsoil from slipping. The location is full of bird nests and wild animals.
- Stabilisation steps on sites near the sea are unwise since the associated salt makes the iron corrode particularly where the plastic is at its weakest in the knots that hold the structure in place.

Originally, several objections were raised regarding moving the public footpath, and since this is no longer a part of the proposal, it is no longer a material consideration.

As well as the above objections, objections were received that were not material planning objections and these included:

- It would turn the area into another Abersoch
- The site is within the AONB

Letters / correspondence were received supporting / providing observations on the application on grounds of:

- There would be an improvement to the views of the local area/current building is an eyesore
- The design/materials and pitch roof convey a more traditional appearance
- The work to stabilise the cliff would be beneficial and would protect the users of the paths
- The work would improve the sea wall

We note here the times when the proposal was amended, a full second consultation was held and therefore every opportunity was given to submit comments on the proposal in its amended form, as well as what had been submitted originally.

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5. Assessment of the material planning considerations:

The principle of the development

5.1 The proposal involves demolishing the existing house on the site and erecting a new house in its place. The site in question is located outside the Nefyn development boundary. The requirements of policy PS 5 notes that priority should be given to the effective use of land and infrastructure, prioritising the re-use of previously used land and buildings, wherever possible. In this case, a dwelling already existed, and the site was already developed, therefore the proposal satisfied the general requirements of policy PS 5 of the Gwynedd and Anglesey Joint Local Development Plan (JLDP).

5.2 Policy TAI 13 of the LDP specifically deals with the rebuild of houses and lists a series of criteria that must be adhered to (where appropriate) in order to approve such plans. Below, this application is discussed in the context of the relevant criteria:

1. Outside development boundaries ... the existing house has a legal residential use;

This site is located outside the development boundary and the legal residential use of the existing house remains valid. Therefore, it is considered that the proposal complies with this criterion.

2. The building is not listed;

The existing building is not listed.

3. The existing dwelling is of no particular architectural and/or historic and/or visual merit, for which it should be conserved;

The existing property is of a relatively simple design and conveys a building dating from the 60s/70s. There are no prominent features worth keeping in the existing building. The appearance and condition of the existing building does not make a positive contribution to the visual amenities of the local area and it certainly includes features that would possibly no longer be acceptable in such a location, such as the extensive flat roof.

4. Outside development boundaries, it is impossible to retain the existing building through renovating it or extending it and/or it is possible to demonstrate that repairing the existing building is not economically practical;

A Structural Report was submitted by a competent company which has noted that there are substantial defects in the existing building that would need to be considered prior to carrying out further work on the building. The costs of improving, repairing, and altering in order to meet the requirements of the owner and current standards would likely be substantial and prohibitive. The viability of retaining the existing building and improving it, instead of re-building is questioned, and in this respect, consideration must be given to the demolition and construction of a new building that would create less structural risk.

In addition, a Repairs and Rebuild Costs Report was submitted by a company of chartered surveyors, listing and comparing repair and re-build costs. There is a marked difference between both, with higher costs to repair and improve the existing building, compared with demolishing and constructing a new building.

5. Outside development boundaries, the proposed house does not replace a caravan or a holiday chalet which has legal residential use;

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This criterion is not relevant to this application.

6. Outside the Coastal Change Management Area, a house to be rebuilt must be located on the same footprint as the existing building unless relocating within the curtilage can be shown to reduce its visual impact and its impact on local amenities;

The new house would be located on the footprint of the current building, with the part to the rear extending out slightly more than the existing house on the upper floors. There is an existing terraced area on the gable end of the building and the proposal includes a similar area, but on a slightly greater scale.

7. Outside development boundaries, the siting and design of the total new development should be of a similar scale and size and should not create a visual impact significantly greater than the existing dwelling in order that it can be satisfactorily absorbed or integrated into the landscape. In exceptional circumstances a larger well-designed dwelling that does not lead to significant greater visual impact could be supported;

Many have referred to the 'alien' design that would not be in-keeping within this specific area and if approved, it would open the door to other unacceptable developments. What makes a good design is of course a matter of opinion, but it is believed that the plan proposed offers a quality building that will replace a defective building, not only in terms of its condition, but also in terms of its appearance. This element will be discussed in greater detail in the report.

8. Areas at risk of flooding and outside the Coastal Change Management Area;

Even though the site abuts the beach and coastline, it is outside a flood zone and coastal change management area. In terms of flood matters, NRW have confirmed that the plans as submitted show a finished floor level of 5.475m AOD, which is higher than the extreme sea levels projected for a AEP 0/5% flood event in 2121 (around 4.6m AOD). Therefore, they are satisfied that the building will comply with the criteria noted in Section A1.14 of Technical Advice Note 15.

The site is also outside a Coastal Change Management Area. Nevertheless, YGC in their role as experts on coastal change management matters state that the development is within coastal unit PU 15.3 'Porth Nefyn West', as defined in the West Wales Shoreline Management Plan 2 (SMP2). The recommendation in SMP2 is to hold the current line of the shoreline in this area in the short/medium term, and for this reason, the area is not listed as a CCMA in appendix 6 of the Anglesey and Gwynedd Joint Local Development Plan (2017). However, we are aware that there is a threat of landslides within the cliff above the development site, and for this reason the developer is introducing measures to manage this risk.

9. Exceptionally, when a house is suitable to live in, or a house had people living in it recently is destroyed by accident, planning consent for a new, replacement house can be given. Evidence must be provided regarding the status and previous condition of the building and the cause and scale of the damage.

Not relevant

10. The original building is demolished and, where appropriate, external buildings are demolished when the new house is completed:

Demolishing the existing building would be inevitable in order to execute this proposal.

11. That permitted development rights are removed.

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It is deemed that there is justification to include such conditions to ensure an orderly development of the site and to protect the amenities of nearby residents.

- 5.3 Given the above, is considered that the principle of demolishing a house and constructing a new house on this site is acceptable in respect of Policy TAI 13.

Visual amenities

- 5.4 Policies PCYFF 3 and 4 of the Local Development Plan promote good building design by ensuring that proposals conform to a series of criteria by aiming to safeguard the recognised features and character of the landscape and the local environment, safeguarding the visual character by ensuring that building materials are of a high standard and in-keeping with the character and appearance of the local area and suitably landscapes the site.
- 5.5 Policy PCYFF 3 of the LDP states that all proposals will be expected to demonstrate high quality design which fully considers the natural, historic and built environmental context. It also emphasises that proposals will only be permitted if they can comply with a series of criteria. Additionally, Policy PCYFF 4 requires that all proposals integrate into their surroundings and a landscape scheme should give consideration, amongst other matters, to the natural contours of the landscape, and demonstrate how the development respects and protects local and strategic views as well as respect, retain and complement any existing positive natural features.
- 5.6 In terms of the size/height of the proposed building, the plan submitted entitled comparative sections shows the difference between the current and proposed buildings in terms of the levels, measured by using ordnance datum information, i.e. measures established above sea level. From the plans, it can be seen that the proposed ground floor level is the same as the existing ground floor level, i.e. 5.475 above sea level. The upper floors would also be more or less at the same level as existing. The length of the new building is also the same as the current building with the front of the new building in the same location as the current building with a section of the back only extending outwards slightly more. The most prominent change is the height of the ridge of the building. The height of the existing flat roof is 13.568 above sea level, whilst the height of the pitch roof would be 15.384 above sea level. Or to put it in its context in terms of the height of the building itself, the height of the existing building from the floor is 7.9m, whilst the height of the new building would be 9.7m by comparison. Therefore, there is a difference of around 1.8m between the existing and what would be constructed here. Nevertheless, this is a change that has been recommended since the pitch roof would be better in keeping with the form and existing features of nearby buildings. Indeed, a pitch roof would appear more 'traditional' in terms of its form than the existing flat roof.
- 5.7 The plot for development is narrow due to the presence of the cliff behind, the public footpath and the beach to the front. Therefore, the availability of additional land is restricted due to the nature and form of the site. Except for the increasing height of the right and the slight increase in the rear elevation of the upper floors and external terrace, it is not believed that the building would fill more on the plot than the existing building to an unacceptable degree.
- 5.8 Currently, there is a three-storey building with a flat roof and timber decking to the side. In terms of design, it is uniform with straight lines with finishes in a combination of timber, glass and iron. Due to its beach-side location, the building is very prominent whilst the building can also be seen from nearby public footpaths and from the top of the sea-hill and coastal path. There is a variety of other buildings on this part of the beach, including historical stone buildings, old seaside huts made of zinc and timber and more recent huts with flat roofs. The existing building does not make a positive contribution to the local views and it does not assimilate well with the traditional buildings in the vicinity. Therefore, it is believed that there is a need to support the principle of demolishing the existing building and construct a new, more suitable, building on the site. In terms of the plans, it can be seen that a number of designs have been considered and that an

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obvious process has been followed in order to reach what was submitted. It is believed that a building with a pitch roof and of a relatively simple design as proposed better assimilates with the other buildings in the surrounding area. Further consideration was given to the design, materials and colour following comments relating to the pre-application enquiry and it can be seen that changes to the exterior finishes convey the comments provided at the time by the AONB Unit (although the site is not within the AONB).

- 5.9 The exterior materials selected are a mix of dark timber on the upper floor and natural stone on the lower floors. Timber and stone materials are in keeping with the location and conveys common appearances of nearby buildings as well as the broader area. The same stone would be used to create the retaining walls. Including a zinc roof would convey the historical appearances of beach buildings and would give a more 'traditional' appearance to a building near the coastline. It is believed that the use of zinc on the roof with timber and natural stone on the lower floors, would assist to reduce the visual impact of the dwelling proposed. Although using zinc on the roof is slightly unusual, it is believed that it would blend into the landscape and would change regularly to reflect the surrounding light and weather.
- 5.10 It is acknowledged that the proposed house would be larger in size than the current property but a total of 11.2m² is obtained over two floors which is not a substantial change at all and is certainly not an over-development of the site since it is at more or less the same scale and on the same footprint as the existing building. The external area on the gable end of the building is more than what is currently there, but again, not to a completely unacceptable degree.
- 5.11 Obviously, it is accepted that the new form of the roof, namely a pitch roof instead of a flat roof, would be higher than the existing property, and therefore would make it more prominent but not to a completely unreasonable degree. As a result, it is not believed that it would stand out as a completely incongruous or contradictory to the general development pattern seen in nearby buildings. It is not considered that the proposed new house will impact to a totally unacceptable level on the character and appearance of the site or the surrounding area in terms of appearance, scale, height or mass.
- 5.12 It must be acknowledged that the applicant has amended the proposal in an attempt to respond to concerns voiced and it is now believed that the proposal would add to and improve the character and appearance of the site and the area in terms of its appearance. There is no objection to the type of design proposed in terms of the elevations of the external walls and the form and scale of the proposed openings since the existing openings are large and prominent and the finishes appear to be dated.
- 5.13 The explanation of Policy PCYFF 3 states: *'the setting and design of new developments must be based on a thorough understanding of the site itself and of its broader background and seek to obtain as much benefit as possible from the site's features. This will require careful consideration of the site layout. No two sites share the same landscapes, contours, relationship with surrounding buildings, street pattern, and features. The proximity of poor quality or indistinct development is not a justification for standard or poor design solutions. New development should integrate into its surrounding whilst seeking to enhance the overall character of the locality'.* There is no doubt that the change would be local compared to what currently exists and what is proposed, however, consideration needs to be given if the change would be to a totally unacceptable extent especially so bearing in mind its relationship within the locality. The existing dwelling in terms of its design, condition and elevations does not make a positive contribution to the quality of the landscape. Although poor decisions made in the past is no justification for approving new developments to take their place, consideration must be given in this case to the value of disposing of the existing building and the proposal to replace it.
- 5.14 Although it would be higher, the proposed development would be better in terms of its architecture and therefore it would be visually better than the existing property. The

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development's design responds to the existing form and gradient of the site and surrounding land, which makes the building sit comfortably within the landscape. The current building has a very restricted architectural quality, and as such, it cannot be considered that it makes any positive contribution to the character of the area. Although it has a simple form, it is very prominent, and in its current condition, it creates substantial harm to the landscape in which it is located. Therefore, it is not believed that there is any value in attempting to keep the dwelling in its current form, or even in attempting to reproduce the style of the property and extensions of a similar design. On this basis, the development proposed would not harm the character and appearance of the area substantially, and it would take advantage of the opportunity to improve the appearance of the site.

- 5.15 Although it would be visible from public vistas, including nearby public footpaths, it can mainly be seen against the backdrop of Nefyn Beach cliffs and the existing landscape. Consequently, the proposal would not be too excessive in public vistas, and it would not lead to a substantial loss of views. The proposal would represent an improvement in the general appearance of the site, which is currently substantially degraded by the existing dwelling.
- 5.16 Having weighed up all relevant considerations, it is believed that the proposal is acceptable and complies with the criteria 1 and 2 of policy PCYFF 3 and points 3 and 4 of Policy PCYFF 4 of the LDP.
- 5.17 The site and wider area lie outside the Llŷn AONB. Nevertheless, observations were presented by the AONB Unit on the pre-application enquiry and it can be seen that suggestions regarding suitable finishes have been followed. There is no objection to the proposal in terms of the impact on the AONB because of the distance between the site and the closest parts of the designation to the west and east.
- 5.18 The site also lies within the Llŷn and Enlli Island Landscape of Outstanding Historic Interest. The proposal involves the construction of a new house, and it is considered that the impact of the proposal would be local and would not have a wider impact on the historic landscape. Therefore, it is considered that the proposal is acceptable in terms of Policy AT 1 of the LDP.

General and residential amenities

- 5.19 The buildings located closest to the site are the sailing club and boat stores, with residential houses further away to the north. It is not believed that there will be a direct impact on the residential amenities as a result of the proposal and that some disruption could occur on occasions during the development of the site, that would be temporary and not in the long term. It is intended to include a condition to agree on the building management plan details, which would include a reference to working hours, movements, etc. It is believed that this would be reasonable protection, considering the proposal. It must be borne in mind that a public beach is located immediately in front of this site and nearby buildings, therefore, it is believed that some disruption already happens. It is not believed that the long-term impact would be unacceptable, and therefore it is believed that the proposal is acceptable based on the relevant requirements of policy PCYFF 2.

Transport and access matters

- 5.20 Unusually with an application for a new house, matters relating to vehicular access and parking provision are not completely relevant in this case due to the location of the site. It is not believed that there is a substantial change in the proposal from what has been established with the existing arrangement continuing in terms of vehicle use.

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- 5.21 As already noted above, originally there was a proposal to divert a nearby public footpath so that it would follow a new line further away in front of the building. Having received a number of objections regarding this element and having discussed the matter with officers from the Rights of Way Unit, the agent removed this element of the proposal and so the line of current path will continue as it is, along the front of the building. It is believed that a standard condition needs to be included to ensure that the path is maintained during the period of developing the site so that access continues for users.

Biodiversity matters

- 5.22 Considerable discussions have been held regarding the impact of the proposal on local biodiversity and the area's designations. Regardless of the early concerns highlighted by the Biodiversity Unit and NRW, namely the two specialist advisers in this field, consideration must be given to their latest comments submitted after amending the plans, the relevant information and/or present additional information.
- 5.23 There is no doubt that such a location could raise concerns in terms of ecological matters and this would be worse if the site was not already developed. But this is a plot of land that has been developed previously with a permanent building and use of a site for residential purposes. The assessments made to the impact of the proposal notes clearly what is expected and as per usual, strict conditions are imposed to ensure that the development is maintained in full compliance with the findings and recommendations of the ecological experts.
- 5.24 These measures have been assessed by the Biodiversity Unit and NRW and although the initial concerns, they now accept that this could be overcome by including a series of relevant conditions. Before approving a development that is likely to have a significant impact on the SAC or SSSI, a planning authority must conduct an appropriate assessment of the implications to the designated features, consult with NRW and address the views of NRW. In this case, an assessment of this type was carried out by the Biodiversity Unit and a consultation on its content was carried out with NRW and it was agreed that it will not have a detrimental impact on the site's integrity, considering also according to the requirements of any measures, planning conditions or additional obligations. Consequently, it is believed that the proposal is acceptable based on the relevant requirements of policies AMG 5, PS 19 and the relevant advice provided in NCT 5.

Any other considerations

- 5.25 Stability of the cliff - Having demolished the current building, the proposal involves some land excavation work. It is also intended to reinforce the existing retaining wall between the land and the beach whilst the existing retaining wall is to be improved or replaced with a new one behind the building.
- 5.26 Public safety is paramount to be protected, and its development will not be approved without a full assessment of that having been carried out. Experts in the field have presented their findings and recommendations for the work of stabilising the cliffs and protecting the building and its residents, other building owners and users of the nearby public footpaths. The credibility of these professional experts and what is recommended is completely valid and they are accountable to what is expressed therein. YGC engineers have provided views on these specialist reports and have noted that the report has been completed by competent and experienced individuals who are obviously satisfied with the findings of the report as it is.

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- 5.27 Planning Policy Wales (PPW) clearly states *"developments should not be approved in areas where the coastline is changing unless the risks and outcomes are understood and that they can be managed acceptably over the period of the development"*. This national guidance goes on to confirm that *"One of the key planning principles is that risks on the surface and below surface are understood and that they can be conveyed effectively to developers, in order to steer investment decisions, and their opportunity for the public and others that could have concerns about devastation, contamination and other physical or chemical restrictions that affects land. Early action, based on the prudent principle, not only reduces costs but mitigates the potential of a long-term risk to future communities and generations"*.
- 5.28 What is noted as "de-risking", means that there is an opportunity *"for every stakeholder to play their part to improve transparency and awareness and data and information are increasingly shared and fine-tuned. Conditions should be created where plan strategies, policies and proposals are based on initial information about the risk of a site or area that can be combined on a strategic level to facilitate the work of creating and drawing up better plans / places and ensure early awareness of potential risks as an integral part of the planning process"*.
- 5.29 As already noted in paragraph 5.36 above, PPW notes that it will be the *"developer's responsibility...to provide any initial necessary information to support its proposal and to conduct a detailed risk assessment, as required, in the step of making a planning application"*. It is believed that this has been done in this case by employing field experts which have assessed and provided clear recommendations regarding the proposal based on their professional opinion. They have presented information on the conditions of the land, the structure of the soil, unstable land and geotechnical matters. What it proposed and managed through a series of appropriate conditions will form a part of the appropriate plan for the site, that will also manage the risks arising during the steps of building the development.
- 5.30 Within the section which refers to De-risking Development in PPW, it notes *"The planning system should guide development to reduce the risk from natural or human-made hazards affecting the land surface or sub-surface. The aim is not to prevent the development of such land, though in some cases that may be the appropriate response. Rather it is to ensure that development is suitable and that the physical, geo-technical, chemical and other relevant constraints on the land, including the anticipated impacts which climate change may have, are taken into account at all stages of the planning process."*
- 5.31 Therefore, when considering the features of this application, full attention was given to the nature of the hazards that could cause risk to health and the environment, in order to ensure that it would not proceed without an understanding of the risks, including matters relating to subsidence and landslides. Nevertheless, as PPW confirms *"Responsibility for determining the extent and effects of surface and subsurface hazards remains with the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners. However, by taking a de-risking approach at the plan level planning authorities will create the conditions for risks to be addressed...To facilitate the gathering of evidence to inform de-risking approaches planning authorities should seek to require technical, risk-based information and evidence from developers which is capable of being put to further use."*
- 5.32 Therefore, considering the assessments made, the specialist opinion provided and the lack of information or technical and specialist information to contradict by proving beyond doubt that the plans and measures made are unsuitable, it must be accepted that the construction plan and mitigation measures proposed are appropriate to protect the assets that already exist, and the proposed development itself. Therefore, it is believed that the proposal is in accordance with criteria 1 and 2 of policy PCYFF 2, which states that a proposal must show that it complies with all relevant policies in the LDP as well as national policies and guidance.

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Response to the public consultation

5.33 It is acknowledged that there has been great interest in this application during the consultation period, with several objections and letters of support received regarding the proposal. It is considered that all material planning matters have received appropriate attention as a part of the above assessment. A decision is made based on a full consideration of all the material planning considerations including the relevant observations received during the public consultation and that no one was let down when considering this application.

6. Conclusions:

6.1 This application has obviously involved some scrutiny due to several specialist considerations that would not normally be found to the same degrees at least, with the majority of Planning applications to demolish and re-build residential housing. Competent companies and/or individuals have assessed the information to hand and have expressed their views. The findings and recommendations of the specialist reports will be included as formal conditions so that the development must be fully maintained in accordance with the recommended measures, and therefore, by doing this, the development would be maintained in full with the general consent agreed. Should the situation change in terms of amending the proposal in response to a situation that arises, then there would be a need to respond at that time to any new situation. However, for the purposes of this current application, the situation is clear in relation to the specialist information being assessed and found to be acceptable.

6.1 Having considered the above and all the relevant matters including the local and national policies and guidance, as well as all the observations received, it is believed that the proposal is acceptable and therefore is in accordance with the requirements of the relevant policies as noted above.

7. Recommendation:

7.1 To approve – conditions

1. Time

2. In accordance with plans

3. Materials

4. Building Control Plan

5. Biodiversity Matters

6. Matters relating to the cliff

7. Protect the public footpath

8. Withdrawal of PD rights