

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

Number: 4

Application Number: C23/0293/42/LL

Date Registered: 06/04/2021

Application Type: Full

Community: Nefyn

Ward: Morfa Nefyn and Tudweiliog

Proposal: Full application for the demolition of existing structures and construction of a new dwelling and associated works

Location: Arosfa, Edern, Pwllheli, Gwynedd, LL53 8YU

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 Full application for the demolition of existing structures and construction of a new two-storey dwelling and associated works. The dwelling would include a hall, lounge, kitchen/dining room, utility, toilet, office and garage on the ground floor with 4 bedrooms (2 with en-suite) and a bathroom on the first floor. An external balcony will be included on part of the dwelling's first floor on the south-eastern elevation, namely the elevation that would look away from any neighbouring property.
- 1.2 The house would be two-storey with a slate roof while external walls would be a combination of render, timber and stone cladding. The internal floor area of the proposed house would be approximately 170m² across two storeys. The height of the main ridge of the building would be approximately 5.8m while the height of the rear part of the building would be 4.2m. The proposed house would be partly located over the footprint of the existing structures, which are a mixture of zinc sheds and glasshouses with two storage containers also located on the site. It would be located fairly central within the plot and an extensive turning area and parking space would be provided. An existing access serves the site from the adjacent highway through the village of Ederne (the B4417).
- 1.3 The site is located within the development boundary and is also within the Western Llŷn Area of Outstanding Natural Beauty and the Llŷn and Bardsey Landscape of Outstanding Historic Interest. The nearby area's pattern of residential developments is a mixture of terraced houses, detached and semi-detached houses and they vary in terms of size and appearance.
- 1.4 The application has been amended twice since it was originally submitted in response to observations received and following discussions with officers. Originally, an external balcony was to be included on the first floor of the south-eastern (front) elevation and the south-western gable end, this has now been reduced so that it is only on the south-eastern elevation. Some of the first-floor windows were also changed so that they only included opaque glass. Another change undertaken was reducing the height of the part that would extend out from the main part of the building at the rear, namely the part that would extend closest to the site boundary with neighbouring houses to the north. A reduction of 1.6m in height can be seen between the original proposal and the amended proposal and, as a result, the roof form and internal arrangements are slightly changed and a dormer window is included. The local member, the community council and neighbouring residents were re-consulted following the receipt of the amendments.
- 1.5 The application is submitted to the Planning Committee for a decision at the local member's request due to concern about the size of the proposed house and its proximity to other houses.

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.

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2.3 Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017

PS 1: The Welsh Language and Culture

PS 5: Sustainable development

PCYFF 1: Development boundaries

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 17: Settlement strategy

TAI 4: Housing in local, rural and coastal villages

TAI 15: Affordable housing threshold and distribution

AMG 2: Special landscape areas

AMG 5: Local biodiversity conservation

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

2.4 National Policies:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Technical Advice Note 12: Design

3. Relevant Planning History:

3.1 Application 3/22/35C - Agricultural contractors' plant shed - approved 01/05/97

4. Consultations:

Community/Town Council: Nefyn Town Council express concern about the height of the design and neighbours' privacy.

Re-consultation:

Nefyn Town Council express concern about the height of the design and neighbours' privacy.

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Transportation Unit: I refer to the above application and wish to state that I do not intend to submit a recommendation as it is assumed that the proposed development will not have a detrimental impact on any road, or proposed road.

Natural Resources Wales: We have reviewed the planning application submitted to us, and from the information provided, we are not of the opinion that the proposed development impacts any matters listed on our Consultation Topics.

Welsh Water: Standard advice and response in relation to drainage matters and connection to the public systems.

Public Protection Unit: Not received

Biodiversity Unit: The sheds are unlikely to be a bat roosting habitat and the large metal shed is unlikely to be a bird nesting habitat because it appears to be well sealed. It is recommended that a preliminary ecological assessment should be submitted and that bat and bird boxes are shown on amended plans and other biodiversity enhancements.

Land Drainage Unit: Standard advice regarding SUDS matters.

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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:

- Overlooking/loss of privacy
- Too large/overbearing height
- As the land is higher, the house will be substantially higher
- Detrimental effect on the residential amenities of neighbours/currently quiet site
- Impact on public footpath
- Loss of sun/over-shadowing
- Negative design impact on the streetscene
- Lack of information/plans to fully assess the proposal

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

- Current houses losing value

A petition was also received which had been signed by local residents with 8 of them objecting to the proposal and one not objecting.

Following the second consultation, observations were received reiterating the original objections:

- The 'revision B' amended plans do not alleviate our concerns that the proposed dwelling will not have a substantial impact on our privacy as a result of overlooking

It is noted that a letter / further correspondence was received from the agent, withdrawing objections from two neighbours who had originally submitted objections.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The proposal involves the demolition of existing structures and construction of a new two-storey dwelling in their place. The site in question has already been developed and, therefore, is considered as a brownfield site and is located within the development boundary of the village of Edern. The proposal, therefore, meets the requirements of policies PS 5, PCYFF 1 and PS17 of the Anglesey and Gwynedd Joint Local Development Plan (LDP).
- 5.2 The village of Edern has been identified as a Coastal/Rural Village in the LDP and, therefore, the proposal must be considered in accordance with the requirements of policy TAI 4 ('Houses in Local, Rural and Coastal Villages').
- 5.3 The indicative supply level for Edern over the Plan period is 12 units (including a 10% 'slippage allowance', which means that the method of calculating the figure has taken into account potential unforeseen circumstances which could influence the provision of housing, e.g., land ownership matters, infrastructure restrictions, etc.). During the period 2011 to 2022, a total of 2 units have

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been completed in Edern. The windfall land bank, i.e., sites with extant planning permission on sites not allocated for housing, in April 2022, was 4 units.

- 5.5 Therefore, based on this information, approving a development on this scale would be acceptable given the indicative supply level for the village and the requirements of policy TAI 4.

Visual amenities

- 5.6 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.
- 5.7 Policy PCYFF 3 of the LDP states that all proposals will be expected to demonstrate high quality design which fully takes into account 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.
- 5.8 Having demolished the existing structures, the proposal involves undertaking excavation work to level the ground although it is believed that the site is relatively level at present. From the plans, it can be seen that the height of the existing sheds and structures varies between 1.9m and 3.3m. The plot for development is relatively large in size with land rising gradually from the access point with the adjacent highway towards the site. The new building would fill more of the plot to the south/south-east than the existing sheds. An established growth of mature trees and shrubs can be seen through the site, including along the boundary with existing houses to the north/west/south-west.
- 5.9 Currently, the site consists of industrial-like sheds that are quite simple in design, which stand unnoticed within the plot. Residential houses are mostly within the local area and, therefore, the existing sheds are slightly out of character compared to the mostly residential use locally. Existing houses reflect similar features to each other with a fairly general pattern to the levels/height and form of their roofs in terms of the adjacent houses that face the public highway. Pitched slate roofs is the main type of roof seen in the area. However, there are also more recent developments within the local area, particularly a two-storey house that abuts the western boundary of the site which is typical of a house of its time, namely the beginning of the 80s.
- 5.10 It is acknowledged that the proposed house would be larger in size than the existing buildings but in response to highlighted concerns, the building has been amended from what was originally submitted. The new house is located within part of the site that is within the development boundary, and although this means it is closer to the northern boundary of the site than it would have been should it have been pushed further into the site, it is not considered that its location within the site is unreasonable.
- 5.11 The roof ridge height of the existing highest shed is 3.3m and the height of the ridge of the proposed roof would be 5.8m. Obviously, it is accepted that the roof ridge of the proposed dwelling would be higher than the existing buildings but not to a totally unreasonable scale considering the variety locally. For example, the height would be slightly lower than the ridge height of the neighbouring property to the west, but not much, but lower after all. Due to the amendment made to the height of one part, it is deemed that this is a practical effort to reduce the impact in terms of its appearance and in the locality. As a result, it is not considered that it would

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stand out as an incongruous feature in this part of the village and would not be totally contrary to the general development pattern seen there. 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. The presence of mature trees and shrubs within the site provides an appropriate cover for the site and, despite the increase in height, it is not believed that the building would dominate views towards the site from prominent public points. The presence of existing houses adjacent to the public highway means that there is no completely open view towards the site from this direction and this, as well as the trees, is likely to mean that views from the direction of the B4417 would be fragmented.

- 5.12 It must be acknowledged that the applicant has amended the proposal in an attempt to respond to concerns raised 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.
- 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. It would not dominate or look incongruous due to the existence of the existing houses and would convey the local roof form pattern. Therefore, bearing in mind that the existing proposal has been amended to create a building of a different size and form and smaller than what was previously considered, it is now considered that the proposal is acceptable and complies with the requirements of criteria 1 and 2 of policy PCYFF 3 and points 3 and 4 of Policy PCYFF 4 of the LDP.
- 5.14 The site and the wider area are within the Western Llŷn Special Landscape Area. Policy PS19 of the LDP requires the protection or where appropriate, enhancement of the natural environment, countryside and coast of the Plan's special area. Criterion 2 states that sites of international, national, regional and local importance should be protected and, where appropriate, their settings enhanced, in line with National Policy. Furthermore, Policy AMG 2 requires proposals within Special Landscape Areas to give appropriate consideration to the scale and nature of the development. Although it is accepted that there would be some impact locally, it is not believed that the proposal would be unacceptable on the grounds of the impact on the wider landscape and this is mainly based on its location in the centre of the existing built form. The proposal is therefore considered acceptable in terms of Policies PS 19 and AMG 2 of the LDP.
- 5.15 The site also lies within the Llŷn and Bardsey Landscape of Outstanding Historic Interest. The proposal involves the construction of a new house, and it is considered that it 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

- 5.16 The site is surrounded to the south-west, north and the north-west by dwellings with open lands extending past the southern/south-eastern boundary of the site. Elements of overlooking already exist due to the location of the existing buildings. There are trees/shrubs within the garden and nearby gardens reduce some of the impact. Concerns were highlighted by neighbours during the public consultation period regarding the impact of the proposal on them and it would have a

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substantially harmful impact compared with the existing situation. It is considered that a real effort has been made to reduce the impact of what was originally submitted and it can be seen that the amendments respond to the concerns highlighted by planning officers. It is believed that the reduced height in one part of the building, contributes to the improvement and that the other changes, namely reducing the external balcony and changing some windows, improve the proposal in terms of the impact on neighbours.

- 5.17 It is believed that consideration must be given to the historical use of the site and the extant permission to sustain a business here. It can be seen that permission was granted in the past for the sheds for a purpose relating to agricultural contractors. This would mean maintaining and operating machinery such as tractors and all associated activities. It is believed that residential use of the site in comparison, would be much less damaging and, therefore, there would be an improvement from the extant permission to sustain a business and the proposed use.
- 5.18 In terms of acceptable separation distances between the proposed house and existing houses, an assessment of the effects often depends on the specific circumstances of the site as well as distances. Concerns were highlighted during the consultation period regarding distances matters as well as shading/loss of light in relation to neighbouring houses. The balcony has now been reduced so that it is only on the front elevation looking towards the south-eastern direction and away from neighbouring houses. Also, a 1.7m high permanent privacy screen will be installed on the sides of the balcony, which is standard for this type of feature. In terms of the changes undertaken to some windows of the new house, they would be for rooms such as the bathroom and dressing room. They will be of a type where only the highest part is possible to open and where they cannot be opened fully. It is intended to include a condition to ensure that only this type of window is approved in specific locations. It must also be borne in mind that dense shrubs and high trees are on the boundaries. It can be seen that distances between the nearest part of the new house and the rear of the nearest existing houses vary between 15m and 24m. It is believed that there would be approximately 3m between the nearest part of the new house (gable end with no window) and the garden boundaries of the nearest houses and approximately 8m between the nearest part which include windows. Although there is some difference in land levels between the existing houses and the application site, it is not believed that the location of the new house, the distances between sites and the presence of mature trees and shrubs, will mean that the impact will be totally unacceptable. Therefore, as a result, it is not considered that any shadowing resulting from the proposal would be totally harmful.
- 5.19 This proposal and the consideration given to room locations, including opaque glass when required and changing to the height and form of the 'extension' towards the northern boundary reduces the impact of the development from the original proposal by reducing the impact of overlooking and the perception of overlooking over nearby houses. It is believed that it would be reasonable in this case to include conditions to ensure protection in this situation and although it would not mean that any further development would fail, it ensures that there is control over new developments so that the impact on amenities would not be affected to a totally unacceptable level. Therefore, conditions are attached that demand the use of opaque glass and windows with only high openings on the side and back of the first floor while the conditions to limit the developments permitted such as extending the building, erecting buildings within the curtilage and include any new windows are also to be attached.
- 5.20 It is believed that the development in its amended form is now acceptable in terms of its impact on the amenities of nearby residents and the proposal would not cause significant unacceptable harm to the living conditions of nearby houses. It is therefore believed that it is acceptable based on the relevant requirements of policy PCYFF 2 of the Joint Local Development Plan that seeks to protect the amenities of local residential occupiers.
- 5.21 Therefore, considering the above, it is deemed that a full assessment has been given to the proposal that finds that the proposal in question will not have a significant detrimental impact to a

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totally unacceptable degree on the amenities of local property occupiers and it is therefore acceptable in terms of the requirements of the criteria of policy PCYFF 2 of the LDP.

Linguistic matters

- 5.22 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 reiterated further 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.
- 5.23 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 development, 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.
- 5.24 The proposal before you is for the construction of one dwelling. Although it does not reach the relevant threshold, a Welsh language statement was requested from the agent, which had not been received at the time of writing this report (but it is trusted that it will be received in due course, and it will be reported upon via the late information form). However, it is noted that the applicant is local and a Welsh first language speaker. Therefore, from this perspective, it is considered that there would be a positive impact on the language by ensuring a house for a local Welsh speaker which means that they will continue to reside in the village and, therefore, it is considered that the proposal complies with the requirements of policy PS1 in this regard.

Transport and access matters

- 5.25 The proposal entails using the existing access and include a parking and turning space within the curtilage. The observations of the Transportation Unit were received and they had no objection with regard to road safety. It is therefore considered as a result of the comments of the Transportation Unit, that the proposal is acceptable in terms of road safety and is in accordance with the relevant requirements of policies TRA 2 and TRA 4 of the LDP.

Biodiversity matters

- 5.26 It can be seen from the observations of the Biodiversity Unit that the existing buildings earmarked for demolition are not suitable for use by protected species. Therefore, in this case, it is believed that it would be reasonable to impose a standard condition to agree on Biodiversity enhancement details for the site. This may be in the form of bird or bat boxes in the new building or nearby or that the choice of landscaping is suitable for the prosperity of local wildlife. As it is possible to ensure that local Biodiversity is enhanced, it is therefore considered that this ensures that the relevant requirements of policy AMG 5 are satisfied.

Community benefit / 106 agreement issues

- 5.27 The requirements of policy TAI 15 note that an appropriate level of affordable housing must be ensured in the Plan's area. Depending on the scale of developments, a contribution towards

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affordable housing provision is expected in accordance with the threshold recognised for the county's settlements. In the case of the village of Edern, which has been identified as a rural/coastal/local village, the threshold is 2 or more units. As this proposal is for the provision of one new house only, it does not meet this threshold to consider affordable provision.

Response to the public consultation

- 5.28 It is acknowledged that several 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 material planning considerations including the relevant observations received during the public consultation and that no one was let down when considering this application.

Any other relevant matters

- 5.29 Despite the allegation made that the proposal would affect the existing public footpath, by examining the current maps it cannot be seen that a registered public footpath crosses the application site at all. The nearest public footpath is located far beyond the site boundaries to the south, south-west and south-east.

6. Conclusions:

- 6.1 Having considered the above and all the relevant planning matters including the local and national policies and guidance, as well as all the observations and objections received, it is believed that the proposal is acceptable and 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.

Conditions

1. Time
2. In accordance with the plans
3. Agree on materials, including roof slates
4. Restrict permitted development rights and windows
5. Manage the type of window/glass installed
6. Landscaping
7. Biodiversity Enhancements
8. Building control plan