

PLANNING COMMITTEE	DATE: 05-06-2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	SIAMBR DAFYDD ORWIG, CAERNARFON

**Number: 11**

**Application Number:** C17/0325/38/LL

**Date Registered:** 07-04-2017

**Application Type:** Full - Planning

**Community:** Llanbedrog

**Ward:** Llanbedrog

**Proposal:** Construction of two-storey dwelling

**Location:** Land near 2 Bryn Goleu, Llanbedrog, Pwllheli, Gwynedd, LI53 7NU

**Summary of the Recommendation:** TO REFUSE

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1. **Description:**

- 1.1 Full application to construct a two-storey house with slate pitched roof. The internal surface area of the house measures 155 square metres and includes three bedrooms, hall, bathroom, and multi-purpose room on the ground floor and kitchen/dining room, multi-purpose room and office on the first floor. The stairs are located in a separate wing the eastern elevation. The applicant states that it is proposed to retain the existing garage. The house is located within 8 metres of the southern boundary where a chapel and chapel house are located and 1m to the western boundary where a workshop. The southern elevation includes two patio doors on the ground floor and two windows on the first floor. The patio doors would be for bedrooms and the first floor windows would be for an office and a multi-purpose room. The windows on the western elevation look over the workshop and they are for a bathroom and a multi-purpose room on the ground floor and a toilet and kitchen on the first floor; the kitchen windows will be high level ones. The living room and kitchen windows have been set in the northern elevation which faces the applicant's fields/land. The eastern elevation includes the stairwell windows mainly and they look over the access road to the site and part of the rear gardens of nearby houses. The house will be finished with render and a slate roof. The house is located behind a chapel, chapel house and two-storey terraced houses nearby.
- 1.2 It is understood from the applicant's statement which was submitted as a part of the application that he needs a house of the type and size proposed to maintain and promote his business when discussing business with his business contacts from overseas.
- 1.3 The property would have vehicular access from the class 2 county road which runs through Llanbedrog. The access is located near the end house of the nearby terrace. The access is currently used as an access to the site and the applicant's land. It is understood that the occupiers of the two-storey terraced houses have right of way to the rear of their houses.
- 1.4 The site is also within a Landscape Conservation Area designation.
- 1.5 The village development boundary is located on the northern boundary of the terrace and the chapel, meaning that the majority of the surface area of the proposed house will be outside the village boundary. A plan is submitted with the application to the Committee showing the location of the house in relation to the development boundary.
- 1.6 The application is submitted to committee because three letters of objection and four letters of support have been received.

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 Unitary Development Plan.

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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 set out below, 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 **Gwynedd Unitary Development Plan 2009:**

**B10 – PROTECTING AND ENHANCING LANDSCAPE CONSERVATION AREAS** – Protect and enhance Landscape Conservation Areas by ensuring that proposals conform to a series of criteria aimed at avoiding significant damage to recognised features.

**B22 BUILDING DESIGN** - Promoting the design of good buildings by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and character of the local landscape and environment.

**B23 – AMENITIES** Safeguard the amenities of the local area by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

**B25 BUILDING MATERIALS:** Safeguard the visual character by ensuring that building materials are of high standard and are in-keeping with the character and appearance of the local area.

**C1 – LOCATING NEW DEVELOPMENTS** Land within town and village boundaries and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

**C7 BUILDING IN A SUSTAINABLE MANNER** Proposals for new developments or for adapting and changing the use of land or buildings will be refused unless consideration is given to specific environmental matters. Proposals must conform to specific criteria relating to building in a sustainable manner, unless it can be demonstrated that it is impractical to do so.

**CH4 - NEW DWELLINGS ON UNALLOCATED SITES WITHIN THE DEVELOPMENT BOUNDARIES OF LOCAL CENTRES AND VILLAGES** – Approve proposals for the construction of new dwellings on unallocated sites within the development boundaries of Local Centres and Villages if they conform to criteria aimed at ensuring an affordable element within the development.

**CH7 – AFFORDABLE HOUSING ON RURAL EXCEPTION SITES DIRECTLY ADJOINING THE BOUNDARIES OF VILLAGES AND LOCAL CENTRES** – Permit affordable dwellings on rural sites directly adjoining the boundaries of Villages and Local Centres provided they conform to criteria relating to local need, affordability and impact on the form of the settlement.

**CH9 NEW DWELLINGS IN OPEN COUNTRYSIDE** – Refuse proposals for new dwellings in rural areas unless they are for individuals who must live on the site due

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to their work and a series of other criteria relating to the location and type of the dwelling, and restrictions on ownership of the dwelling.

CH33 – SAFETY ON ROADS AND STREETS Development proposals will be approved provided they comply with specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

CH36 - PRIVATE CAR PARKING FACILITIES - Proposals for new developments, extensions to existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council's current parking guidelines. Consideration will be given to the accessibility of public transport services, the possibility of walking or cycling from the site and the proximity of the site to a public car park. In circumstances where off-street parking is needed and where the developer does not offer parking facilities on the site, or where it is not possible to take advantage of the existing parking provisions, proposals will be approved provided the developer contributes to the cost of improving the accessibility of the site or providing the necessary parking spaces on another nearby site.

#### 2.4 **Gwynedd and Anglesey Joint Local Development Plan. (Composite Version including Matters Arising Changes, January 2017)**

PCYFF 1: Development Criteria.

PCYFF 2: Design and Place Shaping

PCYFF 3 Design and landscaping

HOUSING 5: Local Market

TAI 10: EXCEPTION SITES

TAI 17: Housing in Local, Rural and Coastal Villages

TRA 2 : Parking Standards

TRA 4: Managing Transport Impacts

AMG 1

#### 2.5 **National Policies:**

Planning Policy Wales, Edition 9, (November 2016)

Technical Advice Note 2: Planning and Affordable Housing (2006)

Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)

Technical Advice Note 12: Design (2016)

Technical Advice Note 18: Transport (2007)

#### 3. **Relevant Planning History:**

C04D/0604/38/LL - Retain levelling and infill work and use it to keep the applicant's vehicles and boats - Land at rear of Capel Seion, Bryn Seion, Bryn Golau, Llanbedrog - approved 28 November 2004.

C10D/0240/38/LL - Retain infill and land levelling works without complying with planning permission C04D/0604/38/LI including creation of road and hard standing and improvements to drainage and raising land level - Site at rear of Capel Seion, Llanbedrog - approved 5 January 2011.

C12/0502/38/LL - Two-storey house and associated garage - Land near Capel Seion, Ffordd Pedrog, Llanbedrog - application withdrawn.

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C13/0428/38/LL – Construction of two-storey house and integral garage - Land near Capel Seion, Ffordd Pedrog, Llanbedrog - refused 17 June 2013

C17/0166/38/LL - Construction of two-storey house - Land near Capel Seion, Ffordd Pedrog, Llanbedrog - withdrawn.

#### 4. Consultations:

Community/Town Council: Observations from Councillors:

The site is not prominent in the landscape. Part of the development is located outside the current development boundary within the Gwynedd and Anglesey Local Development Plan, however it is felt that it should be considered as an extraordinary application as the majority of the scheme is located within the current boundary. The existing plot and more land were located within the boundary in 2004 and this has been accepted by the Inspector. The land was shrunk in order to prevent the construction of holiday homes in Llanbedrog, not for the purpose of preventing local people from building homes for themselves. Under the Local Development Plan, Llanbedrog has been designated as a 'Seaside Village' meaning that there will be no developments here in the next ten years. This is not fair for a local person who needs a home without being affordable because of his business. The Council cannot understand what is wrong with this secluded site. The applicant is a local person and is a prominent business man, he employs dozens of workers and most of his work is sent overseas. The applicant is prominent in the local community and is chairman of Oriol Plas Glyn y Weddw and a former Chairman of the Community Council.

Transportation Unit: Confirm there is no objection to the proposal regarding the impact on the local roads network. However, I would like to draw attention to the restrictive access to the garage. The appendix shows that it is not possible to gain access to the garage in a vehicle past the side of the proposed house.

Natural Resources Wales: No objection to the application. Inform the applicant of the need to dispose of waste generated during the construction of the house in a satisfactory manner and in accordance with requirements of Section 34, Environmental Protection Act 1990. Transfer notes kept for every load for at least two years.

Welsh Water: Not received.

Biodiversity Unit: The development is not likely to affect the proposed Wildlife Site (Castell Grug:281). To improve the area's biodiversity the new building should include bat boxes and nesting boxes.

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It is important that the river located approximately 10 metres from the application site is protected and the following condition is suggested:

Before the development commences, a pollution prevention plan must be submitted to the Planning Department.

**Public Consultation:**

A notice was posted on the site and nearby residents were notified. The advertisement period has ended and three letters were received objecting on the following grounds:

- Loss of light to nearby workshop.
- The site is outside the village boundary.
- Sub-standard access.
- The access road is not adequate for the proposal.
- The development site has been in-filled over the last five years.
- The proposal involves erecting a house on a site that is partly outside the village boundary and is contrary to the Council's housing policy.
- The design of the house does not blend in with houses in the area.

Four letters were received supporting / providing observations on the application:

- Most of the house is located within the village boundary.
- Infill development between other buildings.
- A similar development has received permission in Abersoch recently.
- The development does not affect the area's amenities.
- A house received permission within the village recently contrary to a number of local objections.
- The road leading to the site is used by the applicant and occupants of nearby houses.

**5. Assessment of the material planning considerations:**

**The principle of the development**

5.1 Decisions about planning applications must be made in accordance with the adopted development plan, unless other material considerations state otherwise. The current 'Development Plan' is the Gwynedd Unitary Development Plan (2001-2016) and the Joint Local Development Plan for Gwynedd and Anglesey (JLDP) will replace the UDP as the 'development plan' once it is adopted. It is hoped that the JLDP will be adopted during July 2017.

5.2 When dealing with any planning application the statutory test should be your first consideration at all times, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other relevant considerations state

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otherwise. The JLDP is now a material planning consideration for the purposes of development control - see paragraph 3.1.3 Planning Policy Wales that states: "Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies ...".

5.3 Although many policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not know for certain what the contents of the Plan will be until the Inspector submits his binding report.

5.4 Paragraph 2.14.1 of Planning Policy Wales states:  
"...thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances."

In this case, the JLDP policies as noted in 2.4 above are material and as these policies are fairly consistent with the policies of the Unitary Development Plan and the relevant National Advice, it is considered that the above assessment and the recommendation of this report are consistent with the emerging policy.

5.5 GUDP and LDP proposals maps show that most of the site along with the proposed house lie outside the village development boundary and this is considered tantamount to erecting a new house outside the development boundary. Therefore, it is not considered that the application can be dealt with under Policy CH4 of the GUDP which involves residential developments on unallocated sites within village development boundaries. However, it is realised that the applicant disagrees with the officers' opinion on this and therefore a plan has been submitted with the committee agenda to show the setting of the development in relation to the village development boundary.

5.6 Policy CH7 involves proposals for affordable homes on rural exception sites. The purpose of policy CH7 is to release sites on the outskirts of Villages and Local Centres to provide affordable housing where houses would usually not be approved. The development has not been submitted as a proposal for an affordable home, and the size and scale of the proposal strongly suggest there is no intention for the house to be affordable. It is understood from the statement submitted with the application that the house in question is to be a home for the applicant. No details or evidence was submitted to show that the applicant is in need of an affordable house. We did not contact the applicant further on this matter as it is clear from the background information submitted with the application and from the scale and size of the property in question that this is not an application for an affordable home. As this is not a proposal for an affordable home, it is considered that the proposal is contrary to policies C1, CH7 and CH9 of the GUDP.

5.7 Additionally, the Gwynedd Council Supplementary Planning Guidance: Affordable Housing (2009) states that the maximum size of a two-storey (three bedrooms) house will be 100m<sup>2</sup>. It is noted that the proposed dwelling, as submitted, is a two-storey property with living rooms on the first floor and bedrooms on the ground floor. Internally, there is a surface area of approximately 155 square metres. It can therefore be seen that the surface area of the dwelling is significantly larger than the thresholds suggested by the guidance and does not reflect an affordable size, neither does it ensure that the house will remain affordable in the future. Consequently, the proposal does not comply with the requirements of the Gwynedd Council

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Supplementary Planning Guidance: Affordable Housing (2009); Affordable Housing Gwynedd Council (2009); Policy CH7 of the Gwynedd Unitary Development Plan, Planning Policy Wales 2012 “Affordable Homes” or TAN 2 “Planning and Affordable Housing” (2006).

- 5.8 The applicant states that the land should have been included within the development boundary in the GUDP as it has been included within the draft inset maps and the land was removed from the boundary following the Inspector's decision to tighten village development boundaries in general. It has been understood from the applicant that he has submitted a request to the Policy Unit for the entire site to be included within the village development boundary of the LDP. It can be confirmed that there currently is no change to the LDP development boundary in relation to this site. The applicant also argues that he need as property of the type and size that is subject to this application as he needs the house to maintain and promote his business.
- 5.9 As the applicant wishes to have an open market house on the site where most of the land is outside the development boundary it must be noted the development would be therefore tantamount to developing a new house in the countryside. There is strict regulation of such developments and these types of houses are only permitted in exceptional circumstances. In order to construct a house in the countryside, the property would have to be related to an agricultural, forestry or rural industry need. In this specific case the applicant does not have such a need and therefore it is considered that the proposal is contrary to Policy C1 of the GUDP.
- 5.10 Despite the applicant's arguments, the Council has not been convinced, on the grounds of the submitted information, that worthy planning reasons have been submitted to deviate from the Council's current policies. The principle of erecting a dwelling on the site does not comply with the requirements of the Council's housing policies, namely C1, CH7 and CH9 of the GUDP and Supplementary Planning Guidance: Affordable Housing (2009). Affordable Housing (2009).

#### **Visual amenities**

- 5.11 The proposed two-storey house is of a modern design and is located within close proximity of the boundary of the rear gardens of nearby houses and curtilage of the chapel and chapel house. The plans submitted with the application show that although the house will not be higher than the adjacent chapel, it will be substantially higher than the nearby two-storey houses, and therefore there are concerns regarding its location, size and scale in relation to those houses. Therefore, in terms of its size and scale it is not considered that the proposal respects the site or its vicinity. Although it is not considered that proposal would be very prominent in the landscape, and that it would not have a detrimental impact on the broader landscape of the Landscape Conservation Area, this in itself does not mean that the development that is not considered suitable for the location because of its size and scale can be approved. It is therefore considered that the proposal does not respect the site or the vicinity and that it is contrary to Policy B22 GUDP.
- 5.12 The roof of the development would be covered with slates and it is proposed to use render on the external walls. It is considered that these materials would be appropriate and are in keeping with the area. It is therefore considered that the proposal is acceptable in relation to Policy B25 of the GUDP.

#### **General and residential amenities**



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- 5.13 The site is located near the rear boundaries of nearby two-storey houses, and the curtilage of a chapel and chapel house. Without question, the dwelling would lead to activity, increase in traffic and those things associated with full domestic presence in this location which would likely have an impact on the amenities of immediate neighbours. Three letters were received, objecting on the following grounds: One objection was from the owner of the nearby workshop and two other objections were made by residents living within the village. In terms of the impact of the proposal on the workshop, the objector is concerned about loss of light along with other concerns that are discussed in the body of this report. It can be seen from the plans that the proposed house would be located approximately 1 metre from the workshop wall and it is proposed to erect a new screen fence on the boundary with the workshop. It appears that this screen fencing would be located directly in front of the workshop including three windows from the workshop that overlook the site. In light of the location of the proposed dwelling and the proposal to erect the new screen fencing it is considered that the proposal would have an impact on the nearby workshop. However, in terms of erecting fencing it should be realised that it would be possible for the applicant to erect fencing on his land up to 2 metres high without the need for planning permission.
- 5.14 It is not considered that there would be significant direct overlooking between the rooms of the proposed property and the rooms of the nearby two-storey terrace.
- 5.15 However, the house is located within 8 metres of a boundary that separates the site from the chapel, the chapel house and a property to the south west known as Bron Haul. The southern design of the proposed house includes two patio doors on the ground floor and two windows on the first floor. It is felt that the openings, due to the location of the proposed house are likely to have a negative impact on the amenities of the occupants of the chapel house and the property to the south west of the site. It is acknowledged that it would be possible to erect a fence up to 2 metres high along the boundary and this is likely to resolve overlooking problems on the ground floor, however, it would not solve overlooking from the first floor windows of the office and the multi-purpose room.
- 5.16 Given the above, it is considered that the proposal would cause significant harm to the privacy of the garden and curtilage of the chapel house and the property to the south west of the site and that it is contrary to the objectives of Policy B23 of the GUDP.

#### **Transport and access matters**

- 5.17 Access is gained to the proposed site by the use of an existing access and track that lead to the rear of the nearby dwellings and fields to the north. The observations of the Transportation Unit were received confirming that it had no objection to the proposal. However, having visited the site it must be stated that we have concerns regarding the access especially in terms of visibility when exiting to the nearby class 2 road and in particular visibility in a western direction. The end property of the terrace has a wall near the access and it is considered that this wall impairs visibility from the site. As this land is outside the applicant's control it would not be possible to ask him to improve the access. However, given the observations of the Transportation Unit and the fact that the access already exists it is considered that it would be difficult to refuse the application on grounds of road safety. However, it should be noted that there are concerns in terms of compliance with the requirements of Policy CH33 of the GUDP. In terms of policy CH36 that involves parking it is considered that a sufficient number of parking spaces could be fitted within the site along with turning spaces.

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### **Biodiversity matters**

5.18 The Biodiversity Unit was consulted and observations were received stating that the proposal is not likely to affect the nearby Wildlife site.

### **6. Conclusions:**

6.1 Having considered the above and all the relevant matters, including local and national policies and guidance, as well as the observations received, it is deemed that this development is not acceptable. No justification has been submitted for developing the site as a rural exception site (policy CH7), and therefore, it is considered that the development is tantamount to a proposal to erect a new house in the countryside and is contrary to policies C1, CH7 and CH9 of the GUDP. It is considered that the proposal would cause significant harm to the privacy of the garden and curtilage of the chapel house and the property to the south west of the site contrary to Policy B23 of the GUDP.

### **7. Recommendation:**

7.1 To refuse – reasons –

1. Policy CH7 of the Gwynedd Unitary Development Plan states that houses will be approved on the peripheries of village development boundaries as an exception to policy, and this is for affordable housing. The proposed development does not offer an affordable development, no evidence has been submitted to demonstrate that this applicant is in genuine need of an affordable house and there is no intention of restricting occupancy in future to affordable need, therefore the proposal is tantamount to a new house in the countryside. The proposal is therefore contrary to the principles of policies C1, CH7 and CH9 of the Gwynedd Unitary Development Plan and Supplementary Planning Guidance: Affordable Housing, Gwynedd Council 2009.

2. The dwelling, by virtue of its size and location would lead to an oppressive intrusion that would be harmful to the amenities of residents of neighbouring private property, especially because of its dominating effect and the overlooking that would result. The application is therefore contrary to Policies B22 and B23 of the Gwynedd Unitary Development Plan.