

PLANNING COMMITTEE	DATE: 03/07/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	PWLLHELI

**Number: 5**

**Application Number: C17/0221/30/LL**

**Date Registered: 28/04/2017**

**Application Type: Full - Planning**

**Community: Aberdaron**

**Ward: Aberdaron**

**Proposal: Side extension, installation of septic tank and construction of new access road**

**Location: Penrhyn Canol, Aberdaron, Pwllheli, Gwynedd, LL538AP**

**Summary of the Recommendation: TO APPROVE WITH CONDITIONS**

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## 1. Description:

- 1.1 This is an application to erect a single-storey side extension to the existing property along with the creation of a new access track and location of new sewage treatment tank. The extension would measure approximately 7.3 metres long and 5.4 metres wide with a height to the ridge of 4.9 metres. The roof would be covered with slate and the exterior walls would be covered in white render. The proposed track would be located along the boundary of the field and it would be surfaced with gravel that would allow grass to grow back through it. It is proposed to locate the treatment tank to the rear of stone agricultural buildings.
- 1.2 The property is located to the rear of the countryside and within an Area of Outstanding Natural Beauty. The site is also located within a Landscape of Outstanding Historic Interest. The property is currently served by a track that also serves the Penrhyn Bach property, namely the property located towards the north-east of the site. A part of the current track also serves as a public footpath. Except for the Penrhyn Bach property, the site is surrounded by fields.
- 1.3 The application is submitted to Committee as more than three objections are contrary to the officer's recommendation on the application.

## 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.
- 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:**

B8 - THE LLÛN AND ANGLESEY AREAS OF OUTSTANDING NATURAL BEAUTY (AONB) - Safeguard, maintain and enhance the character of the Areas of Outstanding Natural Beauty by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features of the site.

B12 – PROTECTING HISTORIC LANDSCAPES, PARKS AND GARDENS - Safeguard landscapes, parks and gardens of special historical interest in Wales from developments which would cause significant damage to their character, their appearance or their setting.

B22 – BUILDING DESIGN - Promote good building design 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.

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B24 – ALTERATIONS AND BUILDING EXTENSIONS WITHIN DEVELOPMENT BOUNDARIES, RURAL VILLAGES AND THE COUNTRYSIDE - Ensure that proposals for alterations or extensions to buildings conform to a series of criteria aimed at protecting the character and amenity value of the local area.

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

CH33 – SAFETY ON ROADS AND STREETS – Development proposals will be approved if 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 guidance. 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 there is an assessed need for off-street parking 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 number of necessary parking spaces on another site nearby.

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

- TRA 2 - Parking Standards
- TRA 4 - Managing transport impacts
- PCYFF 1 - Development criteria
- PCYFF 2 - Design and place shaping
- NEW POLICY - AONB Management Plan
- PS17 - Safeguarding and/or enhancing heritage assets
- AT 1 - Conservation Areas, World Heritage Sites, Parks and Registered Historic Gardens.

2.5 **National Policies:**  
 Planning Policy Wales (Edition 9, November 2016)  
 TAN 12: Design

3. **Relevant Planning History:**

The site has no relevant planning history. However, a pre-application enquiry was received regarding the proposal when it was advised that the proposal appeared acceptable in principle and that the extension's design was suitable and in-keeping with the existing property.

4. **Consultations:**

Community/Town Council: Support.

Transportation Unit: No objection to the proposal. The site lies beyond the local roads network and uses a private track for access purposes.

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- Natural Resources Wales: No objection, but submit observations in relation to:
- The need for the applicant to obtain a licence for the private drainage system.
  - The need to follow standard guidelines for work near water courses.
  - Recommend contacting the Council's ecologist to decide whether or not a protected species report is required.
  - The need to consider the proposal's impact on the AONB.
- Welsh Water: As a septic tank is being proposed, it is recommended that Natural Resources Wales is contacted.
- Biodiversity Unit: No observations to make.
- Footpaths Unit: The development is on the verge of Public Footpath No. 15A and 96A in Aberdaron Community Council. Therefore, the path needs to be safeguarded and ensure that access is protected during and after the development.
- AONB Unit: Penrhyn Ganol is located in a rural area on the outskirts of Aberdaron and within the AONB. It is a traditional cottage of a simple character. The proposed extension is in keeping with the original building and there are no concerns in terms of the impact on the AONB. The access track will lead to a minimal impact but this may be an opportunity to erect a small *clawdd* with the earth moved and plant trees in order to add to local biodiversity.
- Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period has expired and letters / correspondence was received objecting on the following grounds:
- Overdevelopment of the site.
  - Why build an extension on the side in a prominent place when there is plenty of land to the rear
  - Visual impact on the AONB as a result of building the access road.
  - Creating the new road would cause harm to the amenities and privacy of the Penrhyn Bach property.
  - The applicant had not informed the tenants of his intention to submit an application.
  - Loss of agricultural land having an impact on the running of the agricultural holding.
  - Believe that there are bats in the buildings and that owls live in the outbuildings.

## 5. Assessment of the material planning considerations:

- 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

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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 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."*
- 5.5 In this case, the JLDP policies as noted in 2.4 above are material and as these policies are consistent with the policies of the Unitary Development Plan, it is considered that the recommendation of this report is consistent with the emerging policy.

#### **Visual amenities**

- 5.6 The proposal involves an extension and access track and these two aspects of the proposal have the potential to cause a visual impact. In terms of its design, scale and size, the extension is acceptable and is commensurate with the existing property. The extension would have a lower roof ridge than the existing house and it would also be smaller in terms of width than the existing gable end. It is considered that this would be an acceptable form of extension for the property. It is considered that the extension respects the site and its vicinity and that it would not have an unacceptable detrimental impact on prominent views. In terms of materials, it is intended to cover the roof with slate and the exterior walls would be covered in white render. It is considered that these finishes are acceptable and are in keeping with the existing property. Therefore, it is considered that the proposal is acceptable in respect of Policies B22, B24 and B25 of the GUDP.
- 5.7 As part of the application, the AONB Unit was consulted regarding the proposal. Their comments were received regarding the proposal and it is noted that the proposed extension is in keeping with the original building and that there are no concerns in terms of the impact on the AONB. Furthermore, it is noted that the access track will have a minimal impact but that there may be an opportunity here to erect a small *clawdd* with the earth moved and to plant trees to add to local biodiversity. Therefore, it is noted that the AONB Unit does not object to the proposal. The proposal would include an access track surfaced with gravel that would allow grass to grow back through it. It is considered that this type of finish is suitable for a rural site like this. A finish of this type would also reduce the visual impact of the proposal. Also, as the track is mainly located near a hedge/*clawdd*, these would also assist to reduce the visual impact of the proposed track. However, the track would be more open on the eastern side and it is likely that this would provide an opportunity to add

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a hedge and/or small *clawdd* as recommended by the AONB Unit. If a decision is made to approve the application, a condition could be imposed on the permission in order to submit landscaping plans for the track and specifically for the eastern boundary. It is considered that the proposal complies with Policy B8 of the GUDP.

- 5.8 The site lies within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest. Policy B12 states that consideration will be given to the information about the historic landscapes if the impact of proposals is on such a large scale that their impact would be greater than merely a local impact. As noted above, the proposal relates to making changes to existing property and in terms of its location and size, it is considered that the impact of the proposal would be local only and that it would not have a broader impact on the historical landscape. Therefore, the proposal is not considered to be contrary to Policy B12 of the GUDP.

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

- 5.9 On the whole, the property is located by itself. The nearest property to the house is located approximately 45 metres to the north-east and where outbuildings are located in between both properties. No concerns arise in terms of overlooking or loss of privacy from the proposal for the extension. From the objection letters received, it can be seen that concerns exist regarding loss of amenities and privacy deriving from the proposal to create a new access track. The proposed track would be located further away from the Penrhyn Bach property than the existing track. Indeed, the existing track goes immediately past the Penrhyn Bach property whilst the proposed track would be located at least 29 metres away. Therefore, it is considered that the proposed track would improve the situation in terms of amenities. It is also considered that there is sufficient room available for the development in its entirety and that the proposal would not therefore lead to an over-development of the site. Therefore, it is not considered that the proposal would cause significant harm to the amenities of the local community, and that the proposal is acceptable in respect of Policy B23 of the GUDP.

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

- 5.10 The proposal includes creating a new access track for the property. However, this new access track would have access to a private road and it would not disrupt any county road. The observations of the Transportation Unit were received regarding the proposal and they do not object but note that the site is beyond the local roads network and uses a private track for access purposes. It is not considered that the proposal would have a detrimental impact on road safety and it is considered that the proposal is acceptable in terms of Policies CH33 and CH36 of the GUDP.
- 5.11 The development abuts Public Footpath No. 15A and 96A in Aberdaron Community Council. These paths make up a part of the current access track leading to the property. Therefore, the proposal would not affect the public footpath but it would be possible to include a note on any permission so that the applicant is aware that there are public footpaths nearby.

#### **Biodiversity matters**

- 5.12 In the objection letters, it was noted that there were bats in the buildings and that there are bats in the outbuildings. A consultation was carried out with the Biodiversity Unit on the proposal and they did not have any observations to make on the proposal. Therefore, it is not considered that any biodiversity obligations derive from the

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proposals; however, a note can be placed on any planning permission to stop the work if bats are found in the house.

### **Any other considerations**

- 5.13 Objection letters refer to the fact that they, as agricultural tenants, were not informed that the applicant was submitting the application. Since the application was submitted originally, the Agricultural Holder Certificate on the application has been amended and a notice has been served on the tenants. Therefore, in terms of planning, the requirements in terms of informing agricultural tenants that the application was being submitted had now been carried out and a matter between the applicant and the tenants are the other matters being mentioned under the tenancy. Although the track, location of the extension and treatment tank will take up a section of the agricultural field, the rest of the fields would still be available and this application would not change the situation in relation to this.

### **6. Conclusions:**

- 6.1 In light of the above it is considered that the proposal would not have a detrimental harmful impact on neither the area nor the AONB and that the proposal's design is acceptable. Also, it is not considered that there are implications in terms of road safety and amenities of nearby residents.

### **7. Recommendation:**

- 7.1 To approve – conditions
1. Commencement within five years.
  2. In accordance with the plans
  3. Slates of the roof to match
  4. Exterior walls to be of white coloured render
  5. Landscaping in particular on the eastern side of the track

Note:

1. Safeguard the public footpath
2. Copy of the observations of Natural Resources Wales
3. To stop the work if bats are found in the property