

PLANNING COMMITTEE	DATE: 27/11/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	PWLLHELI

**Number: 3**

**Application Number: C17/0628/39/LL**

**Date Registered: 29/06/2017**

**Application Type: Full - Planning**

**Community: Llanengan**

**Ward: Abersoch**

**Proposal: To demolish existing dwelling and construct a new house in its place**

**Location: Ynysfor Bach, Abersoch, Pwllheli, LL537EL**

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

1. **Description:**

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- 1 The application was submitted to the Planning Committee dated 16 October 2017 when it was resolved to defer considering the application in order to provide an opportunity for members to visit the site before discussing this matter at the meeting of the Planning Committee. The proposal involves demolishing a single-storey dwelling and replacing it with a new two-storey house together with associated works. The proposed house has a modern design with a zinc pitched roof and walls finished with a combination of white render and timber and stone cladding. The proposed house includes a garden store, an entrance, three bedrooms and a bathroom on the ground floor and living space and kitchen/diner with a front and side terrace to the first floor. The existing house has been constructed on a level that is higher than the adjacent county road with timber and stone steps providing access to it from the road. There is parking space in a 'pull in' form to the front of the property.
- 1.2 After discussing the matter with the applicant, an amended plan was received on 01/08/2017 which shows the roof covered in slate. An amended plan was also received for a swept path analysis on 30/08/2017.
- 1.3 The site is located within a residential area and the site is within the Abersoch development boundary, however part of the garden/curtilage lies outside the boundary. The boundary of the curtilage to the front of the property abuts a third class county road. The site lies within the Area of Outstanding Natural Beauty (AONB) and the Llŷn Registered Historic Landscape designations.

## 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 Act (Wales) 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 Gwynedd and Anglesey Joint Local Development Plan 2011-26 adopted 31 July 2017

TRA 2 - Parking Standards  
 TRA 4 - Managing Transport Impacts  
 PCYFF 1: Development boundaries  
 PCYFF 2: Criteria  
 PCYFF 3: Design and place shaping  
 PS 17: Settlement strategy  
 TAI 13: Rebuilding dwellings  
 PS19 : Protect and/or enhance natural environment  
 AMG 1: AONB Management Plan  
 AT 1: Conservation Area, World Heritage Sites and Landscapes, Parks and Registered Historic Gardens

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#### 2.4 National Policies:

Planning Policy Wales (2016)  
 Technical Advice Note (TAN) 12: Design  
 Technical Advice Note (TAN) 18: Transport (2007)

#### 3. Relevant Planning History:

- 3.1 C17/0136/39/LL - Demolish the existing dwelling and construct a new house in its place - Refused on 25/05/2017  
 C07D/0462/39/LL - Raise the height of the roof and gable-end extension - Refused 22 October 2007.  
 C02D/0075/39/LL – Extension and sun lounge - Approved 2 April 2002.  
 2/19/526E - Parking space and change of use of agricultural land to garden - Approved 25 July 1991.  
 2/19/526D - Extension and foot access - Approved 9 June 1989  
 2/19/526C - Extension to dwelling and vehicular access - Refused 3 April 1989  
 2/19/526B - New pedestrian access - Approved 9 October 1884  
 2/19/526A – Extension of dwelling - Refused 15 August 1984 C  
 2/19/526 - New access - Refused 15 August 1984  
 34/72/267 - Conversion of bedroom annex to house - Approved 31 January 1973

#### 4. Consultations:

Community/Town Council: Objects, as it is a development on a tight site and on a very busy and narrow highway. The plan is also incompatible with neighbouring houses.

Transportation Unit: I refer to the above application and confirm that the parking provision and the space to pull in in front of the property are acceptable in principle. However, I ask for further information to show that it will be possible to enter and leave the site in a forward gear, from both directions. I attach a plan with notes to further explain what is needed to satisfy the concerns of the Transportation Service.

Further observations: I refer to the additional information. The information shows that it is possible to gain vehicular access from all directions therefore I confirm that I have no objections to the proposal.

Natural Resources Wales: No objection to the application, but offer the following observations:  
 Natural Resources Wales is happy that the bat survey (Yorke Associates Ecological Consultants, March 2017) has been undertaken to an acceptable standard. The report notes there was no evidence that the structures / trees were currently being used as a bat roost, and notes that the probability that they could be used as a roost is small. Therefore, the proposed work is unlikely to affect the bats or their roosts. The authority should ensure that the conditions linked to any planning permission should

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ensure that the recommendations of the report are implemented to avoid damage to any bats. The applicant should be notified of the need to cease work immediately and contact Natural Resources Wales to obtain further advice should bats be found at any point when the work is being carried out.

It appears that the site is close to a watercourse that flows into the Gors Llyferin SSSI. NRW is concerned that activity on the site could cause suspended solids to flow into nearby watercourses. Construction work must be completed in accordance with the NRW standard conditions for work near water courses. Cement materials cannot be permitted to enter any watercourse. Any water contact with wet concrete must be treated as contaminated water and should not be allowed to drain into any watercourse. Construction work must be undertaken in a manner that would ensure the minimum level of pollution. Should any pollution or any change of colour become apparent, the work must stop and work practices must be reviewed in consultation with NRW. The applicant is advised to follow the directions within Advice Note Pollution Prevention 5 "Maintenance work in water or close to water" that is available on the NetRegs website.

The proposal lies within the AONB or could affect it.

Welsh Water: Standard conditions regarding surface water. Advise the developer to contact Welsh Water directly.

AONB Unit: I have looked at the amended plans in relation to the Ynysfor Bach planning application. In terms of the appearance and finish of the proposed building, I note the intention to now use natural slate rather than quartz zinc. Slate is the usual roofing material in the area and is more acceptable within the AONB. However, as noted in the observations on the original application, there is concern about the size and design of the proposed building which stands among other houses and in a prominent location in the AONB.

Biodiversity Unit The applicant has provided a bat and bird report from Yorke Associates Ecological Consultants dated March 2017, "Ynysfor Bach, Abersoch, Preliminary Bat & Nesting Bird Survey". According to the report there was no evidence of birds or bats in the building. Consequently, i have no ecological concerns. Nevertheless, a New building should include features for birds and bats e.e. bat boxes.

Public Consultation: A notice was posted on the site and nearby residents were notified. Correspondence was received within the notification period objecting to the application on the following grounds:

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- Application C17/0136/39/LL was previously refused on the grounds that the development would be an unacceptable and incompatible feature on the form and character of the streetscene and would affect road safety.
- The current plan does not address the concerns raised in the previous application in relation to the impact on the streetscene.
- The proposal, to some extent, does address the road concerns of the previous application.
- The current proposal is an improvement; however, it is considered that the access is sub-standard for the increased frequency in the site's use. Concern that the proposal would affect the foul water drain of a neighbour which runs through the application site.
- The location of a supporting wall along the north-east boundary between the application site and a neighbour.
- Information on application forms relating to the number of bedrooms and surface water drainage is misleading.
- Design
- The applicant has expressed that he is willing to adapt the building to create more space between the development and the north-eastern boundary.

- The applicant has been given to understand that the Transportation Unit has not been fully satisfied that the improvements to the access are sufficient.
- No objection to the proposal to demolish the existing house and construct a new house however there will be a need to look at safety and boundary issues.
- Claim that the plans are not correct.
- Doubt the details submitted with the plan which show a swept path analysis and the suitability of the new parking space.

## **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 building in its place. Local and national policies are supportive of reusing land that has been previously used for developments, rather than using greenfield. The house is located within the development boundary of Abersoch and it would make use of land that has been previously developed. From this viewpoint, it is considered that the proposal would comply with Policy PS 5 of the LDP.
- 5.2 Policy TAI 13 of the LDP specifically relates to demolishing and building a new house within the village boundary and in the countryside. The policy supports

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demolishing and rebuilding a house if the proposal conforms to the policy's criteria. Note that criteria 2, 3, 6, 10 and 11 are relevant to the proposal because the site is located within the village boundary and it states as follows:

- 5.3 Criterion 2. The building is not a listed building: The building is not listed and the Council's Conservation Officer has come to the conclusion that it is not of sufficient historical / architectural value that would justify including the building on a list of listed buildings.
- 5.4 Criterion 3. The existing building is of no architectural and/or historical and/or visual special value that would mean it should be retained: The existing house has been altered and extended over the years and it is unlikely that any further work would be practical. It had been given to understand from the applicant that it would be sensible to demolish the existing property and construct a new one given the current state of the house and the work required to create a house that would meet with current regulations. Reconstructing using modern methods and materials that are suitable for such a site would be more sensible and provide a quality sustainable building. It can be argued that the building's condition means that it is not feasible to repair it and that there is justification for constructing a new replacement house, which meets criterion 3. It is not considered that the building is of architectural / historical value that would be worth retaining.
- 5.5 Criterion 6. Outside the Coastal Change Management Area, a house must be built 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: A plan submitted with the application shows that it is intended to locate the new house on the site of the existing house and, although the new building would be larger than the existing building, it is not considered that it would substantially affect the landscape.
- 5.6 Criterion 10. That the original building be demolished and, where appropriate, external buildings be demolished on completion of the new house: It is proposed to locate the proposed house on the existing footprint.
- 5.7 Criterion 11. Permitted development rights are withdrawn: It is intended to include a condition on any permission to remove permitted rights for building extensions to the new house.
- 5.8 It is considered that the proposal conforms to the policy's criteria that are relevant to the proposal.
- 5.9 The village of Abersoch has been included as a Local Service Centre village where policy TAI 5 Local Market Housing is relevant to the LDP. As the development would not contribute to the housing stock, Policy TAI 5 is not relevant and the occupancy of the proposed house cannot be restricted to being a local market housing. In addition, there is no occupancy restriction on the existing house, therefore, occupancy cannot be imposed on the house being constructed in its place.

#### **Visual amenities**

- 5.10 The proposal involves demolishing the single-storey house and erecting a new two-storey building in its place. The existing house is of a single-storey design and it is not considered to be of architectural or historic value. The design of the proposed house is modern with substantial windows and a terrace on the first floor and a pitched roof covered with zinc. After discussing the finish of the roofing material

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with the applicant an amended plan was received showing the roof covered with natural slate. It is proposed to cover the external walls with a white finish and grey cladding. Generally, the site is located amongst traditional houses with pitched roofs. The applicant suggests that the existing house has reached the end of its life and it would be more effective to demolish it rather than seek to make any further alterations to it. Policy PCYFF 3 of the LDP states that all proposals should exhibit a design of high quality that gives full consideration to the context of the natural, historic and built environment. Special support is given to an innovative design that demonstrate energy efficiency. This was supported by Technical Advice Note 12: Design that expresses that the setting of houses and and the built form should reflect the local context and its distinctiveness. It expands that this does not mean banning modern design but that the finish should respond to its local surroundings. There is some concern that the original design of the building will lead to creating an incompatible house that will not reflect or respond to the context of the local area. It is appreciated that the existing building does not have amenity / architectural merit and therefore it would be possible to consider erecting a house of a modern design on the same site. Nevertheless, it was considered that covering the pitched roof with zinc material was not acceptable and, following a discussion on the mater with the applicant, an amended plan was received indicating an intention to use natural slate on the roof. It is felt that this, along with using stone as a feature in the design, will mitigate concerns regarding the modern design of the proposed house. It is not considered that the proposal is contrary to policy PCYFF 3 of the LDP.

- 5.11 The site is located within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest. Policy AT 1 states that consideration will be given to the information about the historic landscape if the impact of proposals is on such a large scale that their impact would be greater than merely a local impact. In terms of its location and size, it is considered that the impact of the proposal would be local only and it would not have a broader impact on the historic landscape. Therefore, it is not considered that the proposal is contrary to Policy AT 1 of the LDP.
- 5.12 The site is located within the AONB where policy AMG 1 of the LDP applies. The aim of the policy is to safeguard, maintain and enhance the character of Areas of Outstanding Natural Beauty. Proposals will be refused if they cause significant harm to the landscape and the coastline including views into and out of the area, wildlife, historic remains and buildings, and other features that are identified as the special features of Llŷn and contribute to the area's character. However, although the site is situated within the AONB, it is also a site where a house currently stands close to existing residential housing. Although the houses in the site's vicinity are of a different design, they adhere to a tradition design pattern with a slate covered pitched roofs. The amended design, although modern, is of a scale and materials that would be in keeping with the site. The proposal involves excavating the site to create a two-storey house of approximately the same height as the current single-storey building. It is clear that the proposed house would be larger than the existing house. The layout of the house, in addition to its design, allows for an amenity space around the building in the form of a terrace and a small garden to the south of the building. Although it does not follow the pattern of houses in the vicinity, it is believed that the amended design is compatible and enhances the local area compared to the existing building. Although located within the AONB, this does not mean that it would not be possible to have modern and current design. It is noted that the AONB Unit had submitted concerns regarding the design of the new house, however, it is felt that amending the design of the new house is likely to reduce these concerns. The site is located near the county road. Nevertheless, it is felt that is it not a very prominent site from afar due to the house of a neighbour which screens the site from a northerly direction

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(village) and trees and hedges to a lesser extent from a southern direction. It is therefore considered that the proposal as amended is suitable for its location and its context and it would not have a detrimental impact on the AONB. Also, due to the location against the built background, it is not considered that the proposal would significantly harm the views in and out of the AONB. Given the above, it is not believed that this development would have a detrimental impact on the AONB and that it is acceptable in terms of Policy AMG 1 of the LDP.

- 5.13 As explained above, it is considered that the proposed property is acceptable for the site and that the design is in keeping with the area. It is not considered that the proposed house would cause significant harm to the landscape of the AONB. It is considered that the proposed house respects the vicinity without being detrimental or harmful to the character of the landscape and it is therefore considered that it satisfies the requirements of Policy PCYFF 3.

### **General and residential amenities**

- 5.14 The application was advertised on the site and nearby residents were notified and three objections were received on grounds of design, impact on the AONB, impact of the proposal on the site boundary, impact on the neighbour's foul water drain and road safety. The objections relating to road safety and design matters are discussed under the relevant headings in the body of the report. The proposed house would be located on the site of the current house. The house is larger than the existing one in terms of its width and length, however it is noted that the plan has been design so that the windows and other openings are on the south eastern and south western elevation; these elevations look over the county road and agricultural land. It is acknowledged that there is a single-storey house on the opposite side of the county road, however it is felt that the impact of overlooking would be no greater than the current situation for that house. It is also noted that the plan shows an intention to erect a privacy screen on the north eastern elevation to protect the neighbour's amenities. In terms of traffic and noise generated by traffic, it is not considered that the proposed house would significantly add to the current situation or cause harm to the local neighbourhood. The property would be larger in size and height than the existing one, but this is mainly due to the fact that the site will be excavated so that the property is two-storey rather than single-storey. It is also noted that the neighbour has stated that the proposal would affect a foul water drain which serves his house. This matter was discussed with the applicant and information was received from him stating that the drain is located beyond the location of the front wall of the proposed house and is therefore unlikely to be affected. Nonetheless, the applicant acknowledges that there will be a need to safeguard that drain during construction work and to discuss the matter with Welsh Water should the application be approved. With regard to the site's location in relation to the site's north-eastern boundary, the plan shows that the intention is to locate and erect the new house near the site's north-eastern boundary. It is considered that such a situation does not cause planning issues; however, the developer would need to implement the Party Wall Act and would also need to reach an agreement with a neighbour regarding building and maintaining the wall in future. There are private matters to be discussed between neighbours. Therefore, in light of the above it is not considered that the proposal would cause significant harm to the amenities of the local neighbourhood and it is considered that it is acceptable in relation to Policy PCYFF 2 of the LDP.

### **Transport and access matters**



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- 5.15 Access to the site is gained directly from the county road where parking in a 'pull in' form is located. The proposal shows that two new parking spaces would be created within the curtilage of the property to park two cars using the existing parking space to facilitate manoeuvring a vehicle within the site. The observations of the Transportation Unit were received asking for more information on parking and turning arrangements within the curtilage. A further plan was received showing a swept path analysis for the proposal, the plan shows the location of a vehicular path in and out of the curtilage. The final observations of the Transportation Unit have been received confirming that the additional details are acceptable. It is noted that an application to extend the house along with additional parking space has been refused in the past, however, the information received with the current application shows that it is possible to create parking spaces that would satisfy the Transportation Unit's requirements. It is realised that objection has been raised in terms of road safety and doubting the details included in the vehicular path assessment plan. However, it must be realised that the house already exists on the site, and although the proposal involves a larger development, the proposed parking is an improvement on the current arrangement. It is not considered that the proposal is contrary to policy TRA 2 and TRA 4 of the LDP.

### **Biodiversity matters**

- 5.16 An ecological report was submitted as part of the proposal. There was no evidence of bats or nesting birds in the building. Biodiversity and NRW are satisfied with this report and its findings. Therefore, it is not considered that the proposal would cause harm to biodiversity and the proposal is therefore acceptable in terms of policy PS19.

## **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 the observations received, it is believed that the proposal is acceptable based on the matters noted in the report, namely that the proposed development would not likely affect the amenities of nearby residents, road safety and it would not have a significantly harmful impact on views within the Area of Outstanding Natural Beauty.

## **7. Recommendation:**

- 7.1 Approve - conditions
1. Commence the work within five years.
  2. In accordance with the revised plan.
  3. Slate roof.
  4. Withdrawal of permitted rights on extensions to the house.
  5. Submit details of the privacy screen prior to occupancy of the house.
  6. Retain / safeguard turning space.
  7. Materials (including the stone element as a feature in the design).
  8. Welsh Water conditions.