

PLANNING COMMITTEE	DATE: 18/12/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

**Number: 14**

**Application Number: C17/1024/39/LL**

**Date Registered: 18/10/2017**

**Application Type: Full - Planning**

**Community: Llanengan**

**Ward: Abersoch**

**Proposal: Demolition of existing house to be replaced with a three-storey house**

**Location: The Shanty, Pen Bennar, Abersoch, Pwllheli, Gwynedd, LL537BA**

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

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## 1. Description

- 1 This application is a resubmission of an application refused by the Planning Committee on 03 October 2017. The applicant states that he has amended the proposal by reducing the size of the proposed house in response to concerns raised by the Committee and the refusal reasons of the previous application. The applicant has expressed that the interior layout of the building has been altered in order to reduce the surface area of the building by 25%. This reduction means that the building is 1.5 metres less in width, 3.4 metres less in depth, and 1 metre lower in height. Also, it is stated that the surface area of the proposed house, excluding stairwells, paths and terraces, occupies 25% of the plot's surface area. The plans show that it is proposed to provide a vehicle parking space instead of the garage proposed at the rear of the house in the previous application. Detailed plans were submitted along with photographs showing the proposed house in the site and in the context of the area.
- 1.2 The application includes demolishing and existing single-storey house located on a terraced site and construct a three-storey house on the same site. The current house includes three buildings on two levels. The main house is single-storey and stands on the lowest part of the site. This building comprises of a kitchen, bathroom, dining and sitting room and three bedrooms. The two other buildings which are located on the highest part of the site also include bedrooms. The applicant states that the current buildings are made of timber and are reaching the end of their life as they are nearly 100 years old. The proposed house is on three levels with external terraces extending backwards to follow the site's profile. The lower floor will be at a similar level to the existing house and it includes a sitting area, two bedrooms, bathrooms, an exercise room and machine room. The substantial windows on this level face the north and east. The middle floor (first floor) comprises of a kitchen, dining room and sitting areas, master bedroom with bathroom and another bedroom and back kitchen. There is also a toilet and a multi-purpose room on this floor. The substantial windows on this level face the north, east and south-east. The highest floor (second floor) provides access to the house from the communal car park to the rear of the site. It comprises of a foyer, lift, sitting room and bedroom. The substantial windows on this level face the north, east and the south-east. Internally, the three levels will be connected by a void with stairs extending from the lowest to the highest level. Each level has access to an exterior terrace.
- 1.3 It is proposed to use slate to clad parts of the exterior walls with a flat green sedum roof. It is proposed to make extensive use of glass on the house's sea-facing exterior elevation. The terrace will be surrounded by a glass screen.
- 1.4 The plan shows that the shape, layout and design of the proposed house adheres to the site's surface and contours. It is noted that the proposed house is larger and taller than the existing and also extends somewhat above the cliff to the rear of the site. Plans were received comparing the size of the house previously refused by the Council against the proposed house considered under the current application.
- 1.5 The construction work would include boring into the site in order to build the house.
- 1.6 The site is on varied levels and is sea-facing, it is located in a residential area and amongst a several other houses that are located on a cliff above the sea. Images were submitted with the application showing the proposed house in the broader landscape; it can be seen from these images that the house is mainly visible from the sea and the

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adjacent properties to the south and north of the site. of the site. The roof, part of the garage rear wall and the site's boundary wall will be visible from the communal car park and the nearby public footpath. It is likely that some of the gable-end of the house will be visible from the A499 county road which leads to the village.

1.7 The site is located on the Abersoch headland, outside the village development boundary and within an Area of Outstanding Natural Beauty (AONB). Vehicular access will be gained via a private road and a public footpath on higher ground to the west. The Pen Llŷn a'r Sarnau Special Area of Conservation is located nearby.

1.8 A Design and Access Statement was submitted as part of the application.

1.9 The application is being submitted to Committee as more than three objections 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 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**

ISA - Infrastructure Provision

TRA2 - Parking standards

TRA4 - Managing transport impacts

PS 5 - Sustainable Developments

PCYFF 1 - Development boundaries

PCYFF2 - Development Criteria

PCYFF3 - Design and Place Shaping

PCYFF4 - Design and Landscaping

PCYFF5 - Carbon Management

TAI 5 - Local Market Housing

TAI 13 - Rebuild Housing

AMG 1 - Areas of Outstanding Natural Beauty Management Plans

AMG 4 - Coastal Protection

AMG 5 - Local Biodiversity Conservation.

## 2.4 **National Policies:**

Planning Policy Wales (Edition 9 2016)

TAN 12: Design

TAN 22: Sustainable Buildings

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

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- 3.1 Application number C17/0159/39/LL - Demolition of house to be replaced with a three-storey house - Refused on 03/10/2017 on the following grounds: The proposal would be an over-development of a prominent site with a substantially larger footprint than the existing house and would create an intrusive development that would have a detrimental impact on views into, out and across the Llyn Area of Outstanding Natural Beauty (AONB). It is not considered that the proposal would protect and enhance the natural beauty of the landscape which is contrary to the main objective of the AONB designation. Therefore, it is considered that the proposal is contrary to policy PCYFF 3 and PS 19 of the Gwynedd and Anglesey Joint Local Development Plan and chapter 5 of Planning Policy Wales.

#### 4. Consultations:

Community/Town Council: Object due to over development that will overwhelm the site and the cliff that can be seen from all directions-land and sea - and which is incompatible with the remainder of the surrounding houses. The location is also within the Area of Outstanding Natural Beauty and the Heritage Coast.

Transportation Unit: I confirm that the Transportation Unit does not object to the proposal.

Natural Resources Wales: No objection to the application and propose standard observations. Consequently, it is intended to send a letter dated 15/11/2017 as an appendix to any permission granted by the Council in relation to the development.

Welsh Water: Proposes observations and conditions relating to discharging surface water into the public sewer. It is intended to send a letter dated 27/10/2017 as an appendix to any permission granted by the Council in relation to the development.

Rights of Way Unit: Not received.

Area of Outstanding Natural Beauty Unit: The Shanty is located at the end of Pen Benar headland in Abersoch and within the Area of Outstanding Natural Beauty.

It is a single-story house, and it seems that it dates from the first part of the last century. Although it is of a relatively interesting character, it does not have a special historic or an architectural value. There are two single-storey buildings on land that is higher than the house which are used as additional accommodation. There are other houses on either side of the Shanty - quite substantial, modern houses with extensive glass surfaces.

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The house and the site are visible from the sea, some areas on the beach and in distant views from the A499 road which leads to the village. The National Coast Path runs along the highest part of the site and there are views over the bay towards Snowdonia.

As with the previous application, the intention is to demolish all the existing buildings on the site and construct a new house. With the original application, efforts were made to design a unique building in an attempt to be in keeping with the coastal site with vast sections of trees, glass and slates and a green flat roof in order to reduce the height of the building.

With the current application, some adaptations have been made to the size and height of the previous proposal. This reduces the scale of the building and leaves more land for landscaping on either side of the house. The building remains as three-storeys but now, there is no garage and this reduces the height. It is believed that the materials on the whole are suitable for the site and that the combination of them, and the green roof, will assist the development to be in keeping with the site without affecting the AONB.

#### Biodiversity Unit

Propose the following observations:  
Nesting birds

There are some smaller trees and a hedge on the site that could be suitable for nesting birds. The site should either be cleared outside the nesting season (March to August), or a survey of the site should be arranged by a birds specialist directly before work commences.

#### Pen Llŷn a'r Sarnau SAC

As the site is located on a cliff-top above the sea, approximately 50 metres from the above European site, we as an Eligible Authority, are required to conduct a Test of Likely Significant Effect under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) before determining the application.

#### Test of Likely Significant Effect

This development has the potential to affect the Features of a European Site: Special Area of Conservation Pen Llŷn a'r Sarnau Special Area of Conservation

Pollutants such as cement or fuel could be discharged into the sea and could affect the features of the SAC. The likelihood of this happening is low, and it could be reduced further by including a condition that a Pollution Prevention Plan be implemented.

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Outcome: Due to the details submitted and the condition detailed below, Gwynedd Council can be confident that the development on The Shanty site will not lead to Significantly Harmful Effect on the features or the processes of the Llŷn Fens Special Area of Conservation. orsydd Llŷn

Condition: The developer should submit a Pollution Prevention Plan for the approval of the Authority prior to the commencement of the work.

Public Consultation:

A notice was posted on site and neighbouring residents were notified. The advertisement period has expired and several items of correspondence were received objecting on the following grounds:

- Impact on the visual amenities of the area.
- Proposed house not in keeping with the village or area
- Creates a precedent for similar developments.
- Concerned about the proposal's impact on the public footpath.
- The site occupies a prominent location within a sensitive area.
- The development is of an unusual design.
- The site is visible from the local beaches.
- Concern that the proposal could have a negative impact on the Abersoch community.
- Recent developments have impaired the public's enjoyment of the adjacent public footpath.
- The plan adds nothing to the village.
- The building should stay as it is and it is a part of the village's history.
- Does the building merit being listed?
- No justification for the proposal.
- Over-development of a restricted site.
- A three-storey building is too high and higher than nearby houses.
- The development disrupts the coast and a beautiful area.
- Increase in traffic to the larger proposed property likely to affect road safety.
- An affordable house needs to be developed on the site.

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#### Other observations

- Safeguarding the public footpath.
- Another house should not be built on the site.
- Holiday home built during the 1920s
- Have consulted with CADW.
- Concern regarding the cumulative impact of similar developments on the area.
- Similar developments likely to raise the area's house prices beyond the reach of local people.

#### 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 larger new house in its place. Local and national policies are supportive of reusing land that has been previously used for developments, rather than using greenfield. The application site is located within the development boundary of Abersoch as defined within the LDP 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 and PCYFF 1 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 demolishing and rebuilding a house if the proposal conforms to the policy's criteria. Note that criterion 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 a listed building. Note that an objector has contacted CADW regarding the existing property. However, the Council's Conservation Officer has considered the matter and concluded 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 applicant states that it is not reasonably possible to renovate, convert or extend the existing building without completely or significantly reconstructing. The building stands in a coastal location which is very open to the elements. The applicant has noted in the Design and Access Statement that the property has reached the end of its life and is not suitable to be developed to reach modern standards. 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

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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 partly on the existing footprint but there would be variances because of the design of the proposed property compared with the existing one in terms of its exact location on the site. However, in essence, developing the proposed house would mean that the existing house would be demolished. The existing external buildings that are on a higher level are used as part of the existing house and would be demolished as part of the proposal.
- 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 On the above grounds, it is considered that the proposal conforms to the criteria of policy TAI 13 which apply 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. However, it must be realised that a house already exists on the site and, consequently, the proposal does not involve creating new residential unit(s) on the site. 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 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.

It is not considered that it would be reasonable to issue a local market housing restriction on the proposed house. It is not considered that approving the application would be contrary to Policy TAI 5.

### **Visual amenities**

- 5.10 The existing dwelling is of no important architectural value. It is noted that an objector has asked whether it is possible to give the building a listed building status. The observations were discussed with the Council's Conservation Officer who confirmed that the current building was not of historical or architectural value and that it did not justify listed status. The nature of the location means that the existing building, as the proposed, is visible from the adjacent public footpath to the west and from the sea to the east. It is likely that the elevation that is visible from the sea would be the main elevation in terms of seeing the site in the context of the broader landscape. It is considered that the design of the proposal from looking at it from the sea blends in with the site because it follows the shape, layout and profile of the site and the use of materials that create a light design. It is noted that the observations of the AONB Unit refer to the design, size and scale of the proposal along with the height of the house. They state that the materials on the whole are suitable to the area and that the combination of them and the green roof, will assist the development to be in keeping with the site without disrupting the AONB. The applicant has prepared photographs showing the house in relation to the public footpath behind the site and the site in general and they will be submitted as part of the information presentation pack. A number of letters / correspondence have been received objecting to the proposal as it is not in keeping with the AONB, and it is felt that these objections have been submitted because the design of the building is different to other properties in the area. The



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concerns of the objectors are realised, however, it is considered that this in itself means that the proposal would have a harmful impact on the character of the area. It was understood that the design made extensive use of terraces and substantial windows, however, it was noted from the images submitted with the application that other houses near the site also shared such architectural features. The proposed green flat roof reduces the height and impact of the building.

- 5.11 Images were submitted that show the development within the broader landscape. The images show that the design of the proposal was different to houses in the vicinity. The images also provide a view of the proposal from the sea, from the adjacent public footpath to the rear and from the A499 which leads to the village. It is felt that these images show that the building does not create an intrusive development in the landscape and although the appearance of the house is different, it is not considered that it would have a significant harmful impact on the landscape.
- 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. Development 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 Llyn and contribute to the area's character. However, although the site is situated within the AONB, it is also an infill site with residential development on either side. There are many houses of different designs in the area and there is no typical building pattern. Although modern, this design is of a scale and uses materials that would be in keeping with the site. The proposed house would be on three levels compared with the existing house; however the applicant states that the house has been designed so that the shape and profile of the house reflect the layout of the site. It is realised 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 garden. Its design, especially the sea-facing elevation, would be in keeping with the nature of the site and although it does not follow the housing pattern in the vicinity it is believed that it blends in and enriches the local area. Despite being located within the AONB, it does not mean that a modern and contemporary design is not possible and note that policy PCYFF 3 gives particular support to innovative design that displays energy efficiency. It is therefore considered that the proposal is suitable for its location and context and that it would not have a detrimental effect on the AONB. Also, due to the location against the built background of Abersoch, 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 Policies PCYFF 3 and PCYFF 4.

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

- 5.14 The application was advertised at the site and nearby residents were notified. No response was received from the residents of the dwellings on either side of the site. The proposal involves erecting a larger and taller building than the existing house. The

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design of the new house, due to the height, location and size of the terraces means that the proposal will overlook the property from the south of the site. In order to resolve any concerns regarding over-looking, the plan also shows an intention to erect a privacy screen along the southern boundary of the upper floor terrace, and to plant plants on the terrace. This would reduce the impact of the proposals and safeguard the amenities of the neighbour. In relation to the corner of the terrace between the privacy screen and the parking space, the plan shows that it is intended to cover it with plants rather than use it as a terrace; however, it is felt that a condition should be imposed on any permission enforcing the extension of the screen shown on the plan to this corner. In relation to the impact of the proposal on the property to the north of the site, it is noted that the plan shows that the terrace on the northern elevation is located approximately 7 metres from the site boundary and looks over the roof of the parallel property. It does not have a significant impact on the privacy of the gardens or on the windows of the neighbour's property. 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**

- 5.15 The proposal involves creating a new parking area at the rear of the house for one or two vehicles as part of the development with access to the adjacent communal parking area where there are two other spaces. This arrangement is considered to be acceptable and the Transportation Unit does not have any objection to the proposal. However, the proposal provides two parking spaces in addition to the current provision. Therefore, it is considered that the proposal is acceptable in terms of Policy TRA 2 and TRA 4 of the LDP. There is a public footpath near the site and there is a need to safeguard this during and at the end of the development and this could be done by imposing a condition on the planning permission. The proposal is not contrary to policy TRA 4 of the LDP.

### **Biodiversity matters**

- 5.16 The Pen Llŷn a'r Sarnau Special Area of Conservation is located approximately 40 metres away. The Council's Biodiversity Unit and Natural Resources Wales were consulted and in light of the nature and the scale of the proposal they did not consider that the proposal would have a significant impact on this protected site subject to including a condition on any permission to enforce submitting a Pollution Prevention Plan to be approved by the Authority prior to the commencement of the work. It is therefore considered that the proposal is acceptable in relation to Policy AMG 4 of the LDP.

## **6. Conclusions:**

- 6.1 Having weighed up the proposal in the context of the relevant policies and the objectors' arguments, it is considered that the proposal is acceptable for approval. The location, density and increase in size are reasonable and the design and materials are an improvement for an open site of this type. Bearing in mind that a house was located on the site already, along with a number of other houses on either side to the site, there would be neither a significant change in the landscape and views from, and across the AONB, nor a significant substantial impact on the amenities of nearby residents. In light of the above, and having given full consideration to all material planning issues,

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it is considered that this proposal is acceptable and that it complies with the requirements of the aforementioned policies.

7. **Recommendation:**

7.1 To approve – conditions

1. Commencement within five years.
2. In accordance with the plans.
3. Agree on all external materials.
4. Welsh Water conditions.
5. Submittal of a Pollution Prevention Plan prior to commencing any development on the site
6. Clear the site outside the nesting season.
7. Details of the privacy screen on level 3 along the southern elevation of the terrace must be submitted and installed prior to the occupation of the house and for it subsequently to be retained in that way.
8. Withdrawal of permitted rights on extensions to the house.
9. Submit details of the boundary treatment within a month of work commencing on the site.