

PLANNING COMMITTEE	DATE: 16/04/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	PWLLHELI

Number: 1

Application Number: C17/0198/30/LL

Date Registered: 19/07/2017

Application Type: Full - Planning

Community: Aberdaron

Ward: Aberdaron

Proposal: Application to retain work of erecting a garage / store

Location: Pwll Melyn, Rhiw, Pwllheli, LL538AE

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 The application was deferred at the Planning Committee meeting held on 5 June 2017 in order to receive the justification for the applicant's need for an agricultural building on the land. In the meantime, and following discussions with the Planning Service, an e-mail was received from the applicant's agent on 11 July 2017 changing the description of the application to 'Erection of a garage/store'.
- 1.2 Originally, this retrospective planning application was for the retention of a steel-framed agricultural building that was in the process of being built. The existing frame suggests a building with a mono-pitch roof, however, it is proposed to finish the building with a pitched roof. The proposed building measures 9.1 metres long and 4.6 metres wide and the existing frame extends to 4.05 metres high above ground level. It is proposed that the building's external finish will include timber boards to the walls and dark green metal profile sheets to the pitched roof.
- 1.3 The building is situated in open countryside outside any development boundary and on part of closed land to the north-west of the dwelling house which is also within the Llŷn Area of Outstanding Natural Beauty. The existing frame lies 5.5 metres from a single-storey dwelling which is a Grade II listed building. The property extends to an area of 2.5 acres. The site borders an unclassified county road to the north and west, and there are other agricultural fields to the east.
- 1.4 Following further discussions with Planning Service officers, an amended plan was received on 9 February 2018 showing a building with a floor surface area similar to the original plan submitted, but showing a pitched roof on the building, and external walls covered with timber sheets. The roof angle reflects the roof angle of the dwelling, and the pitched roof extends to 4.1 metres above ground level, and the eaves measure 2.3 metres above ground level. The proposed building lies 7 metres away from the dwelling house.
- 1.5 The application is submitted to the Committee at the Local Member's request as there is concern that there is no justification for such an agricultural building for a holding of only two acres; that such a building is not in keeping adjacent to a listed building; and that its height is intrusive in its current site between the house and the road and it would be possible for it to be relocated behind the building where it would be more hidden.

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 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act, and in making the

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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. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

2.3 Since the application was originally submitted before the Committee, the Gwynedd Unitary Development Plan has been superseded by the Gwynedd and Anglesey Joint Local Development Plan 2011 - 2026.

2.4 **Gwynedd and Anglesey Joint Local Development Plan 2011 - 2026**

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

Policy AMG 1: Areas of Outstanding Natural Beauty Management Plans

Strategic Policy PS 20: Protecting and where appropriate enhancing heritage assets

2.5 **National Policies:**

Planning (Listed Buildings and Conservation Areas) Act 1990.

Historic Environment (Wales) Act 2016

Paragraph 6.5.11 Planning Policy Wales, Edition 9, November 2016:-

Technical Advice Note 12: Design

Technical Advice Note 24: The Historic Environment (Published 31 May 2017)

The Setting of Historic Assets in Wales (May 2017)

3. **Relevant Planning History:**

3.1 The site has no relevant planning history, however, permission was granted for two single-storey extensions to the house itself in 1998 and 2006.

4. **Consultations:**

Community/Town Council:

Comments 14.03.17 - Objecting on the grounds of:

- Building is too high
- Adjacent to a listed building
- No agricultural justification as the holding is only two acres

Observations on the amended plan 09.02.18 -

Not received at the time of writing.

Natural Resources Wales:

Comments 03.03.17 - Does not affect any matter featured on their check-list.

Observations on the amended plan 09.02.18 -

Not received at the time of writing.

Senior Conservation Officer:

Observations on the amended plan 09.02.18 - Have had a look at the amended plan and the latest design and access statement. I confirm that the amended

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design and location of the shed are acceptable from the aspect of effect on the setting of the listed building, and it is not believed that the proposal would affect the appearance and character of the property.

AONB Officer

Observations on the amended plan 09.02.18 - The latest plan for a pitched roof building clad with timber is an improvement on the previous plans and it is not believed that it would affect the AONB.

Public Consultation:

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

- A high two-storey building that would be visible from near and afar;
- Single-storey building is adequate;
- Submission of a retrospective application is totally inappropriate;
- Unacceptable height and needs to be reduced.

A second consultation was held with neighbouring residents on the amended plan received on 09.02.18 but no response was received.

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

- 5.1 It is considered that the main matters in this case are the need for the building, the impact of the development on the visual amenities of the AONB and its impact on the setting of the nearby listed building.

The principle of the development

- 5.2 It is a requirement that planning applications are determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The Gwynedd Unitary Development Plan (2001 - 2016) has been superseded by the Gwynedd and Anglesey Joint Local Development Plan 2011 - 2026 (LDP), which was adopted in July 2017.

- 5.3 The statutory test should be the first consideration at all times when dealing with any planning application, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other material 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 ...".

- 5.4 Policy PCYFF 2 of the LDP ensures that any proposal should comply with all material policies within the Plan, as well as national planning policies and guidance. It has already been noted that the application now submitted for consideration is for a garage and store, rather than an agricultural building. The applicant's agent states that the

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building is necessary for multi-purpose use, which includes general storage of vehicles, equipment, apparatus, trailers and foods, together with space as shelter for animals during occasional inclement weather. It is also stated that the building will secure sufficient space for the treatment of animals. No details have been submitted regarding how much stock the applicant has, however, it is understood that the size of the property is 2.5 acres. During the inspection of the site, three horses were seen on the land.

Visual amenities

- 5.5 The site lies in a prominent position within the Llŷn AONB. A steel frame without planning consent currently exists on the land and this suggests a building with a mono-pitch roof extending to 4.1 metres high. In an effort to avoid an industrial appearance to the building, and to reduce any impact on the AONB's visual amenities, an amended plan was received on 9 February 2018 showing the proposed building with a pitched roof of a similar height, but with the eaves reduced to 2.3 metres above ground level. In addition, it is intended to cover the external walls of the building with timber sheets stained in dark brown, and BS 18 B 29 dark grey coloured profiled steel sheets on the roof. This creates an appearance similar to a stable or small shed, and is a more acceptable design in such a prominent location.
- 5.6 The AONB Officer's observations on the original plan were received stating that the pitched roof would reduce the height of the building and make it less visible from the road. There was no objection to the proposal in terms of any impact on the wider landscape, and therefore it has to be considered that the proposal complies with policy 5.3/5 of Planning Policy Wales, namely that the primary objective for designating AONBs is the conservation and enhancement of their natural beauty. Development plan policies and development management decisions affecting AONBs should favour conservation of natural beauty, although it will also be appropriate to have regard to the economic and social well-being of the areas. Policy AMG 1 of the LDP states the need to ensure that the objectives and aims of the AONB Management Plan are considered fully when considering development proposals, and this Plan will carry significant weight when determining planning applications. In this case, the AONB Officer was consulted on the original plan and the amended plan received on 9 February 2018. There was no objection to the proposal originally, and observations were received on the amended plan stating that the latest plan for a pitched roof building clad with timber is an improvement on the previous plans and it is not believed that it would affect the AONB. Consequently, it is not considered that there is objection to the proposal in its amended form, and the application complies with Policy AMG 1 of the LDP.
- 5.7 In terms of the finish and design of the building, it is proposed to cover the pitched roof with dark grey profiled steel sheets, and to cover the external block walls with timber boards. This is an attempt to reflect the design and appearance of a small stable/shed. Additionally, there are mature hedgerows along the property's boundary with the unclassified county highway that will reduce any further impact. The building is located further away from the listed building now, therefore, its size and proximity to the listed building itself should not be contrary to the second criterion of Policy PCYFF 3 which involves design and place shaping. The proposal conforms to Policy PCYFF 4. The proposal's impact on the setting of the listed building is discussed further below.

General and residential amenities

- 5.8 The nearest dwelling (apart from the applicant's property) to the proposed building is situated approximately 30 metres north east of the site, on the other side of the

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unclassified county highway. Due to the size of the proposal and its location in relation to the nearby property, it is considered that the development would not cause significant or unacceptable harm to that property.

- 5.9 Neither is it considered that the proposal is likely to affect the reasonable privacy of users of the nearby property, nor that it would entail an overdevelopment of the site. The proposal will not add to the traffic or the noise associated with traffic in a way that will cause significant harm to local amenities, and will not create an opportunity for persons to act anti-socially. It is considered that the proposal therefore complies with the fourth criterion of Policy PCYFF 2.

Transport and access matters

- 5.10 There are no matters concerning any highway or proposed highway here and therefore the Council's Transportation Service was not consulted in this case. It is stated that a public footpath runs on the other side of the dwelling away from the proposed building, and is not affected by the development.

Biodiversity matters

- 5.11 There are no biodiversity matters in relation to the building in this case.

Conservation/Listed Building Matters

- 5.12 Objections have been received to the proposal on the grounds of the proximity of the proposed building to the property's dwelling, a Grade II listed building. The Council's Senior Conservation Officer was consulted and the following observations were received in relation to the original application:

'The site is located in the countryside within a landscape of outstanding historic interest, Area of Outstanding Natural Beauty and the site is within 5 metres of a Grade II listed building. Plas yn Rhiw listed historic park and garden is also located approximately 0.5 miles north east of the site. The proposal is a retrospective application for the retention of a garage / store that is in the process of being built on the land to the rear of the main house, namely the listed building.'

The requirements of Planning Policy Wales (part 6.5.11) state "where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.", this is also reiterated within Technical Advice Note 24: The Historic Environment published on 31 May 2017. CADW has published new best practice guidance in relation to the setting of historic assets in Wales" (31 May 2017) which states "that development proposals should attempt to avoid any harmful effect on a historic asset and its setting". Some factors which should be considered when assessing the effect of a change or proposed development within the setting of a historic asset are listed below:-

- *the visual effect of the change or proposed development in relation to the setting of the historic asset.*
- *whether the proposed change or development dominates the historic asset or affects our ability to understand and appreciate it.*

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The Design and Access statement submitted with the application does not refer to the listed building or any effect on the setting. However, part 1.4 of the statement states "the garage / shed would be located adjacent to the existing dwelling and thus it is not considered that it would have a significantly greater impact than already exists", as well as the statement "the proposal will form a neat addition to the holding".

The main building is listed as a good example of a small cottage holding characteristic of the area. Having considered all the above factors, it is believed that the location of the proposed garage / shed is unsuitable and that it would have a significant effect on the setting and character of the listed building as a small cottage holding. It is felt that the proximity of the proposal and its size dominates the property and is very obtrusive, when considering also the higher level of the ground to the rear of the property. It is not believed that the proposal would form a 'neat addition to the holding' but would create significant harm to it due to the existing location. In this case, it is considered that the best option would be to relocate the garage / shed further away from the property in order to reduce the effect on the setting.'

- 5.18 The property was added to the list of buildings of historic and/or architectural interest as it is a good example of a small cottage holding, characteristic of the area. Since listing the property on 6 April 1998, the Council has approved a single-storey extension on the eastern gable-end of the property in January 1999 and that extension has been built.
- 5.14 Following receipt of an amended plan, a second consultation was held with the Senior Conservation Officer on 9 February 2018. It is noted that this plan was submitted following a discussion with the officer and the Enforcement Unit. A response had been received from the Senior Conservation Officer noting that she had viewed the amended design and the latest design and access statement, and confirms that the amended design and location of the shed are acceptable from the aspect of effect on the setting of the listed building, and it is not believed that the proposal would affect the appearance and character of the property.
- 5.15 Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a requirement for local planning authorities to determine applications for planning permission and have special regard to certain matters including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character, especially if there is a park, garden or land arranged to support its plan or function.
- 5.16 Similarly, the document *The Setting of Historic Assets in Wales* explains what setting is, how it contributes to the significance of a historic asset and why it is important. Setting is important to the way historic assets are understood, appreciated and experienced and contributes to their significance. Setting often extends beyond the property boundary, or 'curtilage', of an individual historic asset to the context of the wider landscape. Intangible factors together with physical factors may be important in order to understand the setting of a historic asset. These could include function, sensory perceptions or historic, artistic, literary or scenic connections and national planning policy encourages local planning authorities to consider the setting of historic assets when preparing development plans and when determining planning applications. If proposed change or development work is likely to have an effect on a historic asset and its setting, the applicant should prepare a commensurate and objective written assessment of that effect in order to guide the decision-making process. Development proposals should attempt to avoid any harmful effect on a historic asset and its setting. The amended location of the proposed building lies 7 metres away from the listed

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building, and it is not considered that a written assessment of the effect of the development on the setting of the historic asset is needed in this case.

- 5.17 The location of the building does not affect the setting of the listed building itself, and it is considered that the amended proposal complies with Strategic Policy PS 20 of the LDP, and is in accordance with the national advice provided in paragraph 6.5.11 of Planning Policy Wales. It is considered that this is an important consideration when determining the current application.

Response to the public consultation

- 5.18 Two emails objecting to the application were received for the reasons stated in 4 above. The objectors live approximately 280 metres from the site, however, it is noted that the basis for the objection is the impact on visual amenities rather than any impact on the amenities of nearby residents. However, it is noted that the AONB Officer does not object to the proposal and the amended plan has reduced any impact on the visual amenities of the AONB.

6. Conclusions:

- 6.1 Since the application was submitted originally, the location of the proposed building in relation to the grade II listed building, and its design, appearance and external finish have been amended following discussions with the Planning Service. The proposed building is far more acceptable now in planning terms, and is not contrary to local planning policies or national planning advice. However, in order to protect the setting of the listed building to the future, it is considered that it would be appropriate to include a condition removing rights to site a caravan within the extended curtilage. A similar condition need not be included for curtilage buildings as they are not permitted developments. Based on the amended plan submitted on 9 February 2018, it is considered that the application in its current form is in accordance with local and national policies and is acceptable to be approved.

7. Recommendation:

- 7.1 To approve – conditions -

- 1) In accordance with the amended plans received on 9 February 2018;
- 2) No caravan to be sited within the extended curtilage;
- 3) Stain the external timber boards covering dark brown;
- 4) Building roof to be of a BS 18 B 29 dark grey colour;
- 5) Demolish the existing structure in its entirety and restore the land to its original condition before starting work on the building approved here.