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| PLANNING COMMITTEE | DATE: 23/07/2018 |
| REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER | CAERNARFON |

Number: 3

Application Number: C17/1249/20/LL

Date: 22/01/2018

Registered:

Application Type: Full - Planning

Community: Y Felinheli

Ward: Y Felinheli

Proposal: Divide the existing dwelling to create two holiday units for let, retaining a two-storey dwelling together with raising the roof level by 600mm (partly retrospective) - amended plan

Location: Melan, Plot 4, Caernarfon Road, Y Felinheli, LL56 4RZ

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is an application to divide a four-storey dwelling that received planning permission in 2010 (C10A/0126/20/LL) but has not been completed, in order to create two holiday units on the lower floors retaining a dwelling on the upper two floors. It is also intended to raise the roof of the building by 0.6m compared to what was originally approved. The alterations would create two flats with two en-suite bedrooms each, both with a kitchen/lounge space. On the upper floors the two-storey house would have four bedrooms and an integrated garage.
- 1.2 The building is being constructed on a slope and the height of the building's front elevation would be 7.8m, and the rear elevation would be 13.1m. There would be three balconies protruding out of the rear of the three upper floors of the building. The building would have slate pitched roofs and rendered walls and the balconies would be steel structures with glazed panels.
- 1.3 The building is located in a residential area near Caernarfon Road and is within the development boundary of the Coastal-Rural Village of Felinheli as defined in the Joint Local Development Plan.

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 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 **Anglesey and Gwynedd Joint Local Development Plan. (July 2017)**

TRA 2: PARKING STANDARDS
 TRA 4: MANAGING TRANSPORT IMPACTS
 PCYFF 2: DEVELOPMENT CRITERIA
 PCYFF 3: DESIGN AND PLACE SHAPING
 PS 13: PROVIDING OPPORTUNITIES FOR A PROSPEROUS ECONOMY
 TWR 2: HOLIDAY ACCOMMODATION

2.4 National Policies:

Planning Policy Wales - (Edition 9, November 2016)
 Technical Advice Note 12: Design (2016)

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Technical Advice Note 13: Tourism (1997)

3. Relevant Planning History:

C10A/0126/20/LL - CONSTRUCTION OF A HOUSE, RETAIN A TEMPORARY CARAVAN AND NEW ACCESS: Approved 09/07/10

C06A/0009/20/AM - DEMOLITION OF GARAGE AND CONSTRUCTION OF FOUR HOUSES: Approved 11/02/06

C02A/0699/20/LL - DEMOLITION OF GARAGE AND CONSTRUCTION OF FOUR HOUSES: Approved 13/01/03

C09A/0533/20/LL - CONSTRUCTION OF A HOUSE AND ACCESS: Approved 03/12/09

4. Consultations

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| Community/Town Council: | <p>Object</p> <ul style="list-style-type: none"> • Over-development on Caernarfon Road leading to pressure on traffic and parking • Harmful to the scheme to create a Green Lane between Penybryn and the Surgery. • There would be a danger to the users of the Green Lane from traffic |
| Transportation Unit: | No objection |
| Welsh Water: | <p>Object:</p> <p>The building has been erected directly above a combined 225mm sewer. Welsh Water will object until a scheme is agreed to divert the sewer.</p> |
| Footpaths Unit: | Not received |
| Public Consultation: | <p>A notice was posted on the site and the advertising period has expired. Correspondence was received objecting to the proposal on the following material planning grounds:</p> <ul style="list-style-type: none"> • Raising the roof of Melan will have a detrimental effect on neighbours' amenities • Several windows will face neighbours' property and will cause over-looking • The development would be an over-development of the site - there would be no external amenity area within the curtilage except for the parking areas. • There is insufficient parking provision for three living units. • Concern regarding the detrimental impact of traffic movements along the private road to the rear of the property. |

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- Raising the roof level would be out of character with the surrounding developments
- There is no need for holiday homes locally

The following observations were also received; these are not material planning considerations:

- Concern regarding ensuring access to another private property nearby
- The development would be contrary to a private legal covenant
- The building has not been erected in accordance with the original planning permission
- Concern that the flats will not be used for holiday purposes
- That there had been an attempt to depart from the planning procedure as the proposal was to create separate living units from the start.

5. Material Planning Considerations:

History of the application

- 5.1 This application was originally submitted to create two permanent living units in the flats in question, however, during the process of dealing with the application the nature of the development was changed to create two holiday units in their place. The application was consulted upon again and the above comments include the relevant observations received during the two consultation periods.
- 5.2 As is noted above, an objection to the application was received from Welsh Water who claim that the building was erected directly above a public sewer and they had stated this in their observations on previous planning applications to develop the site and that no part of the building should be located within 3m either side of the central line of the sewer. The latest planning permission for the site (C10A/0126/20/LL) includes a note that states:
- "A sewer crosses the development site and therefore the provisions of Section 106 of the Water Act, are applicable. The permission does not convey any approval of permission under the said Act, and you should contact Babtie (agent to Welsh Water at the time) before proceeding with these plans."*
- 5.3 As there is separate legislation for dealing with the protection of public sewer pipes, it is not appropriate to use the planning system to try and control matters of this type. As a result of receiving Welsh Water's objection, the developer was given an opportunity to try and come to an agreement with them in order that they could withdraw their objection to this application. However, thus far, no such agreement has been made, with the developer claiming that it is a private sewer that is affected and not a sewer that is publicly maintained.
- 5.4 The above is considered to be a legal issue between the developer and Welsh Water. Planning consent has already been approved to erect a four-storey house on the site and the building work has commenced and therefore that planning permission has been permanently secured. The development in question is unlikely to make any difference to the matters pertaining to the sewer and the comments made by Welsh Water do not have any potential direct impact on this application. Therefore it is considered that no

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planning weight can be given to Welsh Water's objection to this application. The material planning matters are discussed below.

The principle of the development

- 5.5 It is a requirement that planning applications are determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case.
- 5.6 Strategic Policy PS 14 of the LDP supports the development of a local tourism industry by managing and enhancing the provision of high quality tourism accommodation in the form of sustainable self-catering apartments. It is considered that this development would be a standard self-catering accommodation facility within the development boundary and, therefore, the proposal is consistent with the principle of this policy.
- 5.7 Another fundamental policy consideration is Policy TWR 2 that supports the provision of new self-serviced holiday accommodation subject to a series of criteria and it is deemed that this proposal meets with the relevant requirements of these criteria as:
- the site is located within the village development boundary
 - that it is a development of a suitable scale for the location,
 - it will not lead to a loss in the permanent housing stock,
 - although it is located in a residential area, it is not considered that it would cause substantial harm to the area's residential character of the area (see the discussion below), and
 - there is no evidence that there is an excess type of this accommodation in the area.
- 5.8 When considering the above, it is deemed that the principle of this development is consistent with the Joint Local Development Plan's strategy as reflected in policies PS 14 and TWR 2.

General and residential amenities

- 5.8 Generally, policies PCYFF 2 and PCYFF 3 of the Joint Local Development Plan approve proposals for new developments as long as they do not have a detrimental impact on health, safety or the amenities of the occupiers of local properties or on the area in general. In addition, developments are required to:
- Contribute to, and enhance, the character and appearance of the site
 - Respect the site and surroundings in terms of their location in the local landscape.
 - Use appropriate materials
- 5.10 This building has already received planning permission for residential use and there is no change in the internal floor area from what has already been approved. Once the house is completed it could be used by a significant number of people within the same family and considering that holiday use is a type of residential use, it is not considered that altering two sections of the house for alternative residential use will intensify the site use in a way that will be detrimental to the neighbours' amenities.
- 5.11 Ten windows are shown in the north-eastern elevation of the building and it is considered that there is potential for those on the upper three floors to overlook the windows and private sections of the nearby property called Plas Eifion. Therefore, it is deemed that it would be reasonable to impose a condition to ensure that the windows

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that do not open in the upper three floors of the north-eastern elevation have opaque glass. In the same manner, it is considered that there might be a problem with overlooking stemming from the proposed three balconies and it is deemed appropriate to impose a condition to create an opaque screen of an appropriate height to prevent overlooking of neighbouring properties on both sides of the balconies.

- 5.12 It is not believed that raising the height of the building by 0.6m would cause significant harm to the neighbours' amenities in terms of shadowing than what has already been approved and it is not considered that this street has a consistent development pattern that would mean that the height would be inconsistent with the character of the street scape. It is believed that the materials shown are acceptable and consistency can be ensured with the development that has already been approved via appropriate conditions.
- 5.13 In considering the above in the context of the development that has already been approved, by imposing appropriate conditions it is considered that the proposal is acceptable under Policies PCYFF 2 and PCYFF 3 of the LDP in terms of amenities.

Transport and access matters

- 5.14 The Transportation Unit did not raise any objection to the proposal and having considered the development already approved on the site, it is not believed that there would be any new significant harm in terms of highway safety and the proposal is in accordance with policies TRA 2 and TRA 4 of the LDP.

6. Conclusions:

- 6.1 It is considered that a development of holiday units in this building would be acceptable in terms of the relevant policies noted above, and that it would not have any additional adversely harmful impact on the area's amenities or on neighbouring residents than what has already been approved. Furthermore, it is considered that the location, design, finish and form of the development is acceptable and in keeping with the context of its location. Having given full consideration to all the relevant planning matters, it is considered that the development is suitable for the site and complies with the local and national policies and guidelines noted.

7. Recommendation:

To approve – conditions:

1. Five years
2. Work to be in accordance with the plans
3. Removal of PD rights
4. Condition of holiday use/register
5. Materials, including natural slate roof
6. No caravans within the curtilage once the development is completed
7. Opaque glass windows that cannot be opened in the upper three floors of the north-eastern elevation
8. A 1.8m high opaque screen on both sides of the three balconies to be erected prior to occupation of the units and to be retained thereafter.
9. Welsh Water conditions from the previous permission
10. Highways conditions from the previous permission.

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