

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

**Number: 4**

**Application Number: C18/0332/42/AM**

**Date Registered: 01/06/2018**

**Application Type: Outline**

**Community: Nefyn**

**Ward: Nefyn**

**Proposal: Demolish stables and remove existing concrete surface and construct two holiday units, along with landscaping work.**

**Location: Northern Lights, Lon-tyn-pwll, Nefyn, Pwllheli, LL536EN**

**Summary of the Recommendation: TO REFUSE**

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## 1. Description:

- 1.1 The application involves demolishing existing stables and constructing two holiday units. This is an outline application and all matters apart from access have been reserved. An indicative plan has been submitted demonstrating the layout of the proposal. This shows buildings that would be taller than the existing stable. Also, the stables currently form a series of buildings in an 'L' shaped formation with the garage, which is to remain; however, the proposed development will change the development form on the site. One of the proposed units would be located to form a row with the garage and the other unit would be perpendicular to them with joint amenity area for both units created on the site's eastern side. The application form notes that it is proposed for the buildings have a slate roof and external rendered walls. The stables are built from timber with a felt roof. Although it has not been indicated on the plans, it is likely that there would be parking spaces to the west, namely between unit 1 and the Northern Lights house. When the application was originally submitted it was proposed to install a private sewage treatment system but this has now been amended and the plan shows an intention to connect to the public sewer.
- 1.2 The site is in the countryside and within the Llŷn and Bardsey Landscape of Outstanding Historic Interest. Access is gained to the site along an unclassified road, which has access to a second class road approximately 180 metres south of the site.
- 1.3 The application is submitted to Committee at the Local Member's request.

## 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 **Anglesey and Gwynedd 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: DEVELOPMENT CRITERIA  
PCYFF 3: DESIGN AND PLACE SHAPING  
PS 14: THE VISITOR ECONOMY  
TWR 2: HOLIDAY ACCOMMODATIO  
AMG 5: LOCAL BIODIVERSITY CONSERVATION  
PS 20 - CONSERVING AND ENHANCING HERITAGE ASSETS  
AT 1 - CONSERVATION AREAS, WORLD HERITAGE SITES AND LANDSCAPES, PARKS AND REGISTERED HISTORIC GARDENS.

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#### 2.4 National Policies:

Planning Policy Wales (Edition 9, November 2016)  
TAN 6 – Planning for sustainable rural communities  
TAN 12 - Design  
TAN 13 - Tourism  
TAN 18 - Transport  
TAN 23 - Economic Development

#### 3. Relevant Planning History:

- 3.1. 2/22/448 - Garage and stables - refused 22 August 1990.
- 3.2 2/22/448A - Retention of garage, equipment store/feed, horse stables and horse boxes - refused 20 November 1990.
- 3.3 2/22/448B – Retention of garage, stables and stores - approved 25 March 1993. A 106 agreement was signed as part of this planning permission. This 106 agreement, amongst other matters, states that the building and land cannot be used for business or commercial use or for any other purpose apart from agricultural purposes without first seeking planning permission from the Local Planning Authority.
- 3.4. 2/22/448C - Retention of satellite dish - approved 26 October 1992.
- 3.3 C15/0689/42/LL - Exchange existing caravan for a larger double caravan - withdrawn by the applicant 15 January 2016.

#### 4. Consultations:

Community/Town Council:

Object on the following grounds:-

1. Overdevelopment of the site
2. Demolition of existing building
3. Access

Transportation Unit:

No objection to the proposal to connect to the public sewer network but recommend a note in terms of a permit to carry out the work.

Natural Resources Wales:

We no longer have any objection to the application. The application has been amended so that the proposed development will now connect to the main sewer. The previous concerns about the development have been resolved and we can therefore confirm that we have no objection to the application.

Offer advice to the developer in terms of matters relating to the construction work such as waste management,

Welsh Water:

No objection to the proposal and propose a condition in terms of not connecting surface water / land drainage to the public sewer system.

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Biodiversity Unit: I do not have any objections to this proposal.

It is unlikely that bats would use the stables to roost, however it is possible that swallows would nest in the stables. Therefore, in order to safeguard the nesting birds, I recommend a condition not to carry out demolition work during the bird nesting season.

Section 6 of the Environment Act (Wales) sets out a duty on every public authority to protect and improve biodiversity. Public authorities must attempt to maintain and enhance biodiversity when exercising functions in relation to Wales, and promote the resilience of ecosystems, as far as it is consistent with exercising those functions.

I recommend that the applicant provide a biodiversity improvement plan, for example, the development could include features for nesting birds and bats in the new buildings and hedge of native trees could be planted or a field managed as a hay meadow.

Public Protection Unit: Not received.

Economy and Regeneration Unit: Not received.

Tourism and Marketing Unit: Not received.

Public Consultation: A notice was posted in the site, however, no response was received during the advertisement period.

## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 Policy TWR 2 of the LDP supports the development of new permanent holiday accommodation with services, or self-serviced ones, or to convert existing buildings into such accommodation or extend existing holiday accommodation establishments as long as they are of a high standard of design, layout and appearance and that all the criteria within the policy can be met.
- 5.2 Criterion i of Policy TWR 2 states, in the case of accommodation, which is a new build, that the development must be located within a development boundary, or makes use of a suitable previously developed site. The site is located in the countryside and is not therefore within a development boundary. It must, therefore, be considered whether the site in question is previously developed. It appears from the information submitted as part of the application that the applicant considers this to be previously developed land as the site includes riding stables. However, it can be seen from the planning history for retaining the stables (2/22/448B) that a 106 agreement was signed. This 106 agreement, amongst other matters, limits the use of the stables and the surrounding land (namely the rest of the applicant's land). The agreement states that these are not to be used for business or commercial use or for any other purpose other than agricultural

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purposes without first seeking planning permission from the Local Planning Authority. This 106 agreement therefore limits the use of the stables and the surrounding green land to agricultural use. Previously developed land is defined in Figure 4.4 of Planning Policy Wales (Edition 9). The definition does not refer to land and buildings used for agricultural purposes as previously developed. It is acknowledged that a section of the application site falls within the original curtilage of the residential property but this section now mainly includes land that has been covered with concrete and a garage linked to the house. However, the fact remains that the 106 agreement binds the use of the stables to be demolished and surrounding land to agricultural use and no applications have been submitted following the permission granted in 1993 to use these stables for any other use. As these stables and land have an agricultural use, it is not considered that this development is being located on previously developed land and because of its countryside location the proposal does not comply with criterion i of Policy TWR of the LDP.

- 5.3 The proposal involves demolishing the existing timber constructed stables with felt roofs and constructing two holiday units on the land. The stables are currently set out in an 'L-shaped' formation, which also includes a garage, which will be retained. The stables are of a simple structure and are relatively insignificant and are structures that one would expect to see in the countryside. This is an outline application and all matters relating to appearance, landscaping, design and scale have been reserved for consideration. Nevertheless, indicative plans have been submitted showing the proposed layout for the site and noting the size of the buildings. The proposal shows that the layout of the buildings will be different to the current layout. Whereas the buildings are currently in an 'L-shaped' formation set around the land that has been covered with concrete, the proposal would locate unit 2 in line with the garage, which is to remain, while unit 1 will be perpendicular to the north of this row and would create more of a 'T-shaped' development. It is then intended to create an amenity site to the east of unit 1 and this layout on the amenity land suggests that there would be a number of door and window openings on the eastern side of unit 1. This layout would also make any openings to the northern elevation of unit 2 more visible from open countryside while the current layout has limited the openings to face the courtyard rather than open countryside. This proposed layout would also suggest that equipment such as tables, chairs, bbq etc. would be set out on the proposed amenity area. The plans also indicate that the height of the units' roof would be slightly higher than the existing stables. Although it has not been indicated on the plans, it is reasonable to expect that parking spaces will be located on the concrete section that would remain between unit and the Northern Lights house.
- 5.4 It is considered that the 'L-shaped' form of the existing stables is a natural design for this type of development in a rural area, with buildings set around a courtyard area. There is an alien feel to the proposed layout where it is intended to locate unit 1 perpendicularly to the row where unit 2 and the garage are located. This proposed layout would also move the location of unit 1 approximately 8 metres nearer to the Northern Lights property than the current stables. Northern Lights and the existing stables can be seen from some vantage points when walking along the coastal path, which is located near the northern boundary of the property. Presently, it appears quite a natural development in the rural area and due to their colour, the stables do not stand out and the Northern Lights house, which has a cream coloured finish, is much more prominent than the stables from the path. It is not considered that the proposal in the form shown in the plans responds to its local context in terms of the setting of the site. It is considered that the proposal would be more visible from public vantage points and, due to the layout of the proposal, it would create a development with a more urban style. It is also considered, by creating two units and moving the development nearer

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the Northern Lights house, that the proposal would have a greater effect on the occupants of the house than the current situation. It is, therefore, not considered that the scale of the proposed development based on the submitted layout is appropriate given the site and its location. It is therefore considered that the proposal is contrary to Policy TWR 2 of the LDP.

- 5.5 A business plan was submitted as part of the application. It is understood from the business plan that the applicant hopes to attract visitors who wish to come to the area to play golf and also those who wish to walk, with direct access to the coastal path. It is also hoped to attract families with the site only a stone's throw away from Nefyn beach. The applicant also sees this as an opportunity to promote other local businesses to visitors such as shops, eateries and attractions that would contribute to the local economy. In an additional business plan that was submitted in dealing with this application, the applicant has looked at other holiday units in the vicinity for comparison; and, although there are other units in the area, the business plan anticipates that the proposal would generate a profit during its first year and that this would increase as the business operates over the years. It appears that the applicant intends to use an agent to let the units as it is considered that this would be a worthwhile investment as they specialise in letting these types of units. It appears from the information submitted in the business plan that the applicant has looked into other similar units in the area and that he maintains that the units in question would be economically viable and from this perspective it is not considered that there is a surplus of this type of accommodation in the area in terms of criterion v of Policy TWR 2.

#### **Visual amenities**

- 5.6 As previously explained, it is not considered that the scale of the proposed development based on the layout that has been proposed is appropriate given the site and the location. It is not considered that it responds to the local context in terms of the layout of the units and it is not considered that it would improve the character and appearance of the site, the building or the area. The proposal does not respect the context of the site and it would create an alien feature in the local landscape. The site would be visible to those using the coastal path, which is near the property's northern boundary. It is considered that the proposal is contrary to the requirements of Policy PCYFF 3 of the LDP.
- 5.7 The site lies within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest. It is considered that the impact of the proposal would be local and would not have a wider impact on the historic landscape. Therefore, it is considered that the proposal is acceptable in terms of Policy AT 1 of the LDP.

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

- 5.8 The applicant's house is located near the site. This proposed layout also shows an intention to bring the proposed buildings 8 metres closer to that property, than the existing stables. There would be approximately 13 metres between unit 1 and the existing house. There are windows in the existing house that overlook the site and it is reasonable to expect that there would be windows on the western side of the holiday unit. It is considered that the proposal would cause overlooking between the Northern Lights property and the proposed holiday units. Additionally, there would be more disturbance for the occupants of the existing house due to the nature of the development than from the personal use of stables for the property's occupants. To an extent, the proposal involves creating two new living units on the site that would, should they be approved, be managed as holiday units with conditions. This means that there would

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be similar activities to that of a conventional house. In light of the layout shown on the plans, it is considered that the proposal has the potential to impact upon the amenities of the current property on the site. It is acknowledged that this property is currently owned by the applicant but should the application be approved there is nothing to prevent the applicant from selling the holiday units separately to the house. The layout of the site means that windows would be facing each other, within 13 metres of each other, and to gain access to the holiday units, traffic arriving and leaving the holiday units would need to travel to the front of the Northern Lights property. It is considered that the proposal in its current form is contrary to the requirements of PCYFF 2 as it does not safeguard the amenities of the occupants of the nearby property.

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

- 5.9 Access to the site is gained from an unclassified road. There would be plenty of parking spaces available within the site although the exact location of the parking spaces were not shown on the plans. The Transportation Unit was consulted on the application and it had no objection to the proposal. It is not considered that the proposal would affect road safety and it is considered acceptable in terms of Policy TRA2 and TRA 4 of the LDP.

#### **Biodiversity matters**

- 5.10 The Biodiversity Unit was consulted on the proposal and it had no objection to the proposal. A condition to carry out demolition work outside the bird nesting season was proposed. It would be possible to include such a condition should the application be approved and it is, therefore, not considered that the proposal has any implications on biodiversity and is acceptable in terms of Policy AMG5 of the LDP.

### **6. Conclusions:**

- 6.1 The 106 agreement on the stables restricts their use to agricultural use. As agricultural land and buildings are not previously developed land, criterion i Policy TWR 2 does not support building new holiday units in open countryside. Additionally, it is not considered that the scale of the proposed development, based on the layout submitted, is appropriate given the site and the location and that this does not respond to the local context in terms of the units' layout. It is not considered that the submitted proposal would do anything to improve the character or the appearance of the site and it is therefore contrary to policy TWR 2 and Policy PCYFF 3 of the LDP. It is also considered that the layout of the site as indicated on the submitted plans for the use of holiday units would have a detrimental impact on the amenities of the occupants of the nearby house, which is contrary to the requirements of PCYFF 2 of the LDP. It is not considered that the proposal would have any transport or biodiversity implications.

### **7. Recommendation:**

To refuse:-

1. There is a 106 agreement restricting the use of the stables and the surrounding land to agricultural use. Therefore the site cannot be considered as previously developed land and constructing a new building to operate as a holiday unit in open countryside that is not located on a suitable and previously developed site is contrary to the requirements of criterion i Policy TWR 2 of the Gwynedd and Anglesey Joint Local Development Plan.

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2. It is considered that the scale of the proposal in terms of its layout and design is incompatible with this rural location and the proposal would therefore create an alien development that does not respond to the local context or the countryside location. The proposal is contrary to Policies TWR 2 and PCYFF 3 of the Gwynedd and Anglesey Joint Local Development Plan.
  
3. It is considered that the layout of the proposal as shown in the plans would affect the amenities of the nearby property on grounds of the loss of privacy and general disturbance and is contrary to the requirements of criterion 7 of Policy PCYFF 2 of the Gwynedd and Anglesey Local Development Plan.