

PLANNING COMMITTEE	DATE: 02/09/2019
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	PWLLHELI

Number: 1

Application Number: C19/0338/42/LL

Date Registered: 04/04/2019

Application Type: Full - Planning

Community: Nefyn

Ward: Morfa Nefyn

Proposal: Front porch extension, alterations to the roof and extend an outbuilding to create an annexe

Location: Bwthyn Bridin, Lôn Bridin, Morfa Nefyn, Pwllheli, LL57 6BY

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 The application was deferred at the Planning Committee on 20 July 2019 in order to undertake a site inspection visit. Since the Committee discussion, the balcony element on the front of the property has been removed from the application.
- 1.2 This is an application to erect a porch extension on the front of the house, undertake alterations to the roof with a slate roof and a dormer window, front decking and extend the existing outbuilding within the property's curtilage to create an annexe at Bwthyn Bridyn, Lôn Bridyn, Morfa Nefyn.
- 1.3 The property is adjacent to the access to Morfa Nefyn beach but at a slightly higher level than the beach, with a high boundary wall surrounding the front and sides. An access track runs with the back wall and serves three other properties. It is a site in the countryside. Lôn Bridyn is an unclassified road that is adjacent to the site and Coastal Path number 19 Nefyn runs along the cliff to the back of the site. The site is outside the designated Llŷn Area of Outstanding Natural Beauty, but is within 240m to it and is within the Llŷn and Bardsey Island Landscape of Outstanding Historical Interest. The beach to the front and sections of the cliff at the back are within the Pen Llŷn a'r Sarnau Special Area of Conservation (SAC), and the Porthdinllaen to Porth Pistyll Site of Special Scientific Interest. The site is within the Coastal Change Management Area and nearby but outside a C2 Flood Zone.
- 1.4 The application is submitted to the Committee at the request of the Local Member and two other members.
- 1.5 The original plans included alterations to the external boundary wall, by installing a glazed screen and a new opening to the beach. These have now been removed by the amended plans, dated 3 June 2019. There is a further amendment to the plans following the Planning Committee, by removing the front balcony see revised plans, 23 July 2019.

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 2011-2026 (31 July 2017)**
TRA 2: Parking Standards
TRA 4: Managing transport impacts
PS 5: Sustainable Development
PS 6: Alleviating and adapting to the effects of climate change
PCYFF 1: Development Boundaries
PCYFF 2: Development criteria
PCYFF 3: Design and place shaping

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ARNA 1: Coastal Change Management Area
 PS19: Conserving and where appropriate enhancing the natural environment
 AMG 1: Areas of Outstanding Natural Beauty Management Plans
 AMG 4: Coastal Protection
 AMG 5: Local Biodiversity Protection
 PS 20: Preserving and where appropriate enhancing heritage assets
 AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens.

2.4 **National Policies:**

Planning Policy Wales, (Edition 10) 2018
 Technical Advice Note (TAN) 5: Planning and Nature Conservation
 Technical Advice Note (TAN) 12: Design
 Technical Advice Note (TAN) 14: Coastal Planning
 Technical Advice Note (TAN) 15: Development and Flood Risk
 Technical Advice Note (TAN) 18: Transportation

3. **Relevant Planning History:**

No record of planning history
 No pre-application planning enquiry.

4. **Consultations:**

Community/Town Council: The Town Council objects on the grounds of change to the area's appearance and look. These buildings are historic and it is important to protect them to safeguard the area's character. It is an over-development of the site and is very prominent from the sea and completely changes the landscape.

Transportation Unit: I refer to the above application and wish to state that I do not intend to submit a recommendation as it is assumed that the proposed development will not have a detrimental impact on any road or proposed road.

Observations to the second consultation

I refer to the above application and specifically to the amended plans, and confirm that I have no further comments to offer.

Biodiversity Unit: The building has an asbestos roof and is more or less on the beach. It is very unlikely that bats will be affected and therefore I have no Biodiversity concerns.

Observations to the second consultation

Further to my previous observations:

As Natural Resources Wales note in their comments, the application could have an impact on Special Areas of Conservation (SAC)

- Pen Llŷn a'r Sarnau
- Sea cliffs of Llŷn

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There is a possible pollution impact route to features from these sites.

Gwynedd Council, as the Eligible Authority, is required to conduct a Test of Likely Significant Effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) before determining the application.

The first step is to undertake a Test of Likely Significant Effect:

There is a small risk that some of the polluted material may escape from the site and have an impact on the features of the sites.

The developer will be required to follow recognised good practice for this type of development. These have been detailed in the observations from Natural Resources Wales and there should be a condition. The developer is advised to follow the directions within Advice Note Pollution Prevention 5 "Maintenance work in water or close to water":

Outcome

Due to the above details and the size of the development, Gwynedd Council can be confident that the Bwthyn Bridyn development will not lead to a Significantly Negative Impact on the features or the processes of the Pen Llŷn a'r Sarnau SAC, or Sea Cliffs of Llŷn SAC.

Water and
Environment Unit:

The development is in a coastal area within the CChMA listed in appendix 6 of the Anglesey and Gwynedd Joint Local Development Plan (2017), as it is intended to implement the 'Managed Realignment' in the West Wales Shoreline Management Plan (SMP2) 2.

According to the recommendations of the LDP limited residential extensions in the CChMA that are closely related to the existing scale of the property and therefore do not result in a potential increase in the number of people living in the property, will be permitted subject to a TAN 15 compliant Flood Consequences Assessment or a Stability Assessment.

The SMP is clear that the defences in front of the property would become under pressure with an increase in sea levels in future, but that it is likely that the existing defences could be maintained over the coming 50 years (i.e. beyond the second period) without submitting amendments that would be contrary to the recommendations of the plan, and therefore the Managed Realignment policy is slightly misleading. With this in mind, we feel that the risk of coastal erosion linked to the development is acceptable.

A FCA has been submitted with the application, and we will leave NRW to offer comments on the contents of this report.

Observations to the second consultation

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The unit has no observations to offer on the additional information submitted for the above application.

Maritime and
Country Parks
Officer:

We state concern regarding the proposal on the following grounds:

- The alterations as shown in the plan are open to the weather and the sea.
- The proposed alterations (appear to be) less robust than the existing situation.
- The sea level is high on this foreshore particularly at high tide when there are strong winds behind the waves from the west to the north. This means that waves can hit the nearby structures.
- The forecast is that the sea level will rise. This means that any sea storms can cause damage to property where the structure is not strong enough to with-hold the waves.

Natural Resources
Wales:

We recommend that you should not approve planning permission if you do not include the following conditions. These conditions will get to grips with the significant concerns noted by us and we would not object on condition that you attach these to the planning permission:

Condition: The finished floor level of the development (extension) to be no lower than 4.8m AOD.

Flood Risk

We have considered the flood consequence assessment (the FCA) (Wray Architects, Bwthyn Bridyn, flood consequence assessment, dated 02.04.19) submitted to support the application. Based on this information, we can say that the proposed finished floor level of the extension to the existing outbuilding will be set at 4.8m AOD which is above tide level by 0.5% (1 in 200) on the tidal scale including an allowance for 100 years of climate change. Therefore, the development complies with section A1.14 of Technical Advisory Note 15.

We therefore have no objection to the development subject to attaching the following condition to any planning approval.

Condition: The finished floor level of the development (extension) to be no lower than 4.8m AOD.

We welcome the mitigation measures proposed in section 3 of the FCA and recommend that these are implemented. There is no specific flood warning for the village of Morfa Nefyn, but as the risk is tidal, it is likely there will be prior warning of any storms or tidal surges available through various media channels.

We also note the intention to use the existing outbuilding only as ancillary accommodation to the main dwelling (section 1.2 of FCA) and not as a separate residential dwelling. If this is

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not undertaken then we would wish to have a second consultation. Although we do not object the proposal, in order to determine if flooding consequences can be managed in accordance with TAN 15, your Authority might also wish to consider the following:

The application site is located outside a C2 zone, as defined in the development advice map referred to in TAN 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated every quarter, confirms that the site is a little outside the extreme flood outline. These outlines do not include any allowance for climate change and therefore it is likely that the outline will extend over a wider area in the future. Extreme flood levels, referred to in the FCA, continue to be the water levels and do not consider the wind and waves that are likely to be significant in an open coastal location such as this.

Protected Sites

From the information submitted, NRW are of the view that the proposal could have an impact on the Pen Llŷn a'r Sarnau Special Area of Conservation (SAC), and the Porthdinllaen to Porth Pistyll Site of Special Scientific Interest. The application site is located nearby and is surrounded by the SAC site. NRW have noted a possible pollution impact route to features from this site. The route may not lead to a likely substantial impact if the developer adheres to suitable guidance on pollution prevention and waste management.

Your Authority has not undertaken an assessment of likely significant impact under Regulation 63 of the Habitats and Species Conservation Regulations 2017, or it has not forwarded this for consideration to NRW. If you come to the conclusion that the proposed development is likely to have a substantial impact on the European site, we look forward to consulting with you regarding your appropriate assessment. In the absence of this assessment, NRW cannot offer any certainty that the proposals would not have a detrimental impact on the SAC.

Protected Species

We note that there is no information regarding protected species with the application and therefore we take it for granted that your Authority has screened the application and has concluded that there is no reasonable likelihood of protected species being present at the site.

Observations to the second consultation

Thank you for consulting on the amended plans. We can confirm that our response dated 25 April remains valid.

Welsh Water:

Some public pipelines and drains have not been recorded. Inform that Welsh Water has right of access to its apparatus at all times.

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- Public Consultation:
- A notice was posted on the site and nearby residents were notified. The advertising period has expired. Eight letters / correspondences were received objecting on the grounds of:
- Design - The size is out of character, Fishermen's cottages unspoiled by modern developments.
 - Impact on the traditional character of the village
 - Effect on the AONB setting and views, contrary to policy AMG1
 - The site can be seen on postcards advertising Morfa Nefyn
 - Concern regarding safety with erecting the extension

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The application comprises two elements, namely the extension and alterations to the house and the extension to the outbuilding to create an annexe. As far as the principle to develop the annexe is in question, the building to be converted touches the corner of the house and is within its current curtilage and is therefore close enough to be considered as an annexe. A residential annexe may be defined as accommodation that is ancillary to the main house and located within its curtilage. It should be specifically used for ancillary use and not as a separate dwelling. From the Agent's email, it is understood that the building has been used as storage over the years, with the first floor used as a play room and an overspill bedroom for the house, therefore the use would not be significantly different to the current use. It would make use of a previously used building which is favoured by policy PS 5 in the LDP. Due to the close connection of the building to the house, it is not considered that this proposal would create a separate new living unit and is not considered to be tantamount to erecting a new house in open countryside. A condition can be imposed on the permission to restrict the use of the outbuilding to be converted as ancillary use to the house and that it is not used as a separate living unit, this would be a means to control use. Therefore, it is considered that the principle of providing an annexe is acceptable in this case.

Visual amenities

- 5.2 Policy PCYFF 3 of the Joint Anglesey and Gwynedd Local Development Plan (LDP) is the policy to be considered when assessing design, materials and the area's visual amenities. Currently the house has an asbestos sheeting roof and the proposal entails re-roofing with slate and installing a small dormer window in the front. The roof finish would certainly be an improvement and the dormer window would be small enough so that it would not cause substantial harm to the appearance and character of the front. There are two flat roof extensions on the front of the property and the proposal involves adding a small porch to it. It is not proposed now to use the flat roofs as a balcony, as this element has been removed. Several objections had been received to the proposal expressing concern about introducing modern features to the property, as the existing fishermen's cottages are unspoiled. Whilst noting their points, it has to be considered that the extension would not be significant and that the flat roof extensions have already compromised a little of the property's character. The porch would not change the building's shape significantly, it is considered that the changes would not significantly damage the appearance of the property to justify refusing the alterations. As the curtilage is enclosed by a high wall, the front decking would not be visible to the public.

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Since the alterations to the house are relatively minor, it is considered that they are acceptable additions in terms of appearance, scale and the treatment of elevations and comply with the requirements of policy PCYFF 3 of the LDP.

- 5.3 The second element involves erecting an extension on the existing outbuilding that forms part of the property's ownership. The proposal involves constructing an extension to provide a living room. As the curtilage is enclosed by a high boundary wall, only a small section of the wall and the roof would be visible from the access road to the beach. There would be a high window on a section of the northern gable-end of the extension facing the beach. The original plans entailed taking down a section of the boundary wall and installing a glazed screen in its place together with opening a new independent access door in the wall down to the beach and dividing the curtilage. Concern was expressed about the visual impact of this and they were advised to take these out of their plans, and the amended plans dated 3 June 2019 have responded to this. The size of the extension is not unreasonable in comparison to the existing outbuilding, that has already been used informally as ancillary rooms to the house. We realise that the objections have stated concern about changing the appearance of a historic building, however, the alterations are not considered to be significantly intrusive and are not unacceptable in terms of scale, height and mass on this site that is enclosed by a high wall. Therefore, it is considered that the annexe element also complies with the requirements of PCYFF3.
- 5.4 The property is adjacent to the access to Morfa Nefyn beach, and is therefore visible to the public. A number of the objectors have expressed concern regarding the proposal's impact on the traditional character of the fishermen's cottages in a popular location and are postcard images. They have also stated that the proposal would have an impact on the Area of Outstanding Natural Beauty, however, the property is not located within that designation which is approximately 240m west of the property in the direction of Porthdinllaen. Whilst we appreciate their points, it is considered that neither the design of the extensions nor the minor alterations to the front do not introduce inappropriate features to the site and are unlikely to harmfully affect the character of the property. The property has been set back at an angle from the adjacent housing with higher ground to the back and a high boundary wall in the front, this means that the vistas of it are comparatively local. We realise that views of the property and the nearby cottages can be seen from Porthdinllaen, which is within the AONB, however, considering the small scale of the development and that the roof would be the most visible alteration, it is not considered that the proposal would significantly affect the setting and the views out of the AONB from that distance. Therefore it is considered that refusal cannot be justified on the grounds of the impact on the AONB and it is not considered to be contrary to policies PS19 and AMG1 of the LDP.
- 5.5 The site is located within the Llŷn and Bardsey Island Area of Outstanding Historic Interest. The proposal involves constructing an extension to an outbuilding and alterations to the existing house and in terms of its location and size it is considered that the impact of the proposal would be local and would not have a wider impact on the historical landscape. Therefore, it is considered that the proposal is acceptable in terms of Policy PS20 and AT 1 of the LDP.

General and residential amenities

- 5.6 There is a cluster of four houses at this location near the beach, but due to their setting the only property that would likely to be affected by the proposal would be Tŷ Newydd which is adjacent. Tŷ Newydd is set further forward in the direction of the beach than Bwthyn Bridyn, with a lean-to extending out to the back. Originally, there was concern

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that there was potential for the balcony to over-look the neighbours, therefore a screen was placed at the side. However, as this element has been removed following the Committee discussion, the balcony is not a consideration or a concern any more. It is not considered that any other element of the application would have any significant detrimental impact on the amenities of local occupiers due to their distance and that they are one-storey. Having assessed the application against the requirements of policy PCYFF 2 it deemed that the proposal is acceptable and would not have an intrusive or detrimental impact on the neighbour's amenities and is therefore acceptable in terms of policy PCYFF2 of the LDP.

Flooding Matters and Coastal Change Management Area

- 5.7 As this is an application for an extension to a house and an existing building, it is not considered that policy AMG 4 Coastal Protection is totally relevant in this case, as this policy deals with new developments. However, we did consult the Maritime Officer and he stated his concerns regarding the alterations to include a glazed screen instead of part of the boundary wall and opening a new independent access to the beach, as these will not be as robust and more open to the weather and the sea than the existing wall. Since then the plans have been amended and the alterations to the wall have been removed from the proposal.
- 5.8 The site touches but is outside a C2 Flood Zone. A Flood Consequence Assessment was received in relation to the extension to the outbuilding with information as part of the application, and NRW was consulted. As this is an application from house owners involving extending and converting an existing building into an annexe for ancillary use to the house, rather than to create a new house, concerns regarding flooding are not as contentious in this case. The building's lower floor would be converted into a bathroom which is not a habitable room and the middle floor room of the extension would be raised a little. These measures would be a means of controlling flood risk for the residents. NRW confirm that the proposed finished floor level of the extension noted, namely 4.8m AOD above tide level of 0.5% (1 in 200) on the tidal scale including an allowance for 100 years of climate change. Therefore, they confirm that the development is acceptable with the floor level condition stated and this is in compliance with section A1.14 of Technical Advisory Note 15 and also satisfies policy PS 6 LDP.
- 5.9 The application site is on Morfa Nefyn beach and within the Coastal Change Management Area (CChMA), and therefore the application has to be considered against policy ARNA 1. The policy allows some types of development in the CChMA such as extensions to existing housing, subject to the receipt of a TAN 15 compliant Flood Consequences Assessment. The Council's Water and Environment Unit were consulted and it was noted that the Shoreline Management Plan was clear that the defences in front of the property would become under pressure with an increase in future sea levels, but that it is likely that the existing defences could be maintained over the coming 50 years (i.e. beyond the second period) without submitting amendments that would be contrary to the recommendations of the plan, and therefore the Managed Realignment policy is slightly misleading. With this in mind, they feel that the risk of coastal erosion linked to the development is acceptable. The proposal complies with criterion 8 of the policy as the extension is limited and very close to the scale of the existing property. As the outbuilding has already been used as overspill rooms to the house, it is considered that the proposal to formalise the one-bedroom annexe does not mean significantly increasing the number of people who live in the property. The development is ancillary and is within the curtilage of the existing house and therefore conforms to criterion 9. On the basis of the favourable observations of the experts, and

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as the Flood Consequences Assessment has been received and confirmation from NRW that it satisfies the requirements of TAN 15, it is considered that the proposal satisfies the requirements of policy ARNA 1 of the LDP.

Transport and access matters

- 5.10 The property is served by an unclassified road that ends near the beach access. There is a parking area for two cars to pull in outside the property's garage together with the garage itself. The Transportation Unit was consulted and they had no objection to the proposal. Based on this, therefore, the proposal complies with the requirements of policies TRA2 and TRA4 of the LDP.

Biodiversity matters

- 5.11 The Biodiversity Unit was consulted on the application and they state that as the building has an asbestos roof and is on the beach then bats are unlikely to be present. As the property is adjacent to the beach, Natural Resources Wales suggested that a Test of Likely Significant Impact should be undertaken by the Biodiversity Unit to establish if there could be a likely impact from the development on the conservation designations of Pen Llŷn a'r Sarnau Special Area of Conservation (SAC), and the nearby Site of Special Scientific Interest (SSI). It is noted that there is a small risk that some polluted material may escape from the site and the developer should follow good practice guidance as stated in NRW's letter. The Biodiversity Unit concluded due to the details noted and the size of the development, that Gwynedd Council can be confident that the development would not lead to a Significantly Negative Impact on the features and processes of the SAC. Based on the Biodiversity Unit's favourable observations, it is considered that the proposal is acceptable in terms of Biodiversity policies PS19 and AMG 5 of the LDP.

6. Conclusions:

- 6.1 Having weighed up the application and the latest amended plans that remove the balcony, against the requirements of the above policies, as well as considering all the observations and objections, we conclude that the proposal is acceptable for approval with the planning conditions listed below.

7. Recommendation:

- 7.1 To approve with conditions:
1. Five years
 2. In accordance with the amended plans
 3. Slate
 4. Finish to match
 5. Use of annexe to be ancillary to the house only
 6. NRW floor level condition
Note referring to NRW letter