

<b>PLANNING COMMITTEE</b>	<b>DATE: 28/02/2022</b>
<b>REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER</b>	

**Number: 4**

**Application Number: C21/0446/20/LL**

**Date Registered: 07/05/2021**

**Application Type: Full**

**Community: Y Felinheli**

**Ward: Y Felinheli**

**Proposal: Application for the erection of a 3 bedroom three-storey house with parking area**

**Location: Plot 11, Caernarfon Road, Y Felinheli, Gwynedd, LL56 4RZ**

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

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## **1. Description:**

- 1.1 This is a full application for the erection of a 3 bedroom, three-storey house with parking area. The site is located within the development boundary of the village of Felinheli (as defined in the LDP), near a class 3 public road (Caernarfon Road). This is one of the empty 'plots' above a cluster of houses that leads from the site in the direction of Caernarfon.
- 1.2 It is intended to erect a three-storey dwelling, which will appear to be two-storey from the Caernarfon Road public highway. The property measures 9m high to the ridge from this elevation. The height to the ridge in the rear elevation will be 13m, with the width of the property would be 10m and its length 11.9m. Three balconies will be installed in the rear elevation with a handrail extending along the rear to the north-eastern elevation, with brickwork enclosing the south-western elevation. It is proposed to erect a small porch to the front elevation, which includes a slate pitch roof, wooden double doors clad in aluminium with brickwork on either side. The plans note the proposal to install four windows in the front elevation (two on the first floor and two on the ground floor), small windows in the south-western gable end, windows on the first floor and ground floor in the north-eastern corner of the dwelling, along with bi-fold glazed doors on the first and ground floor in the rear elevation.
- 1.3 It is proposed to provide three vehicular parking spaces to the front of the property, with a stone boundary wall on either side. Note on the plans the proposal to erect a new boundary wall along the western and eastern boundaries of the property, with timber fencing to be erected along the north western boundary. Steps with a handrail will lead from the parking spaces in front of the property along the eastern gable end of the property and down to the rear garden.
- 1.4 Internally, the property will comprise of two bedrooms, a bathroom, study, multi-purpose room, hallway and balcony on the lower floor, a master bedroom, dressing room, en-suite bathroom, toilet, hallway and balcony on the ground floor, and a kitchen, dining room, open plan living room and balcony on the first floor.

## **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 (Wales) Act 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 2011-2026 adopted 31 July 2017.**
- ISA 1: Infrastructure provision
- ISA 4: Safeguarding current open spaces
- PCYFF 1: Development Boundaries

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PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

PS 5: Sustainable developments

AMG 5: Local Biodiversity Conservation

PS 4: Sustainable Transport, Development and Accessibility

TRA 2: Parking standards

TRA 3: Safeguarding Disused Railway Lines

TRA 4: Managing transport impacts

PS 17: Settlement strategy

TAI 4: Housing in Local, Rural and Coastal Villages

#### 2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Technical Advice Note 5: Nature Conservation and Planning

Technical Advice Note 12: Design

Technical Advice Note 16: Sports, Leisure and Open Spaces

Technical Advice Note 18: Transport

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

- C21/0445/20/LL Application for the erection of a three-storey, three bedroom dwelling with parking area. - application submitted at the same time as this application. Application is submitted before the committee for a decision.
- C17/1232/20/LL 1. Amend condition 1 on planning permission ref. C12/0986/20/ll to allow an additional 5 years to commence work on the development. 2. Delete conditions number 5, 6 & 7 on planning permission ref. C12/0986/20/ll regarding the requirements of the code for sustainable homes.' - approved on 29/01/2018.
- C12/0986/20/LL 'Full application for the erection of a three-storey dwelling' - approved on 10/01/2013.
- C09A/0182/20/LL 'Erection of a block of 4 residential units with car parking accommodation' - approved on 14/08/2009.

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#### 4. Consultations:

Community/Town Council

Response received on 13/11/2021:

Overdevelopment, although a more extreme planning application exists on the site.

Response received on 18/05/2021:

Object - reason:-

- This area has been the subject of concern to the Community Council for many years due to traffic problems, specifically the inappropriate speeds and speeding - a traffic census has already been conducted, which evidenced this.
- Visibility for the flow of traffic due to parking,
- Vehicles being parked by vehicle owners who live in other areas in the village (Brynffynnon).
- The footway is narrow and is sub-standard which means that people with double-buggies have to walk on the road - there is no footway on the other side of the road.
- Vehicles crossing the footway would increase the risk to footway users - the footway is used by cyclists as Lôn Las does not exist in this part of the village.
- Permitting other entrances would affect the parking as they would be moved to other areas.
- Extant planning permission already exists on this site; in the meantime, another four planning applications have been approved, therefore the Community Council is of the view that no other development should be considered in relation to a traffic slowing and calming plan.
- Also, there are concerns about the proposal to shorten the lay-by as a part of the development.

Transportation Unit:

Response received on 01/06/2021:

Good afternoon, I have received the attached plans. I confirm that I do not have any objection to these amended plans, and I recommend the following conditions / notes on both applications:

Condition - The access and car parking area must be planned and constructed entirely in accordance with the submitted plan before the dwelling is occupied.

P004: NOTE: He/she will be responsible for adapting, relocating and/or protecting any statutory services on the highway and he/she will pay for their supply.

P007: NOTE: The applicant is instructed to write to the Street Works Manager to obtain permission under Section 171/184 of the Highways Act, 1980 to undertake any work within the road/pavement/green verge which is required to construct the access. You may also contact Gwynedd Council's Street Works Unit on 01766 771000 for the relevant forms.

NOTE: The applicant is instructed to write to the Senior Street Works Manager to receive permission under Section 38/278 of the

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Highways Act, 1980 to undertake any work which results in widening the footway in front of the application site.

P007: NOTE: The applicant is instructed to write to the Structures Manager to seek approval in principle for the design of any maintenance structure that could affect the highway. Approval should be sought for any excavation work near the highway.

In addition to the above, I recommend including the following on application number C21/0445 only.

The stopping up order that was originally approved was specifically for application number C09A/0182/20/LL; therefore, another application must be submitted for approval to remove a section of the lay-by for the development.

NOTE: The proposal makes it mandatory to close a section of the adopted highway and so before commencing any work, there is a need to remove the length affected (which is a section of the lay-by), under SECTION 247 of the Town and Country Act 1990. Contact Welsh Government's Orders Branch to request the relevant application forms.

Response received on 12/05/2021:

I refer to the above planning application, reference C21/0445/20/LL. I confirm that the Transportation Unit does not object to the proposal; however, I recommend amending the design of the front curtilage in order to improve the nearby footway. It is proposed to retain the footway at the same width; however, I recommend widening the narrow section to provide a footway of a consistent width and in order to provide a wider footway as a local improvement and to assist with the protection of visibility lines from the site. I have made similar observations on application C21/0446 in order to protect the footway so that it continues at a consistent width beyond the two plots in question. I attach a plan which shows to which point the footway should be widened and it is assumed that this can be achieved without losing the proposed parking provision. In relation to other aspects of the proposal, I confirm that this proposed parking provision is sufficient, and that a development without a turning space within the curtilage can be accepted in this location as it is assumed that the bypass has reduced traffic levels to an extent which means that reversing in/out is unlikely to collide with the traffic flow going past the site. I would like to receive an amended plan which considers the above, and present conditions / notes on the application.

Natural Resources Wales:

Response received on 15/11/2021:

General response and standard advice.

Response received on 13/05/2021:

General response and standard advice.

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Welsh Water:

Response received on 12/11/2021:

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. The application is accompanied by a 'Drainage Statement' (No: 21096/E02) which indicates proposals to dispose surface water flows into the combined sewer. However, we would advise there is no agreement to communicate such flows and there may be a requirement to obtain SAB consent in accordance with Schedule 3 of the Flood and Water Management Act 2010. Accordingly, if you are minded to grant Planning Consent for the above development, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Welsh Water's assets: Condition No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

As of 7th January 2019, this proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. In the event this proposed development amounts to a total impermeable area of 100sqm or more, approval of Sustainable Drainage Systems (SuDS) features will be required in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It would therefore be recommended that the developer engage in consultation with Gwynedd County Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. The applicant may need to apply to Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com). The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Welsh Water has rights of access to its apparatus at all times. The proposed develop-

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ment is crossed by a distribution watermain, the approximate position being shown on the attached plan. Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. We enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Welsh Water before any development commences on site. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

Response received on 24/05/2021:

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. We would request that if you are minded to grant Planning Consent for the above development that the Condition and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Welsh Water's assets. Condition No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment. Advisory Notes As of 7th January 2019, this proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. In the event this proposed development amounts to a total impermeable area of 100sqm or more, approval of Sustainable Drainage Systems (SuDS) features will be required in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It would therefore be recommended that the developer engage in consultation with Gwynedd County Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant may need to apply to Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com). The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry

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(Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Welsh Water has rights of access to its apparatus at all times. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com Please quote our reference number in all communications and correspondence.

Land Drainage Unit:

Response received on 15/11/2021:

Thank you for the consultation below. This unit does not have any observations to propose in addition to those submitted for this development on 25/05/2021

Response received on 26/05/2021:

Since 7 January 2019, sustainable drainage systems (SuDS) are required to control surface water for every new development of more than one dwelling or where the building surface area has drainage implications of 100m<sup>2</sup> or more. Drainage systems must be designed and constructed in accordance with the minimum standards for sustainable drainage as published by Welsh Ministers. These systems must be approved by Gwynedd Council in its role as SuDS Approval Body (SAB) prior to commencement of the construction work. Due to the size and nature of the development, an application will need to be provided to the SuDS Approval Body for approval before construction work commences. It appears that the developer intends to use sustainable methods to drain the site; however, until an application is made to the SuDS Approval Body, there is no certainty that the site plan would enable compliance with the full suite of national SuDS standards. Early consultation with the SuDS Approval Body is recommended. <https://www.gwynedd.llyw.cymru/cy/Trigolion/Cynllunio-a-rheolaeth-adeiladu/Cynllunio/System-Draenio-Cynaliadwy.aspx>

Biodiversity Unit:

Response received on 01/12/2021:

There will be a need to impose the following planning conditions for biodiversity:

- Before the work commences, Reasonable Avoidance Measures (RAMs) should be presented and approved for invertebrates.
- No vegetation clearance work should be done during the bird nesting season (March to August).
- The applicant will need to show biodiversity improvements -

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I would suggest installing a swift box (at least one) on the new building. This will need to be shown on the plans.

Public Consultation:

A notice was posted on the site and nearby residents were notified. Correspondence was received objecting to the application on the following grounds:

- Concern that the property is being erected above a sewer.
- The proposed dwellings (including application C21/0446/20/LL) do not keep to the line of the nearby properties.
- The proposed plans do not show how the new dwelling will sit within the streetscape.
- The proposed dwelling is not of a size or scale that corresponds with the rest of the settlement (in accordance with the requirements of policy TAI 4 of the LDP).
- The purpose of erecting the dwelling is to create a holiday home / second home, what impact will a property that is likely to be empty for long periods have on the community?
- Concerns about the lack of information about the work to install a floating deck that connects the entrance of the property and the public road.
- The applications (C21/0445/20/LL and C21/0446/20/LL) are part of a joint venture but have been submitted separately in order to avoid providing affordable housing in accordance with policy TAI 15 of the LDP.
- Losing a section of the lay-by will mean that fewer parking spaces will be available for the residents of the houses adjacent to the site.
- Since submitting the original application, five additional houses have been erected in the area, therefore the demand for parking has changed.
- The development will have a harmful impact on the visual amenities and character of the area.
- Errors in the figures noted for the floor / roof ridge levels have been noted on the plans.

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

**The principle of the development**

- 5.1 The site is within the development boundary of Felinheli as noted in the Gwynedd and Anglesey Joint Local Development Plan. It is important to consider the principle of the development against Policy PCYFF 1 (Development Boundaries) and Policy TAI 4 (Housing in Local, Rural and Coastal Villages) and Policy TAI 15 (Affordable Housing Threshold and Distribution). In the LDP, Felinheli has been identified as a Coastal/Rural Village under policy TAI 4 (Housing in local, rural and coastal villages). In addition, consideration must be given to policy PS1 'The Welsh language and culture', which promotes and supports the use of the Welsh language in the plan area.
- 5.2 The indicative housing provision for Felinheli over the Plan period is 19 units (which includes a 'slippage allowance of 10%, i.e. the method of calculating the figure has considered potential

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circumstances that can arise that were not anticipated which could influence the housing provision, e.g. land ownership matters, infrastructure restrictions, etc.). During the period between 2011 and 2020, 110 units were completed in Felinheli. The windfall land bank, i.e. sites with extant planning permission, in April 2018, was 26 units). This means that Felinheli has achieved its indicative growth level.

- 5.3 Criterion (1b) in Policy PS1 of the 'The Welsh language and culture' states that a Welsh Language Statement will be required if *"A residential development which will either itself or accumulatively provides more than the indicative housing target set for the settlement in Policy TAI 1 - TAI 6"*.
- 5.4 There is an extant planning permission on the site for the erection of a four-storey building that includes four self-contained residential units (reference C09A/0182/20/LL). This permission is extant (has been commenced) as the residential property located on the plot previously has been demolished. This means that the previously approved units (namely four units), have been included already in the land bank. Having considered this situation, there will be a reduction in the number of proposed residential units and therefore the proposal is not contrary to policy TAI 4 and it does not provide more units than the indicative housing provision set for the settlement in that policy. As a result, no special justification is needed for the development.
- 5.5 To this end, therefore, it is believed that this latest proposal is acceptable in principle.

#### **Language Matters**

- 5.6 In accordance with the Planning (Wales) Act 2015, it is a duty when determining a planning application to consider the Welsh language, where it is relevant to that application. This is reiterated further in paragraph 3.25 of Planning Policy Wales (Edition 11, 2021), along with Technical Advice Note 20.
- 5.7 Supplementary Planning Guidance (SPG) 'Maintaining and Creating Unique and Sustainable Communities' (adopted July 2019), provides further guidance on how it is expected for Welsh language considerations to be incorporated in every relevant development. The thresholds in terms of when it will be expected to submit a Statement/Report have been highlighted in Policy PS1 of the Joint LDP, along with Diagram 5 of the SPG. The proposed development does not reach these thresholds considering that extant permission exists on the site for residential use and therefore, it is not an unexpected development.
- 5.8 Although there is no need for any formal Statement/Report, continued consideration should be given to the Welsh language in accordance with the guidance in Appendix 5 of the 'Maintaining and Creating Distinctive and Sustainable Communities' SPG. Criteria 4 and 5 of policy PS 1 also request the use of bilingual signs, as well as Welsh names, for the new houses and street names.
- 5.9 In relation to this, a short statement has been submitted by the applicant, noting the following points:
- The site is located within the development boundary of Felinheli and the principle of erecting an open market property is acceptable.
  - The new residential unit will provide a main residence for the applicants (who currently live in Penrhosgarnedd) and the new home would enable them to contribute to the local community.
  - The applicants have played an active part arranging sports events in the community and are committed to doing this for years to come and contribute to life in the community.

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- The applicants have agreed to commit to give the proposed property a Welsh name that is linked to the area.
- The applicant has essential work providing medicine and advice to patients in North Wales.

5.10 The applicant has shown that he has considered the Welsh language and, in that respect, it is considered that the application complies with the requirements of section 'CH' of Appendix 5 of the SPG. Compliance with policy PS 1 could be ensured by imposing a condition to ensure that the house will have a Welsh name.

### **Visual amenities**

5.11 As already noted, it is proposed to erect a three-storey dwelling in total, with only two-storeys visible from Caernarfon Road. The property measures 9m high to the ridge from this elevation. The height to the ridge in the rear elevation will be 13m, with the width of the property being 10m and 11.9m in length. Three balconies will be installed in the rear elevation with a handrail extending along the rear to the north-eastern elevation, with brickwork enclosing the south-western elevation. It is intended to erect a small porch to the front elevation, which includes a slate pitch roof, wooden double doors clad in aluminium with brickwork on either side. The plans note the proposal to install four windows in the front elevation (two on the first floor and two on the ground floor), small windows in the south-western gable end, windows on the first floor and ground floor in the north-eastern corner of the dwelling, along with bi-fold glazed doors on the first and ground floor in the rear elevation.

5.12 It is proposed to provide three vehicular parking spaces to the front of the property, with a stone boundary wall on either side. Note on the plans the proposal to erect a new boundary wall along the western and eastern boundaries of the property, with a timber fence to be erected along the north western boundary. Steps with a handrail will lead from the parking spaces in front of the property along the eastern gable end of the property and down to the rear garden.

5.13 Due to the nature of this plot, the new property will be in a very prominent location from public viewpoints and will be an addition to the row of houses erected along the western end of Caernarfon Road. It is important to note that this part of Felinheli is very varied in terms of the architecture, scale and setting of residential properties. The plan for the previously approved three-storey property on the site is relatively similar and the new plan is consistent in terms of its scale, design and setting.

5.14 For these reasons, it is considered that the current proposal is unlikely to affect the visual amenities of the area, and thus complies with the requirements of policies PCYFF 2, PCYFF 3 and PCYFF 4 of the LDP.

### **General and residential amenities**

5.15 In this case, it is important to consider whether the proposal is likely to cause damage to residential amenities that is significantly worse than that deriving from the extant permission to construct a four-storey building to include four residential units (reference C09A/0182/20/LL). Neighbours have submitted objections made on grounds that mainly involve that the size and location of the proposed dwelling are likely to create a dominant feature for the residents of 14, Caernarfon Road.

5.16 The proposed plans note that the rear wall of the dwelling would be located 2m further to the north west than the building that could be constructed as part of the extant permission. The part of the

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proposed dwelling that extends 2m further includes the balconies on the three floors and includes a different shaped roof that will be 1m higher than the building that has been approved (the outline of the extant permission and the existing proposal have been compared on the proposed elevations).

- 5.17 Due to the size of the blank elevation that abuts/faces the property of 14, Caernarfon Road it must be accepted that the current proposal is likely to create a structure that will have some obtrusive impact on parts of the residential garden and the glass extension to the rear of this property. This garden is located to the rear of 14, Caernarfon Road and due to the site's topography, it enjoys high levels of residential amenity with unobstructed views towards the north west. Despite this, the proposed dwelling is not significantly different to the four-storey building that is subject to the extant permission in terms of the form and layout of the rear wall as shown clearly on the proposed plans. For these reasons, it is not believed that the development is likely to cause harm to the residential amenities that is significantly worse than the impact that would derive from constructing the building that is part of the extant permission.
- 5.18 To this end, it is not considered that the proposal will have a detrimental impact that would be considered detrimental or unacceptable to residential amenities and therefore complies with the requirements of policy PCYFF 2 of the LDP.

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

- 5.19 A response was received from the Transportation Unit to the initial consultation noting that the design of the front curtilage should be amended to coincide with the front curtilage of application C21/0445/20/LL. After receiving amended plans in line with the suggestions of the Transportation Unit, there is no further objection to the design of the footway and it was confirmed that the other aspects of the proposal (such as parking provision) are acceptable. A number of conditions and notes about reminding the developer that there is a need to secure the relevant permits/licences to undertake street works have been suggested by the Transportation Unit.
- 5.20 To this end, it is considered that the proposal is acceptable on the grounds of parking standards and public road safety and thus comply with the requirements of policies TRA 2 and TRA 4 of the LDP.

#### **Biodiversity Matters**

- 5.21 The Biodiversity Unit has confirmed that the following conditions should be imposed on the planning permission;
- Before the work commences, Reasonable Avoidance Measures (RAMs) should be submitted and approved for invertebrates.
  - No vegetation clearance work should be carried during the bird nesting season (March to August).
  - The applicant will need to show biodiversity improvements - I would suggest installing a swift box (at least one) on the new building. This will need to be shown on the plans.
- 5.22 It is believed that imposing these appropriate conditions will suffice to ensure that the proposal complies with the requirements of policy AMG 5 of the LDP and TAN 5.

#### **Safeguarding Existing Open Spaces and Disused Railway Lines**

- 5.23 The site abuts a designated open space to be safeguarded which runs between Crossing Cottage, Glan y Môr and Cwrt Menai. This designation includes an extensive woodland as well as a disused railway line and thus, policies ISA 4: Safeguarding Existing Open Spaces and TRA 3: Safeguarding Disused Railway Lines of the LDP apply. Following discussions with the agent, the Joint Planning Policy Unit and the Council's Property Service (which is a landowner on a section of the

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designation), it was established that the lack of clear boundaries and detail in old maps of the site means that the original designation (re-used from the previous local plan), extends beyond the disused railway and on a section of plot 11A. It is understood that the purpose of this specific designation (under policy ISA 4) is to safeguard the disused railway line with the potential of extending Lôn Las Menai from its current end point on Strand Street, along the disused railway line to meet Caernarfon Road.

5.24 The agent provided an amended site plan to show that there is sufficient distance between the property and the residential garden and the development will not overlap the disused railway line. Similarly, the proposal will not disrupt the use of the safeguarded open space and it does not overlap substantially in this space (the property's garden will be located within the boundary of the designation).

5.25 To this end, it is considered that the proposal is acceptable as it would not affect the protected open space or the disused railway and would therefore comply with the requirements of policies ISA 4 and TRA 3 of the LDP.

## **6. Conclusions:**

6.1 Having considered the above and all the relevant matters including local and national policies and guidance, as well as the planning background, it is believed that this proposal is acceptable and satisfies the requirements of the relevant policies as noted above.

## **7. Recommendation:**

7.1 To delegate powers to the Senior Planning Manager to approve the application, subject to the following conditions:

1. Time
2. In accordance with the plans
3. Slate
4. Exterior finishes.
5. Access and parking
6. Reasonable Avoidance Measures for reptiles.
7. No vegetation to be cleared during the bird nesting season.
8. A Welsh name for the houses.