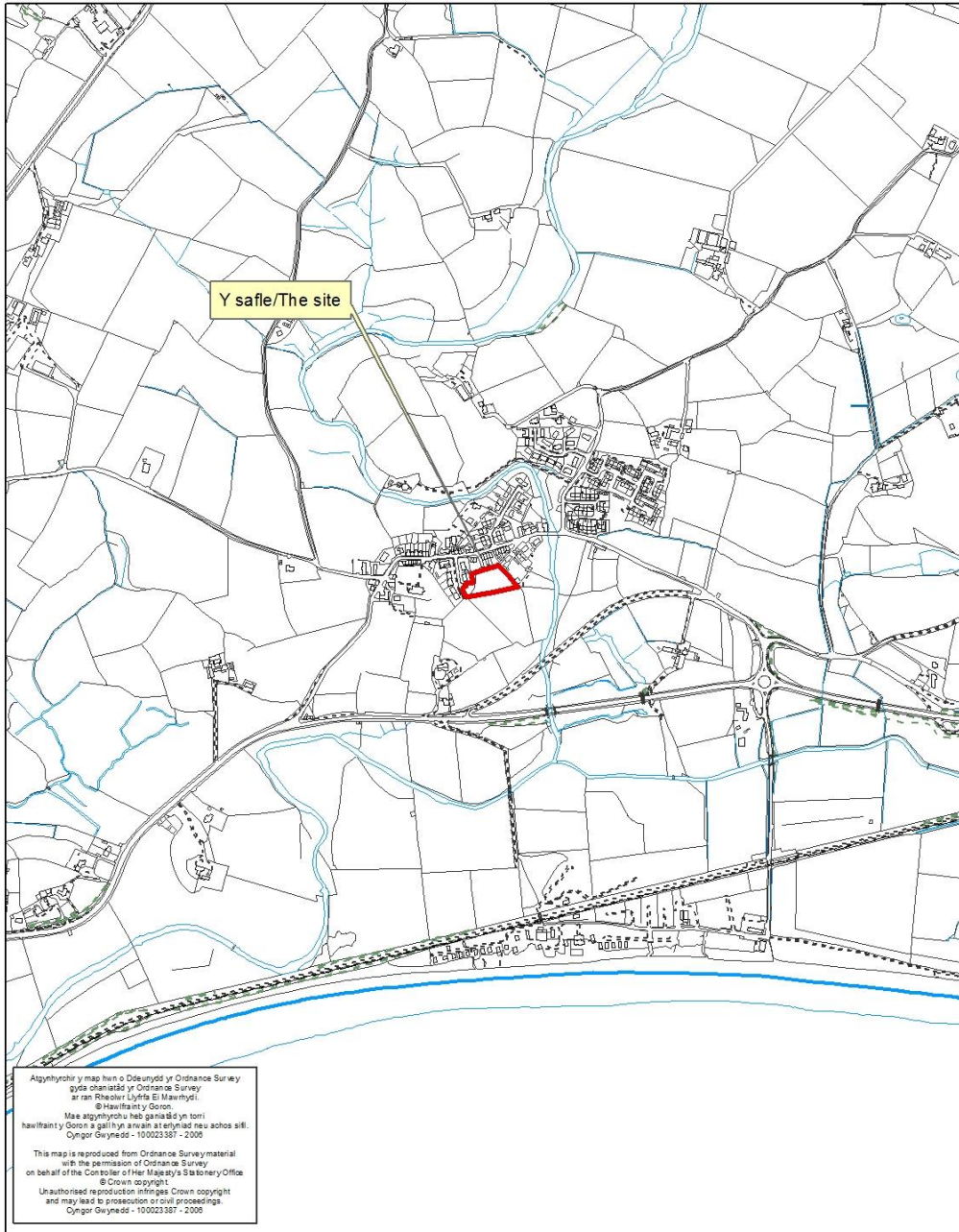


Number: 5.2



Rhif y Cais / Application Number : C15/0215/40/LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.  
Location Plan for identification purposes only. Not to scale.



PLANNING COMMITTEE	DATE: 22/02/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

Application Number: C15/0215/40/LL  
Date Registered: 06/03/2015  
Application Type: Full - Planning  
Community: Llannor  
Ward: Abererch

Proposal: CONSTRUCTION OF NINE NEW DWELLINGS INCLUDING THREE AFFORDABLE DWELLINGS AND CREATION OF INTERNAL ACCESS ROAD AND INTERNAL FOOTPATH

Location: LAND NEAR TAN YR EGLWYS, ABERERCH, PWLLHELI, GWYNEDD, LL536BF

**Summary of the Recommendation:** TO REFUSE

## 1. Description:

- 1.1. The application was deferred at the Planning Committee on 11 January 2016 in order to undertake a site inspection. This is an outline application to erect nine houses on a site within the development boundary of Abererch which has been designated in the Gwynedd Unitary Development Plan for open market new housing. The development brief for the site suggests that the site could cope with approximately nine residential units with approximately 35% of them being affordable houses. Three affordable units are proposed as part of the scheme. The affordable housing would include 1 single-storey, two-bedroom house and 2 two-storey dormer houses.
- 1.2 The mix of houses proposed on the site in its entirety including:
  - 2 single-storey two bedroom houses
  - 3 single-storey three bedroom houses
  - 2 semi-detached two-storey, two bedroom dormer houses
  - 2 two-storey, three bedroom houses
- 1.3 The external walls of the development would be finished in buff coloured pebble-dash render and slate roofs. Included as part of the application is the creation of an estate road that would join into the existing estate road. All of the houses that are the subject of the application include two parking spaces within the curtilage. Since submitting the application to the Planning Committee on 11 January 2016, an amended landscaping plan for the site has been received. This plan shows an intention to plant a native hedgerow on the southern boundary of the site. It is also intended to plant trees and hedges within the site along with providing beds to plant bulbs. A palisade fence would remain on the boundaries between the houses.
- 1.4 The site lies within the development boundary of Abererch and the land has been designated for housing in the GUDP. Therefore, a development brief has been prepared for the site and this brief notes that the site could cope with approximately nine residential units and that approximately 35% of those houses should be affordable. Dwellings are situated to the west, north and east of the site and a field is situated to the south. A row of houses towards the north of the site have been registered as listed buildings. A public footpath runs through a section of the site and the proposal would disrupt the course of this path; therefore, arrangements would have to be made to divert this path formally if the application is approved. A part of the site towards the east and which is closer to Afon Erch lies within a C1 flood zone. The land is on a slope and raises approximately 6 metres from the south-east towards the north-west.

PLANNING COMMITTEE	DATE: 22/02/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

1.5 A design and access statement, flood consequence assessment and drainage pack were submitted as part of the application.

1.6 The application is submitted to the Committee as it is a residential development of five or more dwellings.

## **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 in accordance with the Development Plan, unless material planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

### **2.2 Gwynedd Unitary Development Plan 2009:**

**POLICY A2 – PROTECT THE SOCIAL, LINGUISTIC AND CULTURAL FABRIC OF COMMUNITIES** - Safeguard the social, linguistic or cultural cohesion of communities against significant harm due to the size, scale or location of proposals.

**POLICY B3 – DEVELOPMENTS AFFECTING THE SETTING OF A LISTED BUILDING** - Ensure that proposals have no adverse effect on the setting of Listed Buildings and that they conform to a number of criteria aimed at safeguarding the special character of the Listed Building and the local environment.

**POLICY B22 – BUILDING DESIGN** - Promote good building design by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and character of the local landscape and environment.

**POLICY B23 – AMENITIES** - Safeguard the amenities of the local neighbourhood by ensuring that proposals must conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area.

**POLICY B25 – BUILDING MATERIALS** - Safeguard the visual character by ensuring that building materials are of a high standard and are in keeping with the character and appearance of the local area.

**POLICY B27 – LANDSCAPING SCHEMES** - Ensure that permitted proposals incorporate high quality soft/hard landscaping which is appropriate to the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

**POLICY B29 – DEVELOPMENT ON LAND AT RISK OF FLOODING** - Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A unless they conform to a series of criteria that are relevant to the features on the site and to the purpose of the development.

**POLICY B32 – INCREASING SURFACE WATER** - Refuse proposals which do not include flood reduction measures or appropriate alleviating measures which will lead to a reduction in the volume and scale of surface water reaching and flowing into rivers and other water courses.

**POLICY C1 – LOCATING NEW DEVELOPMENT** - Land within town and village development boundaries and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside

PLANNING COMMITTEE	DATE: 22/02/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

will be refused with the exception of a development that is permitted by another policy of the Plan.

**POLICY CH1 – PROPOSALS TO BUILD HOUSES ON SITES ALLOCATED FOR HOUSING** – Use will be approved provided that criteria relating to specific features of the development can be met.

**POLICY CH6 – AFFORDABLE DWELLINGS ON EACH DESIGNATED SITE IN THE PLAN AREA AND ON UNDESIGNATED WINDFALL SITES WITHIN THE DEVELOPMENT BOUNDARIES OF THE SUB-REGIONAL CENTRE AND THE URBAN CENTRES** – Refuse proposals to develop housing on sites that have been designated for housing or on windfall sites within the development boundaries of the sub-regional centre and the urban centres where it is not possible to comply with criteria controlling affordability and the local need for the development.

**CH22 – CYCLING NETWORK, PATHS AND RIGHTS OF WAY** - All parts of the cycling network, paths and rights of way shall be safeguarded and promoted by assessing any proposal that would infringe on them and seeking to satisfactorily incorporate them within the development. Should this not be possible, appropriate provision will have to be made to divert the route or to provide a new and acceptable route. Proposals will also be refused if they are likely to prohibit plans to extend the cycling network, paths or rights of way unless a suitable alternative route can be provided.

**POLICY CH33 – SAFETY ON ROADS AND STREETS** - Development proposals will be approved provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

**POLICY CH36 – PRIVATE CAR PARKING FACILITIES** - Proposals for new developments, extension of existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council’s current parking guidelines. Consideration will be given to the accessibility of public transport services, the possibility of walking or cycling from the site and the proximity of the site to a public car park. In circumstances where there is an assessed need for off-street parking and where the developer does not offer parking facilities on the site, or where it is not possible to take advantage of the existing parking provisions, proposals will be approved provided the developer contributes to the cost of improving the accessibility of the site or providing the number of necessary parking spaces on another site nearby.

- Supplementary Planning Guidance: Development Briefs (November, 2009).
- Supplementary Planning Guidance: Planning and the Welsh Language (November 2009)
- Supplementary Planning Guidance: Affordable Housing (November 2009)
- Supplementary Planning Guidance: Planning Obligations (November 2009)

**2.3 National Policies:**

- Planning Policy Wales (Edition 7, July 2014)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 - Design (2014)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 20 – Planning and the Welsh Language (2013)

PLANNING COMMITTEE	DATE: 22/02/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

### 3. Relevant Planning History:

3.1 The site has no relevant planning history.

### 4. Consultations:

Community/Town Council: Support. Only observation is that there is a need to ensure that surface water created by the development will not impact nearby houses.

Transportation Unit: Emphasise that the existing estate road has not been adopted and that the developer should complete that process before commencing any further development. In addition, the plans show high boundaries on the verges of plots 1 to 3. These boundaries vary between 1200mm and 1500mm and normally boundaries in excess of 1000mm in height are not approved so as to ensure sufficient visibility from all accesses and junctions. Recommend standard conditions relating to the height of boundaries and the method of completing the estate road and a note regarding adopting the road.

Footpaths Unit: Following a discussion with the agent/applicant, the Countryside and Access department is prepared to withdraw its objection to this application, provided that public footpath number 7 in the community of Llannor is diverted under Section 257 of the Town and Country Planning Act 1990, in accordance with the amended plan (reference AL.03 Revision H, 8/12/2015). So that the Council is able to commence the s.257 procedure, the developer will be required to meet the administrative and advertisement costs in relation to creating the Diversion Order.

Natural Resources Wales: Observations dated 11 November 2015 relating to flooding issues

The Flood Consequence Assessment submitted to support the application (KRS Environmental, June 2014), clearly states that the finished floor level should be set at 5.90m AOD. This level appears conservative as it is above the 0.5% AEP incident level including 100 years of climate change for the lifespan of the development. However, in the absence of any site-specific modelling information, this is the approach we have taken. However, from looking at our latest modelling information we can confirm that the finished floor level of 4.6m AOD is sufficient to comply with the requirements of TAN 15. A small part of the site (near Plot 4) lies within the extreme flood outline. Provided that these levels are not reduced in this area, it is considered viable to manage flood risk provided that a condition is imposed on the planning permission noting that the finished floor level is set at a minimum of 4.6m AOD.

Observations received 17 August 2015 relating to surface water

Unclear whether or not there is a viable method to dispose of

PLANNING COMMITTEE	DATE: 22/02/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

surface run-off water from the site. Recommend submitting a surface water management plan before making a decision on the application and that this method is possible. It is also recommended that a condition is imposed to submit and reach agreement on the details of a plan to dispose of surface water in order to ensure effective management of surface run-off water resulting from the proposed development. It is also recommended to contact the Council's Drainage Unit for further advice in relation to this. It is advised that any plan ensures that run-off water from the proposed development is reduced or that it is no more than the current run-off rates. Also, details of adopting / managing the system should be submitted to ensure that the plan/system continues to be effective for the lifespan of the development.

Observations 30 March 2015

Protected Species

Recommended consulting with the Council's internal ecologist to see whether or not a protected species assessment was required.

Work within / near a water course

Flood Protection permission is required for the discharge of surface water into Afon Erch.

Welsh Water:

No objection but propose standard conditions regarding foul water, surface water and land drainage.

Biodiversity Unit:

Observations 26 November 2015

Have noticed that the surface water drain discharges directly into the river. It would be better if the pipe stopped in the field, then the water would filter through the field (soil and vegetation) before entering the river. This would ensure that the water will be clean (less silt and nutrients).

Observations 13 March 2015

I can see from the aerial photographs that this field is of low biodiversity value. The grass has been improved for agriculture and there are no trees or hedges. There are no ecological concerns about this application.

Gwynedd Consultancy:

Not received.

PLANNING COMMITTEE	DATE: 22/02/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has ended and four letters / items of correspondence were received objecting to the application on the following grounds:

- The houses dominate the Pen y Don property.
- Too many houses for the site.
- The new houses are large compared to the existing properties and have a significant lack of consideration to the context of the listed and historical houses nearby.
- Loss of privacy/overlooking.
- Loss of light.
- Additional traffic through the nearby estate.
- Flooding matters.
- No plans to show how the public footpath is maintained through the site.

In addition to the above objections, objections were received that were not valid planning objections which included:

- Impact on views.

## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 The application site is within the development boundary of Abererch and it therefore satisfies Policy C1 which states that land within development boundaries will be the main focus for new developments. This application is also on a site that has been designated specifically for housing in the Gwynedd Unitary Development Plan, therefore, in accordance with Policy CH1, the principle of developing housing on this site is acceptable provided the development is of a high standard in respect of the type, size and affordability of the houses, and also in respect of the quality, design and form of the development in accordance with the relevant Development Brief for the site.
- 5.2 The Development Brief notes that this site could cope with nine residential units, based on a development density of 30 units per hectare. Consequently, the number of units proposed in the application is acceptable for the site, and would make suitable use (based on density) of the land.
- 5.3 The Brief for the site requests that the developer ensures that around 35% of the houses are affordable houses, and Policy CH6 endorses the need to provide affordable housing for local need on all allocated sites. This application offers 33.3% of affordable housing, namely the closest figure to the target that can be achieved with these numbers. Therefore, it is considered that the development meets the requirements for a number of affordable housing.
- 5.4 It is intended for 1 of the single-storey, two bedroom houses and the 2 two-storey, two bedroom dormer houses to be affordable. It is considered that this would be acceptable and provide a mix of affordable houses on the site. The single-storey house would have an internal surface area of approximately 80 square metres and the two-storey dormer dwelling would have an internal surface area of approximately 87 square metres and this is in line with the requirements of paragraph 5.17 pf

PLANNING COMMITTEE	DATE: 22/02/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

Supplementary Planning Guidance: Affordable Housing, which states that a single-storey two bedroom house can be 80 square metres and that a two-storey three bedroom house can be 100 square metres.

### **Language and Community Matters**

- 5.5 The site has been earmarked for housing in the GUDP. The Supplementary Planning Guidance: Planning and the Welsh Language states that community and linguistic statements are required for residential developments of five or more residential units on a site/land that has not already been designated for housing development in a development plan. Normally, therefore, as the site is designated for housing in the GUDP, there would be no requirement to submit a community and linguistic statement. However, following the 2011 Census, applicants are required to prepare an update in the form of a Community and Linguistic Statement. Therefore, the applicant was asked to submit a Community and Linguistic Statement; however, this had not been received when preparing the agenda. However, when it will be received, and if its contents are acceptable, it could be considered that the proposal is in accordance with Policy A2 of the GUDP.

### **Visual amenities**

- 5.6 The layout of the site shows 3 single-storey houses on plots 1-3 towards the south of the site, 2 two-storey houses on plots 4-5 and 2 two-storey dormer houses on plots 6-7 towards the east of the site near the Pen y Don property and then 2 single-storey houses on the northern side of the site backing onto a terrace of houses. The land is on a slope which falls from the west to the east of the site. Abutting the site on the eastern side is the Pen y Don property which is on a lower level than the application site. Since submitting the application, the units on plots 6-7 have been reduced from two-storey house to two-storey dormer houses and the houses on plots 4-5 have been set on an angle rather than in a line with plots 6-7. These changes to the plan were received as a result of officers' concerns regarding having two-storey houses on plots 4-7 where the houses were located on a varied distance of between 5 and 11 metres from the Pen y Don property and that on higher ground than the nearby properties. There were concerns that the houses for this part of the site were overbearing and dominant compared with the Pen y Don property. After receiving these changes, officers continued to show concern regarding the houses on plots 4-7 and recommended that it would be a good idea to consider the layout of the entire site to see whether or not two-storey house would be better located on another part of the site. No further change was received to the plan but the Agent submitted a Supporting Statement document, dated July 2015, submitting their views and explaining that the layout had been created in this way to avoid having an impact on the conservation area and on the setting of listed buildings specifically the Church, and not to impact on key views. The agent considered that the two-storey houses on plots 1-3 would disrupt more on the conservation area and listed buildings because the land is higher. Although there are listed buildings in the vicinity, there is no conservation area designation in Abererch.
- 5.7 Therefore, the proposal as submitted for plots 1-3 and 8-9, namely the single-storey houses, is acceptable. However, despite the changes submitted, concerns remain regarding plots 4-7. The units to be located on these plots in terms of their mass and bulk and their close proximity to and on higher land than Pen y Don makes these plots appear overbearing and dominant not only on the Pen y Don property but also in relation to general visual amenities. Criterion 2 of Policy CHI requests that the development in terms of its quality, design and form is in accordance with the development brief. The development brief requests a high quality design with the houses to be in keeping with nearby buildings in terms of scale and building



PLANNING COMMITTEE	DATE: 22/02/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

materials. Therefore, considering the plan in its entirety, it is not considered that the proposal as submitted is of a quality of design or form that complies with the development brief. The proposal, specifically plots 4-7 for two-storey houses and two-storey dormer houses with their mass and bulk of a larger scale than nearby houses, and as a result of their location on land that is higher than the nearest property, creates an overbearing and dominant impact on that property and on visual amenities. Although there are two-storey houses in Abererch, these are mainly relatively squat and compact. By cutting into the land appropriately in the southern part of the site, it is considered that it would be possible to locate two-storey houses in this part of the site that abuts an open field and where two-storey houses would not be likely to appear so overbearing and dominant in comparison with nearby property. Although there is no objection to the number of houses on the site, it is considered that a better layout can be obtained and for the two-storey houses to be located more appropriately within the site. Therefore, it is not considered that the proposal as submitted responds to the requirements of the development brief in terms of having a proposal that matches the nearby buildings in terms of their scale and consequently that the proposal does not comply with criterion 2 of Policy CH1 which requires that the development is in accordance with the development brief in terms of its quality, design and form. In addition, it is not considered that the proposal respects the site and its vicinity in terms of its scale, size or layout and consequently, is likely to have an overbearing and dominant impact on nearby property and on the visual amenities of the area. Therefore, it is considered that the proposal is contrary to Policy B22 of the GUDP.

5.8 The development brief also requires that planting and soft landscaping is a part of the proposal, including marking the southern and western boundary of the site with native trees and hedges along with a wall constructed of local stone (or similar) as is characteristic of this area. On the original plans, the boundaries had been made up of palisade fences mainly, which varied in height from 1.2 metres to 1.8 metres. These palisade fences were to be used on the boundaries between houses and on the southern and western boundary of the site. It was not considered that such boundary treatment complied with the requirements of the development brief nor did it give consideration to the existing methods of the area to defining boundaries. However, since submitting the application to the Planning Committee on 11 January 2016, an amended landscaping plan for the site has been received. This plan indicates an intention to plant a native hedgerow on the southern boundary of the site. It is also intended to plant trees and hedges within the site along with providing beds to plant bulbs. A palisade fence would remain on the boundaries between the houses. This is considered an improvement in terms of landscaping the site and conditions could be imposed that the landscaping is undertaken in accordance with this amended landscaping plan should the application be approved. Therefore, it is considered that the landscaping plan now complies with the development brief and with the requirements of Policy B27 of the GUDP.

5.9 It is considered that the finishes of the houses with a slate roof and buff coloured render would be suitable and that this would tie-in with the houses on the existing estate. It is considered that the proposal is acceptable in terms of Policy B25 of the GUDP.

**Conservation Matters**

5.10 The terraced house to the north of the site are listed buildings. It appears that these houses were listed as a significant terrace of native village cottages dating back to the beginning of the nineteenth century. It is considered that the main setting and value of these terraced houses as listed buildings can be seen from looking at them in the

PLANNING COMMITTEE	DATE: 22/02/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

context of the Abererch street scene, including their front elevation. The proposed development would be located to the rear of these terraced houses where two single-storey houses would be located closest to the listed buildings' gardens. As a result of the location to the rear, it is not considered that the proposed development would disrupt the setting of the listed buildings located towards the north of the site.

- 5.11 Towards the west of the site is St Cawrdaf Church which is a Grade I listed building. However, the houses of the existing Tan yr Eglwys estate are located between the site and the Church. Therefore, considering that the proposed houses in the context of the Church would be set against a backdrop of the existing housing estate, it is not considered that the proposal would disrupt the setting of the listed Church.
- 5.12 Consequently, it is not considered that the proposal would disrupt the setting of the listed buildings located nearby and that the proposal is acceptable in terms of Policy B3 of the GUDP.

### **General and residential amenities**

- 5.13 Houses are to be found to the west, north and east of the site. The houses on plots 8 and 9, which are located closest to the existing houses to the west and north, would be single-storey houses and thus it is not considered that this would lead to overlooking and / or loss of privacy between the existing and proposed houses. The gable end of the two-storey house to be located on plot 7 would face the house to the north. However, there is no window in the gable end of this property; therefore, the house on plot 7 would not disrupt the privacy of the houses to the north of the site. The Pen y Don property is located immediately on the boundary with the site to the east. Plots 4-7 of the development would therefore have their rear elevations facing towards that property. Pen y Don has one ground floor window facing the site. During the assessment of the application, the houses to be located on plots 6 and 7 have been reduced from two-storey houses to two-storey dormer houses. This has meant that roof-lights are to be seen on the first floor level in the elevation facing Pen y Don. As roof-lights are proposed on the first floor level and that a 1.8m fence is to be built on the boundary, in terms of ground floor windows, it is considered that the proposal in relation to plots 6 and 7 would allow for reasonable privacy for the users of the nearby property. The houses to be located on plots 4 and 5 are two-storey and have now been located on a slight angle which would mean that the windows would look away from Pen y Don; however, it would continue to look towards the garden of Pen y Don where the existing shed / workshop is located and which is also used for recreational activities. This garden is currently private and it is considered that although the houses on plots 4 and 5 have turned somewhat, there would be overlooking from the proposed house on these plots and the Pen y Don garden. As the garden is currently private it is considered that this overlooking would cause significant harm to Pen y Don's occupants' enjoyment of the garden. Therefore, it is not considered that the proposal is contrary to criterion 1 of policy B23 of the GUDP.
- 5.14 It is not considered that the proposal would constitute as an overdevelopment of the site as the Development Brief states that this site could cope with nine residential units, and that based on a development density of 30 units per hectare. Consequently, the number of units proposed in the application is acceptable for the site, and would make suitable use (based on density) of the land.
- 5.15 Developing nine houses on the site in question would add to the traffic flow travelling through the existing Tan yr Eglwys estate. However, it is not considered that an addition of nine houses would cause significant harm from the perspective of extra traffic and traffic-related noise.

PLANNING COMMITTEE	DATE: 22/02/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

- 5.16 As a result of the above, it is considered that the proposal would cause significant harm to the amenities of the local neighbourhood by disrupting the privacy of the occupiers of Pen y Don and that the proposal is therefore contrary to Policy B23 of the GUDP.

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

- 5.17 It is intended to gain access to the site through the existing estate road and then extend that road to gain access to the individual houses. It is intended to provide two parking spaces within the curtilage of each property. The observations of the Transportation Unit have been received regarding the proposal. Those observations emphasise that the existing estate road has not been adopted and that the developer should complete that process before commencing any further development. In addition, the plans show high boundaries on the verges of plots 1 to 3. These boundaries vary between 1200mm and 1500mm and normally boundaries in excess of 1000mm in height are not approved so as to ensure sufficient visibility from all accesses and junctions. Therefore, the Transportation Unit recommends standard conditions relating to the height of boundaries and the method of completing the estate road and a note regarding adopting the road. As a result of imposing appropriate conditions it is considered that the proposal would be acceptable in relation to road safety and parking spaces and thus complies with Policy CH33 and CH36 of the GUDP.
- 5.18 Public footpath number 7 in the community of Llannor runs through the application site. The site plan received for the proposal shows how it is intended to divert this public footpath should the application be approved. If the proposal is approved then it would be required for the path to be officially diverted under Section 257 of the Town and Country Planning Act 1990 and this is a process that will take place after permission is granted. The observations of the Footpaths Unit were received on the application and it is prepared to withdraw its objection provided that the path is diverted under Section 257 of the Town and Country Planning Act 1990 in accordance with the amended plan. Provided that this is implemented, it is considered that the proposal would be acceptable in relation to Policy CH22 of the GUDP.

#### **Flooding matters**

- 5.19 Part of the site lies within a C1 flooding zone as designated in Technical Advice Note 15: Development and Flood Risk. A Flood Consequence Assessment was submitted with the application. A section of the land where it is intended to build the houses will be raised and to compensate for this land it is intended to reduce the level of a similar sized piece of land to the south as a flood compensation area. The observations of the Environment Agency on the proposal have been received. These observations confirm, after considering the Flood Consequence Assessment and the latest modelling information, that it would be possible to manage the flood risk by imposing a condition on the planning permission. The proposed conditions would include ensuring that the ground floor level of the residential units is set at a minimum of 4.6m AOD. This would be as shown on the plans.
- 5.20 A residential development is defined as a development that is very open to damage within TAN 15 and therefore such a development should not be permitted within the C1 zone unless it complies with the specific criteria in policy B29 and TAN 15. In this case, the proposal forms part of the Local Planning Authority's strategy due to its location within the village's development boundary; and on land that has been earmarked for housing. This will maintain the settlement by providing additional residential units including a percentage of affordable houses. Because Natural

PLANNING COMMITTEE	DATE: 22/02/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

Resources Wales are also satisfied with the proposal, it is considered that it complies with the requirements of Policy B29 of GUDP and TAN15.

### **Surface water matters**

5.21 As a part of the application, a drainage pack was submitted which refers to the method of dealing with surface water. It is proposed to install storm blocks under the lawned amenity areas in plots 3-7 which are located to the east and south-west of the site where the land is lower. This will allow for surface water to be captured from the development's hard surfaced areas. The surface water would also be directed towards the field to the south of the site where it would ultimately be directed towards Afon Erch. Natural Resources Wales has recommended imposing a condition to submit a surface water disposal plan in order to ensure effective management of run-off surface water emanating from the development, if the application is approved. Natural Resources Wales also recommended consulting with the Council's Drainage Unit for further advice. A consultation was undertaken with the Drainage Unit, which is a section of Gwynedd Consultancy, however no response was received. If the application is approved, it is considered reasonable to impose a condition as recommended by Natural Resources Wales to ensure that full details of an effective method of disposing of surface water is submitted and agreed and that this is implemented within an appropriate timescale. As a result of imposing a condition to ensure an effective method of disposing of surface water, it is considered that the proposal is acceptable from the perspective of Policy B33 of the GUDP.

### **Biodiversity matters**

5.22 Natural Resources Wales and the Biodiversity Unit were consulted with in relation to the application. In terms of Natural Resource Wales, their recommendation in relation to biodiversity was to consult with the Biodiversity Unit. The original observations of the Biodiversity Unit note that the field is of low biodiversity value and that it is improved grassland for agriculture purposes and that it has no trees or hedges. There were no ecological concerns about the proposal. However, more recent observations were received recommending that the surface water drain should finish in the field rather than in the river so that the water could filter through the field before it discharged into the river. However, as explained above, if the application is approved it would be required for the surface water disposal method to be agreed with the Local Planning Authority and thus it is considered that it would be possible to obtain a suitable operation method without affecting biodiversity.

## **6. Conclusions:**

6.1 The site has been designated specifically for housing in the Gwynedd Unitary Development Plan; therefore, the principle of developing houses on this site is acceptable. It is considered that the density of the houses on the site, along with the number of affordable houses proposed is in line with the development brief for the site. The principle of having a variety of houses (single-storey, two-storey dormer and two-storey) on the site is also supported. However, there are concerns regarding the two-storey dormer houses and two-storey house on plots 4-7. It is considered that these houses in terms of their mass and bulk on higher ground and in such proximity to the Pen y Don boundary would create an overbearing and dominant development, not only on Pen y Don, but also on general visual amenities. Therefore, it is not considered that the proposal as submitted responds to the requirements of the development brief in terms of having a proposal that matches the nearby buildings in terms of their scale and consequently that the proposal does not comply with criterion 2 of Policy CH1 which requires that the development is in accordance with the development brief in terms of its quality, design and form. Similarly, it is not

PLANNING COMMITTEE	DATE: 22/02/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

considered that the proposal respects the site and its vicinity in terms of its scale, size or layout and consequently, is likely to have an overbearing and dominant impact on nearby property and on the visual amenities of the area. Therefore, it is considered that the proposal is contrary to Policy B22 of the GUDP.

- 6.2 The development brief also requires that planting and soft landscaping is a part of the proposal, including marking the southern and western boundary of the site with native trees and hedges along with a wall constructed of local stone (or similar) as is characteristic of this area. An amended landscaping plan has now been received which indicates an intention to plant a native hedgerow on the southern boundary of the site together with planting trees, hedges and bulb beds within the site. This is considered an improvement in terms of landscaping the site and conditions could be imposed that the landscaping is undertaken in accordance with this amended landscaping plan should the application be approved. Therefore, it is considered that the landscaping plan now complies with the development brief and with the requirements of Policy B27 of the GUDP.
- 6.3 The houses to be located on plots 4 and 5 are two-storey and they are located on an angle looking towards Pen y Don's garden where an existing shed/workshop that is also used for recreational activities is located. This garden is currently private and it is considered that although the houses on plots 4 and 5 have turned somewhat, there would be overlooking from the proposed house on these plots and the Pen y Don garden. As the garden is currently private it is considered that this overlooking would cause significant harm to Pen y Don's occupants' enjoyment of the garden. Therefore, it is not considered that the proposal is contrary to criterion 1 of policy B23.

## **7. Recommendation:**

- 7.1 To refuse - reasons
1. It is not considered that the houses on plots 4-7 respect the site and its vicinity in terms of scale, size, form, mass or bulk and that these houses would be overbearing and dominant on the Pen y Don property and consequently would create a discordant feature in the area thus having a detrimental impact on visual amenities and being contrary to the requirements of the Development Brief along with Policies CH1 and B22 of the Gwynedd Unitary Development Plan.
  2. It is considered that the houses on plots 4 and 5, due to their angle and location on higher ground, would cause overlooking into the garden of Pen y Don and cause significant harm to the amenities of the owners of that property. Therefore, the proposal is considered to be contrary to Policy B23 of the Gwynedd Unitary Development Plan.