

PLANNING COMMITTEE	DATE: 13/02/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

**Number: 2**

**Application Number: C16/1336/39/LL**

**Date Registered: 21/10/2016**

**Application Type: Full - Planning**

**Community: Llanengan**

**Ward: Abersoch**

**Proposal: New two bedroomed house with associated work**

**Location: Anhywel, Lon Pont Morgan, Abersoch, Pwllheli, Gwynedd, LL53 7AD**

**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 16 January, 2017 in order for the Committee members to visit the site.
- 1.2 This is a full application to build a modern two-storey house designed to include two bedrooms, two bathrooms, a study, and a living room / kitchen. Details of intended landscaping plans were also included along with details of parking and turning arrangements for two vehicles adjacent to a new vehicular access. A previous application for the development of a house on this site was refused in 2013, furthermore, an appeal against that decision was refused. The new plan submitted as part of this proposal is significantly different from the previously considered plan.
- 1.3 The proposed house would have a flat roof with vegetation on it (a "green" roof) set over two levels and the development would entail landscaping work in order to respond to the sloped site. The level of the land on the roadside would be raised by around 0.9m in order to create a flat site for parking and turning whilst the level of the land at the bottom of the site would be excavated to around 1.6m in order to set a building into the slope. Consequently, the roof level at the highest part of the house would be 0.3m lower than the ridge of the roof of Tŷ Carrog next door and 1.2m lower than the ridge of the roof of the plan which was previously refused for the site. The roof of the lowest part of the building, which is set into the slope, would be 2m lower than the block that's closest to the road.
- 1.4 The intention is to clad the side walls of the building with stone whilst the front and back elevations would be timber clad, with large windows to the sea facing elevation.
- 1.5 The building's footprint would be smaller than that of the previous plan at 94m<sup>2</sup> compared with the previous 166m<sup>2</sup>. The house would stand around 11m from Tŷ Carrog at its closest point although the lower level would be set 1m farther from the property next door. It would also be 11m from Chalet Glyndŵr, to the south of the site, on the opposite side of an unofficial path leading from the A499 to the beach.
- 1.6 The site is located within the development boundary of the village of Abersoch and also within the Area of Outstanding Natural Beauty (AONB). It forms part of the existing garden of Anhywel (the applicant's property) which is located on the side of the highway (A499) and the garden has been unmanaged for some years and has become overgrown. There are trees and hedges on the site at present and it is intended to retain many of them and to add to them.
- 1.7 The additional information below was submitted as part of the application:
  - Design and Access Statement
  - Images of the visual impact
  - Method Statement - Selection and planting trees
  - Design and Access Statement
  - Planting scheme

## 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 considerations indicate

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otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act; in making the recommendation the Council has sought to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

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

Policy B8 - Safeguard, maintain and enhance the character of the Area of Outstanding Natural beauty by ensuring that proposals conform to a series of criteria that aim at protecting the recognised features of the site.

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 conform to a series of criteria aimed at protecting 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 that is appropriate for the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

Policy C1 – Locating New Development – Land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new development. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

Policy CH4 – New Dwellings on Unallocated Sites within the Development Boundaries of Local Centres and Villages – Approve proposals for the construction of new dwellings on unallocated sites within the boundaries of Local Centres and Villages if they conform to criteria aimed at ensuring an affordable element within the development.

Policy CH33 – Safety on Roads and Streets – Development proposals will be approved if 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, and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

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The Gwynedd and Anglesey Joint Local Development Plan which is currently being prepared is subject to an ongoing Public Examination. At present, it is not a relevant planning consideration for determining planning applications.

#### 2.4 National Policies:

Planning Policy Wales - (Edition 9, November 2016)

Technical Advice Note 12: Design (2009)

Technical Advice Note 18: Transport (2007)

### 3. Relevant Planning History:

3.1 APP/Q6810/A/14/2216980: Appeal against the decision of application C13/0561/39/LL – Refuse 06/08/14 : Main reasons for refusing

- *"the scale of the proposed property would constitute over development of the site and as a consequence it would fail to safeguard, maintain and enhance the character of the AONB."*
- *"I am concerned that the height and mass of the side elevation would appear overbearing when viewed from Carrog and whilst the proposed planting would help break up the mass of the elevation, the proposal does not fully address my concerns."*

3.2 C13/0561/39/LL : A new house and associated works - Refused 18/12/13

### 4. Consultations:

Community/Town Council: Object

- Over-development of a small and prominent site
- Concern regarding the safety of the access

Transportation Unit:

No objection subject to conditions.

- The access will be fully in accordance with the submitted plan
- It must be ensured that surface water drainage is in perfect working order
- No gate across the entrance at any time

Natural Resources Wales:

No observations to submit.

Welsh Water:

Comments

Request a condition about surface water / drainage water

Biodiversity Unit:

Comments

Request a condition to ensure that growth is not cleared during bird nesting season

AONB Unit:

Comments

The site is sensitive due to its location but, considering the size and scale of the development, the materials and landscaping, it is considered that it would not have an unacceptable impact on the AONB

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Footpaths Unit

No observations to submit.

Public Consultation:

A notice was posted on the site and nearby residents were notified. The advertising period has ended and correspondence was received objecting on the following grounds:

- That the site was too small
- Overdevelopment of the site
- Overlooking of neighbours' properties from windows and external staircases.
- Detrimental to the AONB
- That the vehicular access is not practical
- The excavation work would be detrimental to the cloddiau and existing growth on the site's periphery
- It is unlikely that screening growth on the boundaries would succeed and if it did, it would overshadow the Carrog property
- The new building would dominate the Carrog house, especially as the whole width of the side walls would reach roof level due to the flat roof, creating a solid slab

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

- The plans submitted do not show the correct scale.
- There was insufficient prior consultation with neighbours

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

### **The principle of the development**

- 5.1 The proposal involves building a two-storey house on a site within the Abersoch development boundary and residential houses are located on nearby land to three sides of the site. The site is not designated for any particular use or as protected open land. From the perspective of housing policies, the site falls within the definition of infill land and policies C1 and CH4 are relevant to this application.
- 5.2 Policy C1 'Locating new development' states that land 'within the development boundaries of towns and villages ... will be the main focus for new development'
- 5.3 Policy CH4 is relevant and states that, in principle, proposals for the construction of new dwellings on unallocated sites that are within village development boundaries will be approved provided they conform to all the relevant policies of the Plan and the three criteria which form part of the Policy. Criterion 1 relates to having a proportion of all units on the site as affordable units, unless it would be inappropriate to provide affordable housing on the site. In terms of this policy, it is not considered that it would be reasonable to request an application for one property to be affordable as the criterion talks about 'a portion of the units on each site' therefore referring to more than one house. The second and third criteria relate to the arrangements of providing affordable housing (if the application contains more than one house) and for the reasons already noted it is not believed that these are relevant. Based on the above it is, therefore, considered that the application conforms to the principles of policies C1 and CH4 of the GUDP.

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### **Design and visual amenities**

- 5.4 Policies B22, B23 and B25 of the GUDP are relevant to this application and involve design, finishes, appearances and visual amenities. It is considered that the design would offer a modern house located on a relatively small site near the sea but which is acceptable for developing. It is in an area characterised by detached houses of a variety of designs and sizes with relatively large gardens and a number of mature trees in their midst. The existing houses have no definite pattern or common theme. Nevertheless, it is considered that any new development needs to be designed in a compatible manner that will not detract from the area's existing character.
- 5.5 It is acknowledged that difference of opinion on a modern design is an objective matter and it can be seen that differing opinions have been conveyed in relation to the design of the proposed plan. There is a reference to design in paragraph 9.3.1 of Planning Policy Wales which states that "new housing developments should be well integrated and connected to the existing pattern of settlements". The proposal offers a house of a size, scale and form that would, on the whole, correspond to the context of the site, and the design of the house on a restricted site responds in an alternative yet positive way to the shape and the slope of the site.
- 5.6 The development would be located among existing trees and vegetation and the applicant intends to plant indigenous hedges and shrubs to protect the privacy of neighbours and to safeguard the character of the location. It is considered the chosen materials would help the building blend into the slope in an unobtrusive manner.
- 5.7 It is not considered that the proposed development would have a detrimental impact on the character or appearance of the area and, although it is a modern design, it is considered that it would suit the surrounding area. Consequently it is considered that the proposal conforms to policies B22, B23 and B25.

### **Impact on the AONB**

- 5.8 Although the site is situated within the AONB, it is also an infill site within the development boundary of Abersoch village and the plot is surrounded by other residential developments. As acknowledged above, there are many differently designed houses in the area and there is no typical building pattern. Although modern, this design is of a scale and uses materials that would be in keeping with the site. The intention is to protect a substantial part of the existing vegetation and ensure that more trees and shrubs are planted, and this can be enforced through a relevant condition. The development would be substantially smaller than the previous proposal and it would be set farther from the site's boundaries on three sides which means that the development pattern would not appear to be as dense as was previously proposed. There would also be more space to plant and landscape in order to ensure that the development blends into the landscape. Furthermore, it is considered that the natural materials selected as finishes would suit the landscape in an unobtrusive way. The AONB Unit is of the opinion that the development would not have an unacceptable impact on the AONB and, as such, it is believed that the proposal is in accordance with Policy B8 of the UDP.

### **General and residential amenities**

- 5.9 Policy B23 requires that consideration be given to the impact of the proposal on nearby residential amenities. Furthermore, concern has been expressed by objectors regarding overlooking and loss of privacy. There are two properties adjacent to the

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application site: Glyn Dŵr Chalet and Carrog, namely the two properties located next door on either side. No observations have been received from the owners of Glyn Dŵr Chalet (or from the owners of Glyn Dŵr house nearby either). The owners of Carrog object to the proposed development and the impact on their amenities are assessed below:

- The north eastern elevation of the proposed property would be approximately 11m from Carrog's south western elevation.
- There would be two windows and one door on this elevation of the new house and it is considered reasonable to impose a condition to ensure that only opaque glass be used on these openings. In so doing the impact on the privacy of Carrog would not derive from the new house.
- It would be possible to see in to parts of Carrog's garden from the first floor window of the new house, from the parking / turning area, and from the external staircase which links the two levels. Having said that, the intention is to reinforce the planting on the boundary between the two properties and, in addition, it is important to remember that the site is already a domestic garden and, as such, overlooking of the Carrog house and garden is already possible. It is considered that the proposal as submitted would, if anything, reduce the opportunities for overlooking of the Carrog garden compared to that which already takes place under the residential rights of the owner of Anhywel as the new development will have been designed to focus on the sea views whilst attempting to isolate the new house from its neighbours as far as is practicable.
- Part of the proposed building which faces the gable end of Carrog would be lower than the window on the gable end of that property and it is not considered that this would overshadow, which would have an unacceptable impact on the light reaching the windows of Carrog.
- Generally, it is considered that the reduction proposed to the bulk of the building compared with the previous proposal, along with the fact that the building has been moved farther from Carrog, means that the new building would not intrude upon the amenities of Carrog and would not dominate the private areas of that building.
- In accepting that vegetation along the clawdd in itself can dominate parts of the Carrog property, this can happen regardless due to the property remaining undeveloped. Furthermore, regulations are in place to manage high hedges if significant damage occurs as a result.

5.10 Generally, it is considered that the proposal would not be unacceptably detrimental to the amenities of the residents of nearby houses and the proposal is therefore considered acceptable in respect of Policy B23 which relates to the protection of private amenities.

### **Transport and access matters**

5.11 It is considered that the proposal would satisfy road safety requirements, and the Transport Officer proposes standard road conditions. The parking, turning and roads provision would be consistent with the objectives of policies CH33 and CH36 which require that road safety, parking and vehicle turning considerations be addressed in plans on new developments.

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## Response to the public consultation

5.12 As well as the aforementioned issues that have been discussed in 'General and residential amenities' above, it has been noted, from consultations, that there is a difference of opinion between the applicant and the objectors about the measurements shown on the submitted plans. It is the applicant's responsibility to ensure that the plans submitted are correct and that it is possible, in practice, to execute the development as submitted. In acknowledging the concern of the objectors regarding the accuracy of the plans, this application is considered based on plans submitted by the agent and it is considered that sufficient information and detail have been shown on the plans and as part of the application in order to be able to assess the impact of the development and propose a recommendation.

5.13 Full consideration has been given to the objections in assessing this application and it is considered that there is no matter that outweighs the relevant policy considerations and that the application is acceptable and complies with the requirements of the local and national policies and guidelines, subject to including relevant conditions.

## 6. Conclusions:

6.1 It is considered that the proposal to build a new house on this site is acceptable in respect of the relevant policies noted above and it is not considered that it would have an adversely harmful impact on the area's amenities (including the AONB) or on neighbouring residents. Furthermore, it is considered that the location, design, finish and form of the development is acceptable and corresponds with the context of its location. Having given full consideration to all the relevant planning matters and all the objections received, the development is considered suitable and acceptable for the site and complies with the local and national policies and guidelines noted.

## 7. Recommendation:

7.1 To approve – conditions

1. 5 years
2. Work in accordance with the plans
3. Agree on materials
4. Highways / parking
5. Opaque glass windows only on the north-eastern elevation.
7. Landscaping / trees
8. Water
9. Removal of general permitted rights.