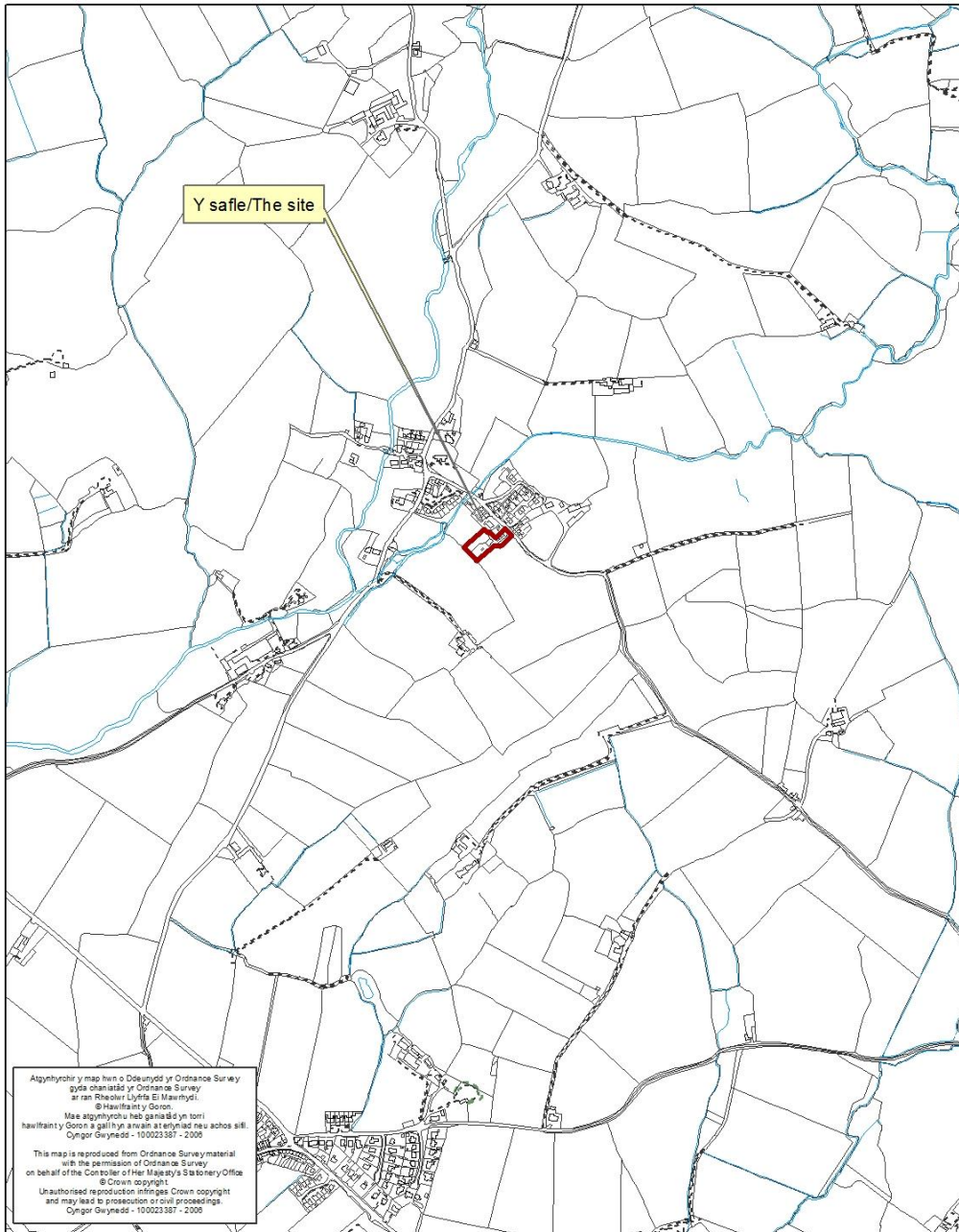


Number: 12



Rhif y Cais / Application Number : C15/1356/40/LL

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



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Application Number: C15/1356/40/LL
Date Registered: 23/12/2015
Application Type: Full - Planning
Community: Llannor
Ward: Efailnewydd/Buan

Proposal: REVISED APPLICATION FOR DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A REPLACEMENT DWELLING AND ASSOCIATED WORKS
Location: 1-3 WENALLT, ARDDGRACH, LLANNOR, PWLLHELI, LL535UL

Summary of the Recommendation: TO REFUSE

1. Description:

- 1.1 This application was deferred in the Planning Committee on 22 February 2015 in order to receive the necessary information regarding bats and a technical report to justify why it was not possible to locate the house closer to the location of the existing dwelling.
- 1.2 This is a full application for the demolition of an existing dwelling and the construction of a replacement dwelling in a different location within the property of 1-3 Arddgrach, Llannor, and associated works. The existing building is a stone / pebble-dash building with a slate roof, and a north-eastern elevation which directly abuts the adjacent class 3 county road. The proposed new house would be located back into the plot on a site where there is an existing agricultural zinc shed, with a separate garage on part of the footprint of a zinc building which was the former house's kitchen. The proposed house would be a dormer bungalow with three bedrooms, and its front elevation would face the south-east. The house would be finished with slate roofing and painted smooth render. It is intended to create a new entrance on the site of the existing house, expanding a track from the side of the house's carriageway and turning towards the entrance gate of the adjacent field.
- 1.3 The property lies on the outskirts of Llannor village, adjacent to the class 3 county road. Llannor was designated a rural village in the maps set out by the Gwynedd Unitary Development Plan, with 1-3 Arddgrach and the agricultural shed behind it marked in red.
- 1.4 Application number C15/0611/40/LL to demolish the dwelling and to construct a new house of the same design as this application but further into the rear of the plot was refused last year. This application is a re-submission, with the location of the house having slightly changed.
- 1.5 The application is submitted to the Planning Committee as four letters of support were received contrary to the officers' recommendation.
- 1.6 Following the deferral of the application by the Planning Committee, the following additional information was submitted:
 - Supplementary Planning Statement
 - A site appraisal to justify why it was not possible to locate the house closer to the location of the entrance
 - Drainage Report
 - Amended Bat and Birds Survey (versions 3 & 4)

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- Amended site plan showing the location and design of the proposed bat roost

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 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 must also 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, and in making 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. 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 decision.

2.3 Gwynedd Unitary Development Plan 2009:

POLICY A1 ENVIRONMENTAL OR OTHER IMPACT ASSESSMENTS Ensure that sufficient information is provided with the planning application regarding any significant likely environmental or other impacts in the form of an environmental impact assessment or other impact assessments.

POLICY B20 SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT Refuse proposals that are likely to cause unacceptable disturbance or harm to protected species and their habitats unless they can conform to a series of criteria aimed at safeguarding 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 the building materials are of a high standard and in keeping with the character and appearance of the local area.

POLICY C3 RE-USING PREVIOUSLY USED SITES Proposals will be approved that prioritise re-using land and buildings previously developed and located within or around development boundaries, provided that the site or the building and the use are suitable.

POLICY C7 BUILDING IN A SUSTAINABLE MANNER Proposals for new developments or for adapting and changing the use of land or buildings will be refused unless consideration is given to specific environmental matters. Proposals must conform to specific criteria relating to building in a sustainable manner, unless it can be demonstrated that it is impractical to do so.

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POLICY CH5 NEW HOUSING IN RURAL VILLAGES To approve a residential development which includes one or two units only in a Rural Village on specific sites if it conforms to criteria relating to local need for the development, effect on the landscape and the specific features of the site.

POLICY CH9 NEW DWELLINGS IN OPEN COUNTRYSIDE Refuse proposals for new dwellings in rural areas unless they are for individuals who must live on the site due to their work and a series of other criteria relating to the location and type of the dwelling, and restrictions on ownership of the dwelling.

Policy CH13 DEMOLITION AND RECONSTRUCTION OF DWELLINGS IN RURAL VILLAGES AND IN THE COUNTRYSIDE Proposals to demolish a dwelling or dwellings that are in poor condition in rural villages or in the countryside and to develop new living units on the site will be approved provided they conform to the criteria which involve the condition of the building to be demolished, and the location, density and design of the new building.

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, extensions to 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.

2.4 National Policies:

Planning Policy Wales - (Edition 8, 2016)
 Technical Advice Note 12: Design (2009)

3. Relevant Planning History:

- 3.1 C15/0611/40/LL Demolition of existing dwelling and construction of a replacement dwelling along with associated works: Refused 31 July 2015
- 3.2 Enquiry following refusal C15/0611/40/LL with a plan indicating the house had been re-located to the site of the current application. Confirmed that the site remained unacceptable in respect of policy CH13 as there is a requirement that re-built houses are located as close as practically possible to the location of the original house.

4. Consultations:

Community/Town Council: Approved.

Transportation Unit: No objection to the proposal to demolish and erect a new house and offer the same observations and conditions

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imposed on the previous application (ref. C15/0611/40/LL), emphasising the need to provide standard visibility splays measuring at least 2x40m to both directions. An opening at least 3m wide but no more than 4m, with a gate measuring at least 5m away from the highway.

Biodiversity Unit:

A new site plan has been submitted and also an updated bats report. I am satisfied with the new location for the bat roost, and the details included on the plan (Proposed site plan 2281). I am also satisfied with the mitigation measures proposed in the bats report, and the proposed timetable for the work. I would like to impose a condition that the mitigation measures detailed in the report are followed exactly as recommended in Version 4 of the Bat and Birds Survey.

Natural Resources Wales:

We refer to a bat and breeding birds report received from the applicants to the above application, received 16th June 2016. We note that the bat report (Yorke Associates Ecological Consultants, May 2016) has identified that lesser horseshoe bats are present at the application site.

We agree with the bat report's conclusion that the proposal would be likely to impact adversely on bats and would, therefore, need a licence from Natural Resources Wales. However, if the avoidance and mitigation measures detailed in the above report are implemented, we consider that the development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. To conclude, Natural Resources does not object to the proposal, subject to a planning condition that the mitigation measures are undertaken in accordance with (Yorke Associates Ecological Consultants, June 2016 version 4).

Welsh Water:

Propose a standard condition. A sewerage pipe crosses the site. The development should not be located within 3m of the centre of the sewer.

Gwynedd Archaeological Planning Service:

Having checked the application against the regional Historic Environment Record we have concluded that the buildings to be demolished are of local historic interest. A terrace of three properties is recorded on the first edition of the O.S. map in 1889, which corresponds to the current layout. Subsequent editions show that a corrugated iron barn was constructed by 1918, and that changes or replacement extensions were made to each cottage in turn after this date.

The historical maps suggest that the pair of two-storey cottages was built by the end of the 19th century, possibly replacing an outhouse or a second single storey cottage which still existed opposite. From its form and construction it appears to be characteristic of a rural cottage from the 18th or

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beginning of the 19th century. While accepting the considerable challenges involved in the restoration of these cottages, demolishing them would entail a loss to the local historic built environment, and an archive record should be made to mitigate this loss.

As a result of the these observations, and in accordance with national planning policy (Planning Policy Wales 2016) and the Welsh Office Circular 60/96 Planning and the Historic Environment: Archaeology), if planning permission were to be granted, it is recommended that the local authority needed to undertake archaeological mitigation by means of a full photographic record of the building.

Public Consultation:

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

- Narrow road - the development would improve the situation
- Create one access rather than two by facilitating parking for the opposite houses
- Design - similar to the bungalow next door
- Existing house is untidy, in a dangerous condition and is a waste - a new house would improve the village.

5. Assessment of the material planning considerations:

The principle of the development

5.1 Policy CH13 of the Gwynedd Unitary Development Plan is the relevant policy consideration in this case, which specifically relates to the demolition and reconstruction of dwellings in rural villages and in the countryside. The policy states that proposals to demolish a house or houses in poor condition in rural villages or in the countryside and to develop new living units on the site can be permitted, provided they conform to the following criteria:

1. the existing building(s) according to planning laws is a dwelling;
2. it is not reasonably possible to renovate, convert or extend the existing building(s) without completely or significantly reconstructing. A structural report to support the application might be necessary;
3. that the new unit(s) are located on the sites of the original unit(s) or as close as is practically possible;
4. that the density of the new development will remain the same as the density of the original, or in exceptional circumstances that there is a strong case to justify lower density:

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5. that the new building would not lead to a building which is incongruous with the original in terms of its size, scale or design insofar as maintaining or enriching the character of the local area.

It is not considered that the proposal complies with all the requirements of this policy.

- 5.2 It can be accepted that the property is a dwelling according to planning laws as part of the building has been used as a dwelling until relatively recently up to the death of the former owner. The agent's statement suggests that the building, at one time, had been a terrace of three properties, namely 1, 2, and 3 Arddgrach. However, the structural report states that the former owner never used number 1 (namely the furthest property from the road) since he bought properties 1 and 2 in 1963. Wennallt (the property nearest to the road) was purchased in 1978 and it is understood that the owner has used it as one house since then. In terms of the information to hand, it appears that the legal use of the building was as one house. As the proposal is to demolish one house and to construct another house, the proposal is acceptable in respect of criterion 1.
- 5.3 A structural report was submitted as part of the previous applications which provides details on the property's condition. It noted that the building has problems with dampness, mould, draft and water leaking in places. As the building has been empty for some time, and because of the lack of maintenance work over the years, it appears that the structure's condition has significantly deteriorated. The structural report suggests that it would be difficult to justify the expenditure of renovating the building and they suggest that the proposal would provide an opportunity to improve the area's visual amenities. From investigating the site, it can be seen that significant renovation work would be required to make the building a homely dwelling which is suitable in terms of expected modern standards. It is therefore believed that there is sufficient evidence and a worthy justification to demolish it in this case, in respect of criterion 2.
- 5.4 The new proposed house would be located on the site of an old agricultural shed rather than on the site of the original house, with the proposed double garage to be located on the site of a zinc building which was the original house's kitchen. The proposed house would be approximately 9m away from the corner of the zinc building/original kitchen, and approximately 29m away from the carriageway. Criterion 3 of policy CH13 clearly states that new units should be located on the site of the original unit or as close as is practically possible to the original. Following the Planning Committee meeting held on 22 February 2016, the agent has submitted a 'Site appraisal to justify why the house cannot be located closer to the entrance', noting the reasons such as the party wall with Llannwyn property, overlooking and casting a shadow over the neighbouring property, the need for space to create a suitable entrance slope, the location of the drain and the development pattern as reasons why the house cannot be located closer to the original house. A drainage report was also submitted, stating that the retaining wall to the south-east of the site was leaking water, and that the rear of the original house was wet and damp, thereby arguing that it would be unwise to locate the house on the original site. Notwithstanding the arguments submitted, it is considered that these obstacles could be overcome in reality, and that the house could be located closer. While it would be possible to accept relocating the new property slightly away from the county road, similar to the adjacent property, for improved visibility and road safety, we are of the view that the proposed location is unreasonable. The previous application C15/0611/40/LL for a house of the same design was refused on the grounds that it was 31m away from the original house. Although the proposal is now nearer, we remain concerned about the location and setting and have notified the agent of our concerns prior to the re-submission. Regardless of the agent's arguments, we are not

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convinced that it is totally impractical to develop the site closer to the original house, and it is not believed that there is real justification in this case to push the dwelling so far away from the original house's footprint, therefore it is considered to be contrary to criterion 3 of policy CH13 of the GUDP.

- 5.5 As has already been noted, as the proposal is for the demolition of one house and the construction of another to replace it, the density of the new development is the same as the density of the original, therefore it is acceptable in respect of criterion 4 of the policy.
- 5.6 While it is considered that the design in terms of the size of the footprint of the proposed building is comparatively similar to the existing construction work, it is not considered that its setting and location on the site of the old agricultural shed contributes to or enriches the existing ribbon developed form of this part of the village. In the Site Appraisal submitted by the agent, they disagree that there is a pattern to the village, they argue that a number of properties are set back from the road, and that a new house would enhance the rural setting by improving on the current unattractive shed. It is agreed that a number of properties are set back from the road, but not to the extent of the proposed location, which would be considered excessively obtrusive in open countryside and is contrary to the character and form of the existing street scape, and contrary to criterion 5. Therefore, elements of the proposal do not conform with the main principles of the policy on the demolition and reconstruction of buildings in rural villages.
- 5.7 As the proposal does not conform to the demolition and reconstruction policy, the proposal should also be assessed against the relevant housing policy which involves housing developments in rural villages, namely CH5 of the GUDP. Only affordable houses can be accepted in rural villages, on an infill site between buildings which have been marked in red. The new house is not proposed as an affordable house and it measures approximately 200m² internally, which is therefore far more than the 100m² noted in Supplementary Planning Guidance: Affordable Housing for the size of an affordable 3 bedroom two-storey house. It is acknowledged that the existing house and the agricultural shed have been marked in red, but it is considered that the purpose of the red mark on the shed is to set the core boundary limit of the village. It is believed that the setting of the proposal creates an obtrusive feature in the countryside and a fragmented pattern, which is contrary to the natural development pattern of the settlement. The submitted proposal therefore does not comply with policy CH5 of the GUDP which involves new housing in rural villages.

Visual amenities

- 5.8 The current property or the associated outbuildings are not of high architectural value, therefore there is no significant concern in relation to their demolition. Although the design of the proposal appears to be acceptable, the Local Planning Authority is not satisfied with its location or the angle of the building's setting. As has already been noted, it is considered that the location of the new house is too far back into the plot, without any consideration to the village's development pattern. The main elevation of the remainder of the terrace's houses face the road. The proposed setting would be inconsistent and would form a separate relationship with the existing houses, as its main elevation faces south-east. The proposal does not respect or offer any sequence to the natural form of the street scape and therefore it is considered that it is contrary to design policy B22 of the GUDP.

General and residential amenities

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- 5.9 As the house has been pushed back in the plot away from the existing dwellings, it is not believed that significant harm to the amenities of the local neighbourhood would derive from the proposal and it is not contrary to policy B23 of the GUDP. The agent uses the rationale of overlooking the neighbour as justification for why it is not possible to locate the house closer to the original, however it is considered that the setting, design and location of the windows could be changed to ensure that the neighbour's privacy would not be compromised.

Biodiversity Matters

- 5.10 One of the reasons for deferring the application in the Planning Committee on 22 February 2016 was in order to receive further information regarding bats and birds, as the report submitted with the application confirmed that there was evidence that there were bats in the house and nesting birds on the site. However, the Biodiversity Unit stated that this application could not be decided until mitigation measures were proposed, and updated plans to indicate those mitigation measures. Since deferring the application, we have received an updated version of the bats report, proposing mitigation measures and an updated site plan showing a proposal to create a bat roost in the south-west corner of the site. Amended comments were received from the Biodiversity Unit, confirming that they were satisfied with the location of the roost and the mitigation measures proposed, on condition that the work must be completed in accordance with the mitigation measures noted in the report. Confirmation was also received from Natural Resources Wales that they were satisfied with the new information submitted and the proposed mitigation measures, but reminding us that a licence is required for this work. Based on the amended comments from the Biodiversity Unit and NRW, it is considered that the matters relating to bats and birds have been resolved and are now acceptable in relation to Policies A1 and B20 of the GUDP. However, this does not overcome all the planning concerns.

Road Issues

- 5.11 As the gable end of the existing property abuts the county road, there is very poor visibility of the road from the existing steep vehicular access. In this respect, demolishing the house would create a new safe vehicular access and would be a significant improvement to the road situation. The Highways Officer has no objection to the proposal, but he notes that visibility splays measuring at least 2x40 metres should be provided in both directions and suggests relevant conditions should the application be permitted. Although the Highways Officer is satisfied with the proposal and although the proposal together with the relevant conditions addresses the requirements of policy CH33, this does not overcome the remainder of officers' concerns regarding the proposal. It is not necessary to site the proposed house so far back in the plot to meet visibility requirements, and the agent's argument that the house needs to be pushed back to create the necessary gradient for the access road is questioned.

Archaeological Matters

- 5.12 It appears from the observations of the Gwynedd Archaeological Planning Service that the building is of local historic interest. The Archaeological Service accepts that significant work would be required to renovate the original building, however demolishing it would involve losing local historic buildings. Therefore it is requested, should the application be permitted, that a condition is included that a photographic record is taken of the building prior to its demolition.

Response to the public consultation

- 5.13 Four correspondences were received supporting the application during the public consultation period. Among the arguments they note that demolishing the house

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would lead to widening a narrow part of the road and would therefore make it safer for users. Reducing to one entrance rather than two would also facilitate parking for nearby residents who park on the side of the road. It is also noted that the existing site is rather an eyesore and the new proposal would improve the appearance of the site in the village. Despite the support, the Local Planning Authority is of the opinion that the site does not comply with the main demolition and reconstruction principles of the GUDP.

6. Conclusions:

- 6.1 Since the application was submitted to the Committee on 22 February 2016, one of the reasons for refusal, matters relating to bats, has been resolved by the submission of further information. However, regardless of the additional information and arguments submitted in relation to the house's location, the Local Planning Authority remains of the view that the location and setting of the proposed dwelling house are unsuitable and are contrary to the principle of housing and design policies in the Gwynedd Unitary Development Plan. Although there is potential to develop the site, it is not considered that this re-submission is acceptable and these concerns have already been raised with the agent prior to re-submission. Based on the additional information and submitted plans, we have no choice but to refuse the application.

7. Recommendation:

To refuse – reason:

1. The proposal does not comply with the main policy criteria involving demolition and reconstruction in rural villages, which require that new units are located on the original unit's site or as close as is practically possible to it. Due to its location and the angle of its setting, it is considered that the proposal would create an intrusive feature in the countryside that does not support the area's character or retain the general development pattern of the street scene. The proposal is therefore contrary to the principles of policies CH13 and B22 of the Gwynedd Unitary Development Plan.
2. Policy CH5 of the Gwynedd Unitary Development Plan permits proposals for residential development on suitable sites within rural villages for affordable housing for local community need only. The applicant does not offer an affordable dwelling for local community need and the development does not conform with the size requirements outlined in the Council's Supplementary Planning Guidance: for Affordable Housing. It is therefore considered that the proposal is contrary to the objectives of Policy CH5 Gwynedd Unitary Development Plan and Gwynedd Council Supplementary Planning Guidance: Affordable Housing (2009).