

Number: 10



Rhif y Cais / Application Number : C16/0732/44/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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REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

Application Number: C16/0732/44/LL  
Date Registered: 14/07/2016  
Application Type: Full - Planning  
Community: Porthmadog  
Ward: Gorllewin Porthmadog West

Proposal: RE-SUBMISSION WITH AMENDMENTS OF APPLICATIONS REFUSED UNDER C15/1033/44/LL, C16/-144/44/LL AND C16/0313/44/LL TO ERECT A THREE BEDROOM PROPERTY.

Location: PLOT 59, TAN Y FOEL, BORTH Y GEST, GWYNEDD, LL49 9UH

**Summary of the Recommendation:**

TO APPROVE SUBJECT TO CONDITIONS

**1. Description:**

- 1.1 This is the re-submission of a previously refused plan to erect a detached house with an integrated garage and a new vehicular access. This application has been amended since its refusal.
- 1.2 The site is located within the development boundary of the village of Borth y Gest on a plot of green land located between existing residential homes. There is access to the site from a steep hill and the land itself is also on a slope. To the rear of the site, the land rises substantially and has trees that are protected under a formal Tree Preservation Order.
- 1.3 The revised proposal involves the construction of a two-storey house with an integrated garage and includes the following:
  - Ground floor - dining room/kitchen, study, toilet
  - First floor - one en-suite bedroom, two bedrooms and one bathroom
- 1.4 In addition, other ancillary developments can be seen such as a driveway and a turning area to the front, a small patio area and formal steps at the rear. It is proposed to finish the external walls of the building in a smooth render with a natural slate roof. Retaining walls would be constructed to the front and sides of the site.
- 1.5 This application has been amended since it was originally refused with the overall size of the building reduced and some features removed or reduced. The width of the building is 10.7m compared to 11.6m and 12.3 as refused previously, and is 10.7m in depth (at its deepest point) compared to 12.1m and 12.8m in a plot that measures approximately 16m wide. It can be seen that a small patio area is being proposed at the rear of the site, with openings on the gable end (which faces the adjacent property 'Berllan') and one window for the study and a side door for the garage. The height of the building's roof is being lowered from 6.9m and 7.6m to 6.7m and the changes mean that there will be one bedroom less compared to the previous applications that were refused.
- 1.6 As part of the application, the following information was submitted:
  - Trees impact statement

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## 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 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, 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 recommendation.

### 2.3 Gwynedd Unitary Development Plan 2009:

POLICY B19 – Protected Trees, Woodland and Hedgerows - Approve proposals that will involve the loss of or damage to protected trees, woodlands or hedgerows only when the economic and/or social benefits of the development outweigh any damage.

POLICY B20 – SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT - Refuse proposals which are likely to cause disturbance or unacceptable damage to protected species and their habitats unless they 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 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 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 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.

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POLICY CH33 – Safety on roads and streets - Development proposals will be approved provided they comply with 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.

Gwynedd Design Guidelines

The Gwynedd and Anglesey Joint Local Development Plan which is currently being prepared, is subject to an ongoing Public Inquiry. At present, it is not a relevant planning consideration when making decisions on planning applications.

**2.3 National Policies:**

Planning Policy Wales, Edition 8 2016  
TAN 12: Design

**3. Relevant Planning History:**

3.1 Application C16/0313/44/LL - re-submission with revisions of application C15/1033/44/LL and C16/0144/44/LL to erect a four-bedroom house - refused 24.05.16

3.2 Application C16/0144/44/LL - re-submission with revisions of application C15/1033/44/LL to erect a five-bedroom house - refused 23.03.16

3.3 Application C15/1033/44/LL – erection of a detached five-bedroom house with an integrated garage - the application was withdrawn before a formal decision was made

3.4 Application C14/0954/44/CC – lop the crown of three oak trees - approved 14.11.14

3.5 Application C05D/0561/44/AM - construction of a residential house - approved 24.01.06

**4. Consultations:**

Community/Town Council: Not received

Transportation Unit: No objection, but it is noted that a retaining wall exists to the front of the site, it is recommended that appropriate conditions be included to ensure that the detail of the wall and any boundary are agreed before commencement of any development.

Welsh Water: Not received

Natural Resources Wales: Bats may be present on the site. It is suggested that the Council confirm this issue and whether a bat survey needs to be conducted. The site is also located within an area of special historic interest which is a relevant consideration.

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Biodiversity Unit/Trees: It is not believed that there would be any reason to conduct a bat survey on this site. The site, to all intents and purposes, is a lawn; there are, therefore, no natural or built structures suitable for bats to roost. The two trees at the rear of the site, which have been earmarked for felling, are not mature enough to provide bat roosts. Certainly there are bats in the woodland at the rear of the site but the near edge of the woodland is already illuminated by the other houses on the street and by street light at the front of the site.

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

- Over development of a restricted and unsuitable site
- Misleading information
- Lack of parking
- Not affordable for local need
- Detrimental effect on the general amenities of the area
- A detrimental effect on the amenities of neighbours
- Harmful effect on ecology/biodiversity/protected trees
- The land is on a slope and substantial excavation work would be needed that would cause damage to adjacent houses
- Likely to be a holiday home, too many holiday homes, no further need for any more
- Does not comply with the requirements of the Council's adopted policies
- Construction traffic would affect local amenities and cause an unacceptable increase in movements on an existing road that's in poor condition

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

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

- 5.1 The site is located within the development boundary of the village of Borth y Gest. The construction of a house is, therefore, acceptable in principle. The planning history shows that an outline application has already been approved here and, therefore, its residential use has already been considered and approved. It is considered that erecting a house on this site is not, therefore, unacceptable, provided that full consideration is given to all of the relevant planning considerations and that it complies fully with the relevant policy requirements.
- 5.2 Policies C1 and CH4 are relevant to this application. Policy C1 relates to locating new developments, and the main focus of the policy is to support developments within the development boundaries of towns and villages. The application site is within the development boundary of Borth y Gest, and the application, therefore, complies with policy C1.

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- 5.3 Policy CH4 permits constructing new housing on unallocated sites within the development boundaries of local centres and villages, provided the proposal satisfies specific criteria. The policy seeks sites that provide a percentage of affordable units unless, having considered all the relevant factors, it was not be appropriate to provide affordable housing on the site. Taking into account the scale of the application (a single dwelling only) and the fact that it would contribute positively towards the area's housing stock, it is not essential for it to be an affordable dwelling. The application is, therefore, considered to be in accordance with policies C1 and CH4 and acceptable in principle.

### **Visual amenities**

- 5.4 It is acknowledged that there is a variety of residential developments in terms of design and size locally, especially along the street of Tan y Foel. Relatively large houses have already been built here and, when comparing the size of the house that is the subject of this application (a total floor surface area of 147m<sup>2</sup>) with other houses that have already been built, it is unlikely to be significantly larger than some of the nearby houses (if at all).
- 5.5 Nevertheless, this is an infill site between existing houses and the site is, consequently, fairly restricted. There is further restriction due the nature of the rising land to the rear and also the presence of protected trees.
- 5.6 Amendments have evidently been made to the plans to develop this site on three occasions and it is now believed that the building, which is the subject of this current application, would not be unacceptable due to the reduced size of the building and changes such as the removal of unacceptable features. The amendments made are believed to be sufficient and overcome the previous reasons for rejecting. Consequently, though not entirely without impact, it is believed that it would not impact the visual amenities of the local area.
- 5.7 From the plans submitted, the width of the site appears to be approximately 16m which would leave a gap of approximately 3.1m between the building and the boundary with the abutting property at it's most restricted point (in the previous application, the distance was 2.3m). It is therefore believed that the proposal as shown, due to the amendments, is now acceptable. Policy B23 states that proposals which would cause substantial harm to the amenities of the local community would be refused based on, among other things, over-development of the site, whilst policy B22 states that proposals that do not respect the site and its surroundings in terms of its scale, size, form and location will be refused. In this case, the design is now believed to be acceptable and the finishes, as shown, acceptable and it blends in with the general appearance of the area.
- 5.8 It is considered that the amendments made since submitting the first application respond to the concerns raised. It must also be borne in mind that consent had been given to develop this site in the past, and so the principle of a residential development was considered acceptable at that time. Considering the length of time that the site has been derelict, it is inevitable that this site will have an effect on the amenities of the area and nearby residents in the short term (especially during the development phase). Nevertheless, the proposal is now considered to be acceptable and, as such, conforms to the relevant requirements of policies B23 and B22 with respect to issues of design and visual amenities.

### **General and residential amenities**

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- 5.9 As previously noted, the building would remain fairly close to the site's boundaries and, due to the nature of the land, will be obviously higher than the existing residential building of 'Berllan' below. A window on the gable end of the proposed property can be seen which would serve the building's study. It is believed that this would lead to overlooking because this room, as it stands, would be in constant use. But, as is common in such cases, it would be possible to improve the situation by ensuring, by means of a condition, that only opaque glass be permissible here to avoid any obvious direct overlooking.
- 5.10 Policy B23 states that proposals that would cause substantial harm to the amenities of the local community will be refused if the development did not, among other things, ensure reasonable privacy for users and the property. In this case, it is believed that the reduction in the size of the building and the insistence that opaque glass be used for specified windows would make the building acceptable in respect of this aspect.
- 5.11 As previously noted, due to the nature and formation of the land, the site development would inevitably have an impact on the amenities of neighbours. These concerns have clearly been raised by the Planning Authority in deciding previous applications. It is now believed that the proposal is acceptable in terms of the size and form of the proposed building. Concerns were raised about the impact of developing the site due to the rocky nature of the land and due to its higher position than the property known as 'Berllan'. A retaining wall is to be erected along the boundary with this property in order to safeguard and protect the building and the site of this application. Due to the concerns raised, and due to the site being seen as possibly problematic unless managed to an acceptable degree, the intention is to include a condition to introduce a Building Control Plan, to be agreed, before commencing any work on the site. In so doing, it is possible to have control over what is done and when.
- 5.12 In considering the above, it is now believed that the proposal is acceptable. Full consideration was given to the impact of the proposed development on the amenities of nearby residents. Bearing in mind the site's planning history and amendments made to the plan, it is now believed that the proposal conforms to the relevant requirements of policy B23.

### **Transport and access matters**

- 5.13 The Council's Transportation Unit confirmed, as for the previous application, that additional plans would need to be submitted to show the levels of the front garden in relation to the nearby highway and the shape and size of the retaining wall that would be required to safeguard the public road. The following additional information was submitted through an amended plan.
- 5.14 Although the amended plan does not fully show the final arrangement for protecting road users, the information is accepted as being partly useful and it would be possible to include a condition to agree on a final arrangement for the site. The Transportation Unit does not oppose the proposal and suggests including standard conditions to safeguard the benefits of the public roads. It is, therefore, believed that the proposal now ensures compliance with the requirements of CH33 and CH36.

### **Biodiversity matters**

- 5.15 The trees to the rear of the site are safeguarded through a formal Tree Preservation Order. A high value is placed on the trees in terms of biodiversity. It is acknowledged that some trees can be cut down due to their condition but other trees and their roots need to be protected. As suggested with the previous application, it is

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likely that it would be possible to include a suitable condition to ensure the protection of trees noted within the respective tree survey and a suitable surrounding area. In so doing, the requirements of policy B19 can be satisfied.

- 5.16 NRW suggested that the site would need to be assessed to see whether a bat survey was necessary, as the Biodiversity Unit Officer had previously noted. In this case, however, this is not believed to be necessary. The proposal is, therefore, considered acceptable in that it conforms with the requirements of policy B20.

### **Relevant planning history**

- 5.17 Both previous applications were refused and, prior to that, an earlier application was withdrawn by the agent before a decision had been made due to concerns that were highlighted at the time by the Local Planning Authority. This latest application was a re-submission with further amendments to the three previous applications and the officers acknowledge that an attempt had been made on each occasion to reduce the size of the property from that which was previously submitted following the concerns highlighted.
- 5.18 It is now believed that these amendments are sufficient to overcome the previous concerns and that the proposal is now acceptable for the reasons as highlighted below.

### **Response to the public consultation**

- 5.19 A number of observations were received from local residents regarding the proposal, full consideration was given to all the relevant planning matters highlighted.

### **6. Conclusions:**

- 6.1 Based on the above and having considered all the relevant Planning matters, including local and national policies and guidelines, it is considered that this proposal is now acceptable in terms of size and design, its impact on general and residential amenities in the area, as well as issues involving protected trees and biodiversity matters.

### **7. Recommendation:**

- 7.1 To approve – conditions
1. Time
  2. Comply with plans
  3. Materials / slate
  4. To submit and agree on a Building Control Plan
  5. Protecting trees
  6. Highways
  7. Opaque glass
  8. Finished floor levels
  9. Removal of PD rights
  10. Note on Party Wall Act



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