

Number: 14



Rhif y Cais / Application Number : C16/0931/39/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: «Planning_Ctte_Date»
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

Application Number: C16/0931/39/LL
Date Registered: 28/07/2016
Application Type: Full - Planning
Community: Llanengan
Ward: Abersoch

Proposal: AMENDED APPLICATION TO CONSTRUCT AN OUTDOOR SWIMMING POOL, SWIMMING POOL PLANT ROOM TOGETHER WITH A SUMMER KITCHEN STRUCTURE TO INCLUDE A PIZZA OVEN AND BARBECUE WITH MECHANICAL EXTRACTOR, TERRACES, LANDSCAPING AND BOUNDARY FENCE.
Location: BLAEN Y WAWR, LÔN ENGAN, ABERSOCH, GWYNEDD, LL53 7LB

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

1. Description:

- 1.1 This is an amended application to construct an outdoor swimming pool, swimming pool plant room together with a summer kitchen structure to include a pizza oven and barbecue and landscaping work at the garden of Blaen y Wawr, Abersoch. The previous application, C16/0298/39/LL, was refused based on concerns regarding the impact on neighbours' amenities and the amended application responds to this by reducing the size of the external building, amending its design and finish, removing a chimney, reducing the swimming pool level, erecting a high fence on the boundary with neighbours and more landscaping work.
- 1.2 The application site has been recently redeveloped and a former bungalow has been demolished and a new two storey dwelling erected in its place. The site is a corner plot and the front and side boundaries abut Lôn Engan and a public footpath runs behind a section of the front curtilage. It is a residential area, located within the development boundary of Abersoch. The existing access from a class three county highway at Lôn Engan is used. The dwelling is situated within an Area of Outstanding Natural Beauty.
- 1.3 The application is submitted to Committee following receipt of more than three objections.

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; 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.

PLANNING COMMITTEE	DATE: «Planning_Ctte_Date»
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

2.3 **Gwynedd Unitary Development Plan 2009:**

POLICY B8 THE LLŶN AND ANGLESEY AREAS OF OUTSTANDING NATURAL BEAUTY (AONB) Safeguard, maintain and enhance the character of the Areas of Outstanding Natural Beauty by ensuring that proposals conform to a number of criteria aimed at protecting the recognised features of the site in accordance with the statutory requirements of the Countryside and Rights of Way Act 2000.

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 B24 ALTERING AND EXTENDING BUILDINGS WITHIN DEVELOPMENT BOUNDARIES, RURAL VILLAGES AND THE COUNTRYSIDE - Ensure that proposals for alterations or extensions to buildings conform to a series of criteria aimed at protecting the character and amenity value 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 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 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.

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 making decisions on planning applications.

2.4 **National Policies:**

Planning Policy Wales (2016)

Technical Advice Note 12 (TAN) Design

3. **Relevant Planning History:**

3.1 C16/0298/39/LL Construction of an outdoor swimming pool, swimming pool plant room together with a summer kitchen structure to include a pizza oven and barbecue and landscaping. Refused 17 May 2016

3.2 C13/0826/39/LL Demolition of existing dwelling and detached garage and construction of new dwelling with attached garage: Approved 21 November 2013

PLANNING COMMITTEE	DATE: «Planning_Ctte_Date»
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

3.3 Y15/001418: Enquiry to discuss landscape scheme and curtilage structures. The plan comprised erecting several substantial kitchen buildings and an office together with a swimming pool and landscaping. The plan was unacceptable and it was necessary to reduce the size of the structures bearing in mind that they had already received approval for a substantial dwelling.

4. Consultations:

Community/Town Council: Object, due to proximity of chimney and oven to neighbours.

Transportation Unit: No objection. No detrimental impact on any road or proposed road.

AONB Unit: Not received

Welsh Water: No objection. Advise the developer to contact Welsh Water directly to find the location of the pipes.

Public Consultation: A notice was posted on the site and nearby residents were notified. The consultation period expired on 7 September 2016 and eight letters / items of correspondence were received objecting on the following grounds:

- House is an over-development - concern regarding more developments on the site.
- Impact on visual amenities - AONB and views
- Amenities of neighbours - over-looking and disturbance.
- Outbuilding - concern about size, location and the pitch roof makes it higher
- Swimming pool - question its location close to neighbours and general need
- Noise/Nuisance - Concern regarding noise and disturbance to neighbours regarding the fan, water pump and pool heating and disturbance due to general use
- Odours - Location of building and the pizza oven in close proximity to the neighbour, fan will waft odours in the direction of the neighbours.
- Landscaping - concern regarding the height of the fence and that trees will grow high and cause the loss of light, no planting on the Ynys Fawr side
- Access/Road - A dangerous bend and no improvement being offered, concern regarding the automatic gate and parking
- Re-submission of application - cannot see what is different, reasons for previous refusal continue to be relevant.
- Claims that the house will be used for commercial use.

PLANNING COMMITTEE	DATE: «Planning_Ctte_Date»
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

5. Assessment of the material planning considerations:

Visual amenities

- 5.1 An extensive garden is part of the property which extends to the front and southern side of the house and abuts with the nearest neighbours. The proposal would involve erecting a summer kitchen structure in the southern corner of the plot to include a pizza oven and bbq, undertaking of engineering works to create a terrace, swimming pool, jacuzzi and pool, create a plant store and heating pump together with landscaping.
- 5.2 Bearing in mind the extensive size of the garden, it is considered that the scale and size of the proposed outbuilding is acceptable and is a little smaller than the previous application. The design and finish of the building has also changed, and rather than having an open shelter with a high chimney and a straw roof as originally submitted, the proposal is now for a robust building with a slate pitch roof and rendered and stone walls to the back and sides. It is considered that the proposed design is more traditional, materials are suitable and are generally an improvement on the previous design. Due to the location of the building at the rear of the house and the landscaping on the boundary with Lôn Engan, the building would be unlikely to prominently stand out in the landscape and would not be intrusive within the AONB. The remaining elements of the application such as the swimming pool, jacuzzi and the plant store would be sunken into the land with integrated terracing and landscaping and are therefore unlikely to have a significant visual impact. Due to the expanse of the plot the proposal would not lead to an unacceptable reduction in amenity space within the curtilage.
- 5.3 A landscaping scheme was submitted with the application and this incorporates hard landscaping such as fences and hard-standing terraces and soft landscaping on the boundaries and within the garden. It is noted that trees and natives species have been included on the planting list suitable for the location and for a domestic garden of this type. A condition may be imposed that the landscaping work is undertaken within the first planting season following the building work.
- 5.4 In terms of the AONB landscape policies, design, materials and landscaping, it is considered that the proposal is acceptable and would not have a detrimental impact on the area's visual amenities. The proposal therefore satisfies the requirements of policies B8, B22, B24, B25 and B27 of the Gwynedd Unitary Development Plan.

General and residential amenities

- 5.5 The previous application C16/0298/39/LL, for the same type of development, was refused based on concerns regarding the impact on the amenities of neighbours situated on the southern boundary of the property. In response to the concerns the proposal has been amended and the building's design has been revised, with a change in floor level of the swimming, a high 1.8m wooden fence will be erected on the boundary with the neighbour with additional landscaping work within the fence.
- 5.6 Several objections were received to the previous application and to the amended application and the nearest four properties have stated concern mainly based on amenities and disturbance. It is deemed that this amended application is an improvement on the previous application as efforts have been made to safeguard amenities. The building now is a solid permanent structure with a slate roof, with one

PLANNING COMMITTEE	DATE: «Planning_Ctte_Date»
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

opening facing the swimming pool and the chimney element has been deleted. The design is more closed and has reduced the possibility of disturbance to the neighbours. It is noted that the neighbour in Number 1 Ynys Fawr has expressed concern regarding the height of the building that would be close to her balcony. Considering that this would be a one-storey building and lower than their balcony, it is not deemed to be intrusive. They have also raised concerns regarding odours; however, it is thought that the amended design which includes a fan is an improvement on the high chimney proposed in the previous application. It must be noted that the objectors' balcony is in very close proximity to the boundary with Blaen y Wawr and there is significant overlooking over the application site, they therefore have to accept that their privacy has been compromised to an extent and that noise and disturbance is possible.

- 5.7 Objections have also been received from the neighbours at Bron y Gân and Rowena based on amenities and they question why the terrace, a building and a swimming pool have been situated so close to them. A high wooden fence has already been erected on the boundary with the property of Rowena, however, the boundary with Bron y Gân currently remains open. The previous application was refused as insufficient measures had been included to safeguard the interests of neighbours. The location of the terrace, swimming pool and the building continue to be in the same location as the original application, however the amended design responds to the concerns regarding overlooking by erecting a solid wooden 1.8m high fence on the boundary as well as planting work within the privacy screen. It should be borne in mind that this is an extensive domestic garden and it would be possible to use any part of it for barbecues and for socialising, as the neighbours could also do from their own balconies and gardens. It has to be accepted that an element of noise and disturbance is possible if a garden is used in such a residential area. It is considered that the measures included in the amended application now overcome our original concerns; the high fence and the additional planting are acceptable to prevent overlooking and ensure reasonable privacy for the neighbours. It is deemed that the proposal as it stands would not have a significant detrimental impact on the neighbours' amenities or their living conditions.
- 5.8 It is noted that some of the objectors claim that it is proposed to let the property for commercial use. This is a proposal for a dwelling-house and there is no restriction regarding who may use it.
- 5.9 Based on the above assessment, it is considered that the proposal is now acceptable in terms of policy B23 in the GUDP.

Transport and access matters

- 5.10 The property is on a corner plot and abuts with Lôn Engan where visibility is poor due to vegetation on the boundary with the property. Several objectors have stated concern regarding visibility on this corner; however, the proposal does not entail any change to this situation. It is proposed to install an automatic entrance gate on the access. As it is possible to open such gates a fair distance away from the property no difficulties are anticipated regarding this element. The development itself is unlikely to increase the density of use of the existing property. The Transportation Unit has no objection and it is not considered that there any grounds to refuse the application for road safety reasons; therefore the proposal is not contrary to policy CH33 of the GUDP.

PLANNING COMMITTEE	DATE: «Planning_Ctte_Date»
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

Response to the public consultation

- 5.11 The number of objectors draws attention to the size and design of the house itself; however, these are irrelevant to this application.

6. Conclusions:

- 6.1 We realise that many objections have been received to the application; however, it is deemed that the main concerns expressed in the previous refusal regarding the impact on the neighbours' amenities have now been overcome. It is deemed that the amended proposal complies with the requirements of the relevant policies discussed above and is therefore acceptable for approval with the following conditions.

7. Recommendation:

- 7.1 To approve – conditions
1. 5 years
 2. In accordance with the plans
 3. Slate
 4. Finish to match the existing house.
 5. Landscaping in the next planting season