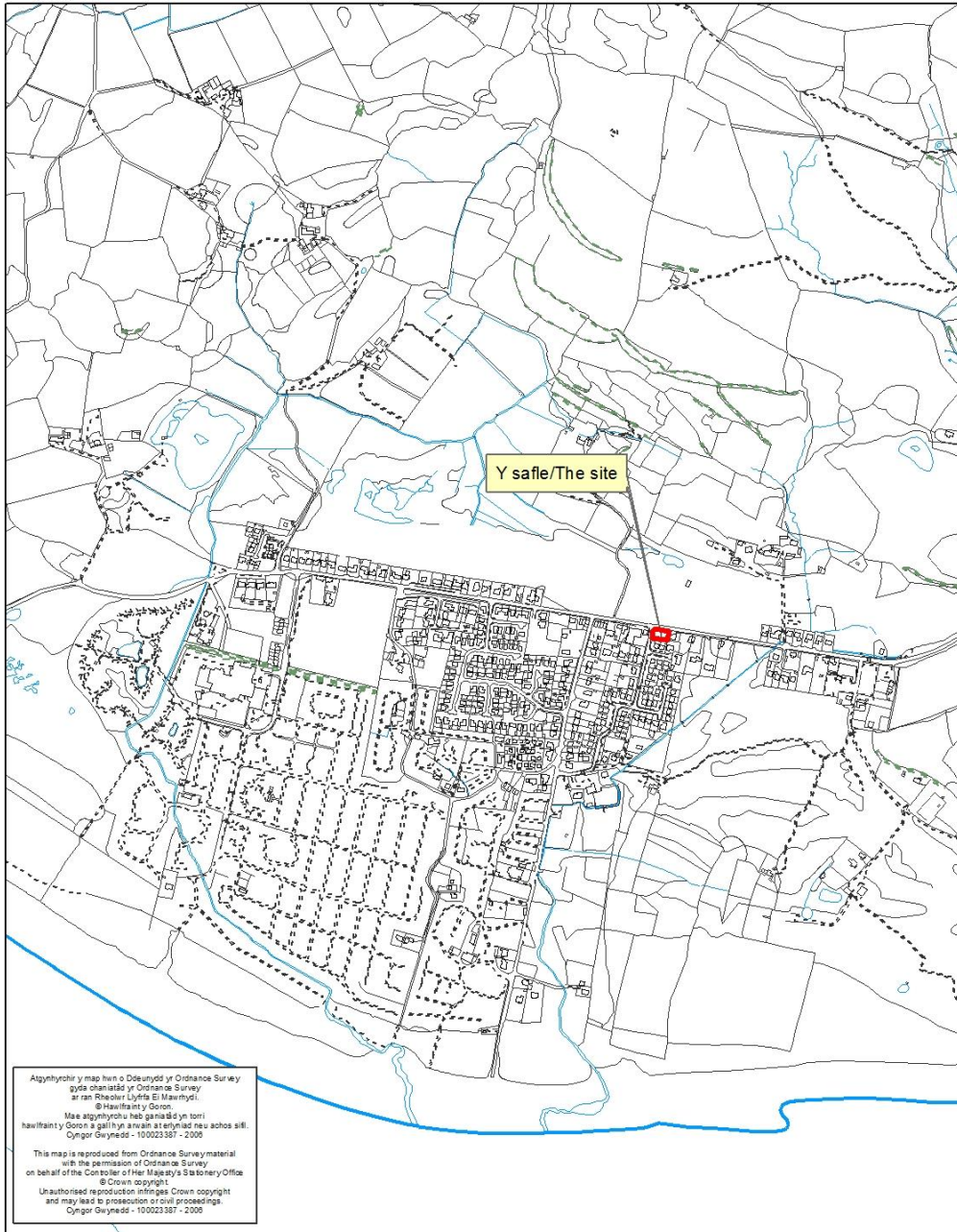


Number: 9



Rhif y Cais / Application Number : C16/0704/44/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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Application Number: C16/0704/44/LL  
Date Registered: 23/06/2016  
Application Type: Full - Planning  
Community: Porthmadog  
Ward: Porthmadog West

Proposal: APPLICATION FOR THE ERECTION OF 2 DWELLINGS.  
Location: LAND ADJOINING FORMER SPAR STORES, MORFA BYCHAN, PORTHMADOG, LL49 9UY

**Summary of the Recommendation:**

TO APPROVE WITH CONDITIONS

**1. Description:**

- 1.1 This is a full application to erect 2 new dormer bungalows within a site that was previously used as a formal car park attached to a nearby shop and, before that, as a garage.
- 1.2 It is a flat level site within the Morfa Bychan village development boundaries. There are other dwellings of various sizes and finish to the side and rear of the site with a public road past the front and side of the site. There is also a fish and chips shop and a retail shop adjacent to the site.
- 1.3 The proposal shows that 2 dwellings will be erected separately within the site. The houses would include a lounge, kitchen, bedroom, bathroom and an integrated garage on the ground floor and two bedrooms and a toilet within the roof space. Outside, it is intended to use the existing vehicular access to the front of the dwellings, providing parking and turning spaces. In terms of finish, there will be a natural slate roof and a pebble dash finish on the walls to be in keeping with the existing adjacent 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 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.

**2.3 Gwynedd Unitary Development Plan 2009:**

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.

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**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 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 with a series of criteria relevant to the features on the site and to the purpose of the development.

**Policy B30** - Ensure that proposals for developing contaminated land or buildings are refused unless they conform to a series of criteria aimed at managing or restricting the pollution.

**Policy B32 – INCREASING SURFACE WATER** – Refuse proposals that do not include flood minimisation or mitigation measures that will reduce the volume and rate at which run off reaches and flows 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 will be refused with the exception of a development that is permitted by another policy of the Plan.

**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 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 development 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 provided they conform to specific criteria relating to the vehicular access, 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.

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.

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## 2.4 National Policies:

Planning Policy Wales, 8th edition, 2016  
TAN 12: Design

## 3. Relevant Planning History:

3.1 C07D/0061/44/LL - an amended application to construct a two-storey dormer house and to establish an additional car park for a shop - approved 20.06.07

3.2 C03D/0660/44/LL - construct a two-storey dormer house and establish an additional car park for a shop - approved 20.12.05

## 4. Consultations:

Community/Town Council: No objection, it was noted that petrol tanks were buried since its period as a garage

Transportation Unit: No objection, recommend including standard conditions in relation to the access and general arrangement

Natural Resources Wales: The site is located higher than existing risk sites in the area, and because of that, it is believed that the proposal, in terms of flood risk, is acceptable.

Welsh Water: Observations and standard conditions.

Public Protection Unit: Owing to the historical use of the site as a garage, suggest including a condition to undertake an investigation to assess the pollution risk.

Land Drainage Unit: Not received

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:

- Concern regarding highway safety
- Loss of the existing car park/the size of the nearby shop's existing car park not sufficient
- Impact on the amenities of local residents/loss of privacy
- Loss of light
- Petrol tanks underground affecting the construction of the dwellings

As well as the objections noted above, objections were received which were not valid planning objections. These included:

- Matters relating to a boundary wall

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

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

5.1.1. The principal of this proposal is acceptable because the site location is within the Morfa Bychan development boundary. This is a material planning consideration when considering the proposal to erect 2 new dwellings that form a part of this application, although, obviously, any application will also need to satisfy the other relevant policy requirements within the unitary plan.

5.1.2 As noted above, the Unitary Development Plan contains a specific policy that is relevant to the construction of new dwellings on unallocated sites within local centres and villages, and within the defined development boundaries. As has also been noted previously, this site is a site that has already been developed. It is not believed that, in terms of principle, the application is contrary to the requirements of policies C1, C3 or CH4 of the Unitary Development Plan.

5.1.3 Based on the above, it is believed that the proposal is in accordance with the policies noted above and is acceptable in principle, subject to consideration and full assessment of all other material planning matters, including the observations received and compliance with the requirements of other relevant policies.

### **5.2 Visual amenities**

5.2.1 The site is located in a prominent location near the public road into the village and in an area that is mixed in terms of designs, finishes and sizes of the dwellings. It is considered that the size and location of this development conveys, to a degree, what has already been developed on adjacent and nearby sites and therefore, there is no objection to this element of the application.

5.2.2 It is considered that the materials are acceptable and that this would not have a detrimental impact on the visual amenities of the area to an unacceptable degree. The application therefore complies with the requirements of policies B22, B23 and B25 of the UDP.

### **5.3 General and residential amenities**

5.3.1 The site is located in an area where residential dwellings are characteristic. Objections were received to the plan noting a number of concerns including overlooking and loss of privacy.

5.3.2 Concerns have been highlighted in terms of the dwellings' location and the subsequent effect on nearby dwellings. A dormer bungalow means that space is created within the roof to provide rooms and of course following this, windows in the roof. It is not believed that the 'velux' type windows in the roof would mean that direct serious overlooking could happen because of their height and their angle within the roof. It is therefore not believed that including roof windows at the rear of the 2 new dwellings is likely to lead to direct overlooking. It is recognised that the first property's first floor window on the eastern gable could cause concern in terms of location and the presence of the existing window on the adjacent property. As a response to this, it is believed that it would be reasonable to include a standard

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condition to ensure that this window's glass will be opaque and will continue this way to protect the amenities of the residents in the adjacent property.

5.3.3 Loss of light has also been raised as an objection with the suggestion that it would affect the existing amenities of nearby residents. It is not believed that the location of the new dwellings would affect to an unacceptable degree in terms of loss of light because their location in respect of the sun's path is acceptable.

5.3.4 Therefore, it is considered that the application complies with the requirements of Policy B23 of the UDP.

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

5.4.1 The Transportation Unit has no objection to the proposal as the parking provision and the access is considered sufficient for this number of houses and of the size as shown.

5.4.2 Observations were received raising concern about the effects on the nearby highway and about the loss of a car park servicing the nearby shops. It is seen that there is a car park to the rear of these shops and, in this case, it is believed that this provision is sufficient because no concern was raised in terms of losing the use of this application's site by the Transportation Unit. Additionally, it is believed that there would be more dense use of the site if it continued as an attachment to these shops or as its previous historical use as a garage.

5.4.3 Including a condition in relation to the access and parking provision accordance with the submitted plans is suggested. It is therefore not considered that the proposal is contrary to the requirements of policies CH33 and CH36 of the UDP.

#### 5.5 **Flooding matters**

5.5.1 No objection to the proposal was received from the relevant agencies of flood issues and/or drainage aspects, therefore it is believed that what is proposed in terms of the drainage arrangements for the site and its location are acceptable in terms of flood safety and that consequently it would not be contrary to the requirements of policies B29 and B32 of the GUDP.

#### 5.6 **Affordable housing matters**

5.6.1 Policy CH4 permits the construction of new housing on unallocated sites within the development boundaries of local centres and villages, provided the proposal satisfies specific criteria. The policy seeks for sites to provide a percentage of affordable units unless, having considered all the relevant factors, that it would not be appropriate to provide affordable housing on the site. Taking into account the scale of the application (two dwellings only) and the fact that it would make a positive contribution to the area's housing stock, it is not considered essential for a percentage of these dwellings to be affordable dwellings. It is therefore considered that the proposal complies with policies C1 and CH4, therefore it is acceptable.

#### 5.7 **Any other considerations**

5.7.1 As a result of the site's historical use as a garage, the Public Protection Unit suggests including conditions to conduct and submit a report to discover if there are pollution remains within the site. Such support will need to be submitted to obtain its approval

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before the site is developed any further. In doing so, it is believed that the requirements of policy B30 involving pollution matters, will be met.

## 5.8 Response to the public consultation

5.8.1 Full consideration has been given to all the observations that were received and a response is given to some matters that were raised (such as including an opaque glass condition). Having considered all the relevant observations received, it is not believed that the dwellings that are subject of this application will affect the local neighbourhood's amenities to an unacceptable degree.

## 6. Conclusions:

6.1 Given the above and given all the relevant matters including the local and national policies and guidance as well as the observations received, it is believed that this application to erect 2 dormer bungalows is acceptable and complies with the requirements of the policies noted above.

## 7. Recommendation:

7.1 To approve – conditions

1. Time
2. Comply with plans
3. Materials / slates
5. Highways
6. Drainage
7. Finished floor level details
8. Party wall note
9. Obscured glass
10. Conduct a pollution investigation of the site.
11. Removal of rights to include additional windows
12. Protect the velux windows' setting on the rear roofs