

PLANNING COMMITTEE	DATE: 07/11/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 2

Application Number: C21/1030/42/LL

Date Registered: 26/10/2021

Application Type: Full

Community: Nefyn

Ward: Morfa Nefyn

Proposal: Erection of seven dwellings and associated works

Location: Former St Mary's Church, Lôn yr Eglwys, Morfa Nefyn, Pwllheli, Gwynedd, LL53 6AR

Summary of the Recommendation: TO REFUSE

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1. Description

- 1.1 This is a full application for a residential development to include seven dwellings, an access road and associated works on the site of the former 'Resurrection of Our Saviour' Catholic Church, Morfa Nefyn, which has now been demolished. This is a brownfield site, approximately 0.4 ha, located in a residential area of the Coastal-Rural Village of Morfa Nefyn, as defined by the Anglesey and Gwynedd Joint Local Development Plan. The vehicular access would be along the former church's access road, which leads from the unclassified Lôn yr Eglwys, near Ysgol Morfa Nefyn, while it is intended to retain pedestrian access to the north from Lôn Uchaf. Nefyn Community public footpath no. 14 crosses the site near the southern boundary.
- 1.2 It is intended to provide two 3-bedroom affordable homes (semi-detached), two 3-bedroom open market houses (designed to the size of local market houses as defined by Policy TAI 5), two 3-bedroom open market houses and one 4-bedroom open market dwelling. All houses would be two-storey up to 7.8m high and they would have slate pitched roofs and the external finish of the walls would include slate cladding, grey "Marley" cladding and cedar cladding, with some elements in white render.
- 1.3 The development would be in the form of a 'cul-de-sac' with separate vehicular access, parking space and a garden for each unit.
- 1.4 The information submitted for consideration as part of the application includes:
- Planning Statement
 - Welsh Language Statement
 - Housing Valuation Report
 - Drainage Strategy
 - Ecological Assessment
 - Response to the observations of the Transportation Unit
 - Affordable housing viability assessment

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 made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local 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.

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2.3 Gwynedd and Anglesey Joint Local Development Plan (July 2017)

PS1: THE WELSH LANGUAGE AND CULTURE

PS 16: HOUSING PROVISION

PS 17: SETTLEMENT STRATEGY

PS 18: AFFORDABLE HOUSING

PS19: CONSERVING AND, WHERE APPROPRIATE, ENHANCING THE NATURAL ENVIRONMENT

PCYFF 1: DEVELOPMENT BOUNDARIES

PCYFF 2: DEVELOPMENT CRITERIA

PCYFF 3: DESIGN AND PLACE SHAPING

PCYFF 4: DESIGN AND LANDSCAPING

TAI 8: AN APPROPRIATE MIX OF HOUSING

TAI 4: HOUSING IN LOCAL, RURAL AND COASTAL VILLAGES

TAI 15: THRESHOLD OF AFFORDABLE HOUSING AND THEIR DISTRIBUTION

TRA 2: PARKING STANDARDS

TRA 4: MANAGING TRANSPORT IMPACTS

Supplementary Planning Guidance

SPG: Housing Mixture (2018)

SPG: Affordable Housing (2019).

SPG: Maintaining and Creating Distinctive and Sustainable Communities (2019)

2.4 National Policies:

Planning Policy Wales - (Edition 11, February 2021)

Technical Advice Note 12: Design (2016)

Technical Advice Note 18: Transport (2007)

3. Relevant Planning History:

C19/1174/42/LL: Residential development including six dwellings, access and associated works - Refused 01/02/21 (Refused on Appeal 28/04/21)

C19/0562/42/HD: Demolition of Catholic Church (Resurrection of Our Saviour) - Approved 13/08/19

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4. Consultations:

Community Council:

Objection

1. Application is contrary to policy 17 of the Local Development Plan. According to the policy, Morfa Nefyn is a community that has been exempt from the requirement to have open market housing as it is under the 'coastal village' category. Affordable homes can only be constructed here as there are not enough affordable homes for local people.
2. The unaffordable homes will have a glazed frontage and garage and prices are likely to exceed £300,000.00.
3. The houses are the same and have a lack of range as is required according to the Local Development Plan. Policy 6 of the Local Development Plan calls for a range of housing types.
4. With development, consideration must be given to the enhancement and protection of the language and culture according to 6.1.3 of the Local Development Plan; this plan would harm the language and significantly affect the community (6.1.4)
5. According to Strategic Policy 1, Welsh Language and Culture, a linguistic assessment should be undertaken as there is an intention to construct more than five houses.

General Reasons:

1. The houses would affect the privacy of houses on Lôn Uchaf and look into their living rooms/conservatories.
2. Access to the church is too narrow to construct an estate, impossible for cars to pass each other.
3. The plans will cross a public footpath.

Transportation Unit:

Objection

From the submitted plans, access to the site does not meet the expected standards for an estate.

Visibility on the current junction is very limited to a southern direction. Although it is a current access, the development would create more vehicular movements on the road.

The road into the site is very narrow with no provision for pedestrians. I believe that a link is required for pedestrians from the proposed site to the public highway.

According to proposed plans, the road within the estate would be approximately 5.5m wide, which is acceptable, but the footways are only 1.2m wide, which is a smaller width than

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what is acceptable.

The proposed plans show a location for vehicles to turn within the site; however, I would like to see more details regarding the ability for vehicles to turn within the curtilage of the property.

I also have concerns in relation to safety on the corner, which links the access road and the estate road. The road changes here from being a narrow road for single traffic into an estate road with vehicles able to travel in both directions. The following change occurs on a corner where it is not possible to observe traffic. It must also be noted that this is an access for pedestrians, as well as the need for pedestrians to be able to leave the footway and join the road.

Welsh Water: No objection - request a condition to ensure a suitable connection to the public sewage system and guidelines for the applicant.

Natural Resources Wales: No observations to offer
Standard guidelines for the applicant

Footpaths Unit
An application was received to register the Alleged Public Footpath (Lôn yr Eglwys - Lôn Uchaf) - the application has not yet been determined.
A condition should be included within any planning permission requesting that the applicant/developer improves footpath number 14 that runs along the southern boundary of the site.

Public Protection: Not received

Land Drainage Unit: Due to the size and nature of the development, an application will need to be provided to the SuDS Approval Body for approval before construction work commences.

Housing Strategic Unit: The houses would meet a need in the area.
There would be a need to consider giving a discount of around 45% on the affordable homes in order to ensure their affordability.
81% of the local population are priced out of the market.

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Language Unit

Some adaptations have been made to the content of the Statement (Welsh Language) to reflect the changes in the application, but the observations of the language unit for the original application still stand and a lack of evidence can still be seen in the document that supports the demonstrative impact assessment.

Public Consultation:

A notice was posted on the site and nearby residents were notified. The following observations were received in response to the consultation relating to material planning considerations:

- The Welsh Language Statement includes a number of assumptions and other non-evidence-based observations.
- Providing houses beyond the local requirement, or the local ability to purchase them, encourages an influx and causes a reduction in the number and percentage of Welsh speakers.
- This development may seriously affect Lôn yr Eglwys in terms of road safety and traffic and parking problems.
- This would be an over-development of the site.
- It would be harmful to the privacy of neighbours.
- The development would be damaging to biodiversity.
- The new houses would cast a shadow on neighbouring gardens.
- Concern about sewage treatment.
- There is an insufficient social infrastructure to maintain more houses.

The following observations were also received; these are not material planning considerations:

- A public footpath, which is awaiting official confirmation, crosses the site.
- A concern that houses would be let as a business and not bring tax to the county.

5. Assessment of the material planning considerations:

Background

- 5.1 This plan is an update of the plan for six dwellings on the same site that was previously refused under reference C19/1174/42/LL for the reasons summarised below:

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1 - It was not believed that the proposal would meet recognised local needs for housing and, as a result, the development would lead to an overprovision of open market housing in the community.

2 - Lack of affordable provision as part of the scheme.

3 - Harm to the amenities of local residents and users of Lôn yr Eglwys due to the narrowness of the access road.

4 - The Local Planning Authority had not been convinced that the development would not cause significant harm to the character and balance of the Welsh language in the community.

5.2 The decision on the previous application was taken to Appeal (APP/Q6810/A/21/3266774) and the appeal was refused for the following reasons:

- *"based on the evidence to hand, I have not been convinced that the proposal would make an appropriate contribution to local housing supply, including affordable housing. I conclude, therefore, that the proposal would not comply with policies PS 17, TAI 4 and TAI 15 of the LDP."*
- *"In the absence of such information, I conclude that the proposal would be contrary to policy PS 1 of the LDP and Planning Policy Wales that seeks to promote and support the use of the Welsh language."*

5.3 While accepting that every application must be considered on its own merits, when considering the history of the site and the observations of the Planning Inspector on the previous decision, it is believed that the two main questions to consider when determining this application are

- would the new plan contribute towards meeting the needs of the local community for housing?
- would the proposal promote and support the use of the Welsh language in the community?

The principle of the development

5.4 It is a requirement that planning applications are determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case. The application site is located on brownfield land within the development boundary of the Coastal-Rural Village of Morfa Nefyn, as defined by the LDP. The proposal is therefore consistent with the objectives of policy PCYFF 1 of the LDP to locate new developments within development boundaries; however, those developments must comply with the other policies of the LDP as well as national policies and other planning considerations before they are deemed acceptable.

5.5 Morfa Nefyn is earmarked as a Coastal-Rural Village in the LDP, and policy TAI 4 supports housing developments in order to meet the Plan's strategy by encouraging the use of suitable windfall sites within the development boundaries of settlements in this tier, when the size, scale, type and design of the development are balanced with the character of the settlement.

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- 5.6 The indicative housing supply for Morfa Nefyn over the Plan period is 15 units (including a 10% 'slippage allowance'. During the period between 2011 and 2022, 33 units were completed in Morfa Nefyn (each one on windfall sites). The windfall land bank, i.e. sites with extant planning permission, was 3 units in April 2022. These figures are therefore higher than the indicative supply figure noted in the LDP for Morfa Nefyn.
- 5.7 It is noted that the provision in Morfa Nefyn for 2022 (based on the land bank and those already built) is 21 units more than the indicative supply during the period of the Plan. When considering only the units that have been built, it is noted that it is 18 units more than the indicative supply.
- 5.8 Policy PS 17 in the Plan states that 25% of the Plan's housing growth will be located within Villages, Clusters and Open Countryside. A survey of the situation in relation to the provision within all the Villages, Clusters and Open Countryside in April 2021 indicates that 1,422 units from the total of 1,953 units [with the 10% slippage allowance - a total of 1758 without the slippage allowance] have been completed, and that 708 were in the land bank (and likely to be completed). There is no certainty that the units in the land bank will be supplied and based on the completion rates to date within the Villages, Clusters and Open Countryside category, there could be a lack of housing supply within this tier. However, this must be considered in parallel with the specific situation in Morfa Nefyn in relation to what has already been built there, and the extant permissions.
- 5.9 Policy TAI 4 notes that any housing proposals within coastal-rural villages must be of a scale, type and design that is in keeping with the character of the settlement. It is housing developments on a small scale that are promoted, including infilling, converting buildings or changing the use of sites that become available. A relatively lower level of development is promoted for these Villages in order to protect their character and to support the community's need in terms of housing or affordable housing for local need. In accordance with policy PS16, this development is considered to be a "Large windfall site". While acknowledging that two houses would be affordable for local needs, this development would include five open market houses that would add to the over-provision of housing in the settlement since the adoption of the LDP.
- 5.10 Three of the units have been valued at over £500,000 and they will be within a settlement that has been identified in the Joint LDP as a Coastal Village. Paragraph 6.4.10 in the Plan notes that *"evidence suggests that communities in Coastal Villages face more challenges in terms of accessing the local housing market - a challenge that is heightened by the Villages' popularity for second/holiday home owners. Development in these Villages needs to be of an appropriate scale and type to address community need for housing and to safeguard the Welsh language and culture"*. This can also be considered against the fact that the median household income in Morfa Nefyn LLSOA (Lower Layer Super Output Areas) in 2021 (CACI) was £29,118. This means that the values of the three most expensive houses on the site are approximately 18 times the average income of the area.
- 5.11 In considering the above, based on the available evidence, it is likely that these houses will not meet with the local need for housing and it will be buyers from outside who will be attracted to the site. Therefore, it is believed that the development is likely to lead to a change in the character of the community and, as a result, the application is contrary to the requirements of policy TAI 4 of the LDP.

The housing mix

- 5.12 Policy TAI 8 promotes proposals that will contribute towards improving the balance of housing and will meet the needs noted for the entire community. The 'Housing Mix' SPG also notes that "ensuring a mix of good quality houses of different sizes, types and tenure can help not only to meet the needs of the community but can also help to create mixed and balanced communities".
- 5.13 The Gwynedd Local Housing Market Assessment (LHMA) 2018-23 anticipates that the number of households in Gwynedd will increase by 8% up to 2035, and that the housing mix should be as follows:

One or two bedrooms	Three bedrooms	Four-bedroom +	Total
40%	30%	30%	100%

- 5.14 The Housing Mix SPG states that the population of Gwynedd is expected to grow over the next five years, with the number of children residing in Gwynedd also increasing in the long-term. This suggests that there will be a need for larger houses, as proposed with this application, in order to fulfil families' housing needs. It is noted from the patterns of building in Morfa Nefyn that no 4-bedroom + units were built during the period between 2011 and 2020. This means that the percentage of two and three-bedroom houses is higher than the 40% and 30% highlighted within the LHMA.
- 5.15 Based on the above, along with the evidence submitted by the applicant as part of the application, it is believed that the housing mix proposed here could help to meet the community's need for larger houses, and through this, could help towards expanding the variety of housing available in the county in accordance with the objectives of Policy TAI 8. This is confirmed by the Strategic Housing Unit that states that there is a local need for housing of this size, of which are proposed to be constructed here. However, as five of these units would be open market houses, there is no certainty that they would be occupied by local families.

Affordable Housing

- 5.16 Policy TAI 15 notes that at least 10% of units in the Llŷn area are expected to be affordable. As two of the units proposed here would be affordable, the proposal would satisfy that requirement.
- 5.17 The Affordable Housing SPG (section 3.3.5) states the methodology in terms of establishing the indicative affordable price for a house. The guidance states that this shows the expected price of intermediate affordable units in the individual LSOAs where the application is made, which will be a starting point for any discussions with the local planning authority.
- 5.18 By incorporating the information submitted regarding the viability of providing affordable units on the site, the Joint Planning Policy Unit notes that the residual value of the development would mean that it is viable to provide the two affordable units. Having said that, consideration must be given to how affordable these units would be for the local community. Based on the information in the SPG, the following indicative price is noted for a semi-detached affordable unit in Morfa Nefyn.

Indicative affordable price for a semi-detached house in Morfa Nefyn

LSOA	Median household income (2021)	3.5 x household income	10% Deposit for the unit*
Morfa Nefyn	£29,118	£101,913	£32,500

*Based on the valuation received with the application

Therefore: Indicative affordable price for a semi-detached house in Morfa Nefyn: £101,913 + £32,500 = **£134,413**

- 5.19 It is noted that the value of the affordable units would be 57% lower than the open market value noted in the valuation report. Therefore, the question remains regarding the practicality of providing these units at this price, given the considerations in relation to the receipt of a loan on such a significant discount.
- 5.20 In addition to the above, a viability pro-forma assessment was received from the applicant based on developing the whole site for affordable homes (12 units). It concluded that such a development would not be financially viable. However, the fact that it is not viable, based on open market figures, to provide a development that is entirely affordable in itself is no justification for permitting an alternative development that would not meet the needs of the local community.

The Welsh Language

- 5.21 Policy PS1 promotes and supports the use of the Welsh language in the Plan area and the policy makes it a requirement for developers to submit a Welsh Language Statement with any proposed residential development that would either on its own or accumulatively provide more than the indicative housing provision set for the settlement. A Welsh Language Statement was submitted with the planning application, which concludes that the impact of this development on the Welsh language in the local community would, on the whole, be neutral, and that the affordable housing contribution would help towards the provision for local people.
- 5.22 According to the 2011 Census, 72% of the population of the Morfa Nefyn speak Welsh compared with 65.4% in Gwynedd. Although a decrease was seen in the percentage of Welsh language speakers between 2001-2011, the level remains above the threshold of 70% considered to be a viable Welsh language community.
- 5.23 The Welsh Language Statement commits the developers to deliver the following:
- Provision of a Welsh name for the dwellings, which would be secured initially and in perpetuity;
 - Financial contribution towards Welsh language immersion centres in the event that children are not Welsh speakers;
 - A local marketing campaign to market the open market properties locally for the first three months in order to encourage local occupancy before they are marketed nationally. Details of such a scheme to be submitted and approved by way of a planning condition;
 - Provision of a Welsh name on the estate;

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- Provision of a welcome/information pack to occupiers highlighting the opportunities available to learn/improve their Welsh language skills;
- Provision of support for adults to attend Welsh learning/improvement classes;
- Provision of support to promote activities in the local area which are held through the medium of Welsh; and
- Commitment to support the local supply chain in Gwynedd, Anglesey and North Wales during construction.

5.24 The response of the Welsh Language Unit to the document submitted was received and it noted that some adaptations had been made to the content of the statement since the previous application to reflect the changes in the application, but a lack of evidence can still be seen in the document that supports the demonstrative impact assessment.

5.25 The matters causing concern include the fact that information provided regarding the housing market in the report is insufficient evidence to support what is alleged regarding the potential impact of the development. The figures used have dated and as the housing situation has changed so much during the past two years, it would be expected to see the latest information being used. Also, as the figure for the area's average income shows that average income is increasing, it is noted that 73.9% of the local population were still being priced out of the local housing market last year, with the median price of properties 5.8 times the median income (data from the Council's Research Unit for 2020-21).

5.26 In addition, although the statement mentions strategic marketing, and a supporting letter submitted by an estate agent mentions local demand for family homes, there is concern about the lack of evidence to support the opinion about the impact of this on the community. There is no information to clearly show that the houses would be within the reach of a large number of the population, and to support the opinion that the local marketing strategy would be successful. Also, should local residents 'upsize' from other, smaller houses within the area as suggested, this means that there would be an indirect impact when releasing housing stock in the area. Although it is acknowledged that the developer has no control over the housing market and what would happen within the property chain, these factors must be considered when considering the linguistic and community impact of the development. In essence, the development adds to the housing stock and, therefore, involves an increase in population. It must also be borne in mind that small changes in terms of population numbers may lead to greater changes in terms of the statistics and percentages of speakers in specific wards.

5.27 The applicant also notes, from 20 October 2022, that the Town and Country Planning (Use Classes) Order 1987 is amended in order to create new use classes for 'Dwellings, used as sole or main residences' (Class C3), 'Dwellings not used as sole or main residences' (Class C5) and 'Short-term Lets' (Class C6). While Cyngor Gwynedd has not yet consulted on disapplying these permitted development rights within specific areas, the applicant would be willing to accept a condition that would abolish permitted development rights for the proposed houses to change between the new use classes. This would enable the LPA to manage these dwellings as C3 dwellings - to be used as sole or main residence.

5.28 When noting the above proposal by the applicant, there is no evidence at present of what impact the changes in use classes would have on the prices of open market properties and there is no certainty that restricting use classes would reduce the prices of open market housing as designed to levels so that they would be affordable to the local community. Therefore, it is believed that it

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would be premature to allow this developments based on a condition to restrict use class as there is no certainty as to what impact it would have.

- 5.29 Therefore, on the whole, despite the increase in affordable provision for local people, insufficient evidence has been submitted to show that the five open market houses would cause significant harm to the character and balance of the Welsh language in the community and, therefore, it is believed that the proposal remains contrary to policy PS 1 of the LDP.

Design and visual amenities

- 5.30 Generally, policies PCYFF 2 and PCYFF 3 of the Joint Local Development Plan approve proposals for new developments as long as they do not have a detrimental impact on health, safety or the amenities of the occupiers of local properties or on the area in general. In addition, developments are required to:

- Contribute to, and enhance, the character and appearance of the site
- Respect the site and its surroundings in terms of their position in the local landscape.
- Use appropriate materials

- 5.31 Because of the site's condition as a vacant brownfield site with residential developments on three sides, it is not considered that these houses would have a detrimental impact on the appearance of the site, or that they would affect the visual amenities of the area in general. It is also considered that the layout, design and materials of the proposed development will be in keeping with the setting. It is not considered that the houses would cause significant harm to the built quality of the site or the local neighbourhood and, consequently, it is considered that the development is acceptable under Policies PCYFF 2 and PCYFF 3 of the LDP as they relate to these matters.

General and residential amenities

- 5.32 Because of the location, design, slope, and size of the proposed houses, it is not believed that there would be any significant detrimental impact on private amenities as a result of the development. While accepting that the houses around the area of the proposed development currently back onto a vacant site, this is an infill site within the development boundary, and it is not considered unreasonable for development for housing. It appears that the layout of the proposed houses has been designed to avoid direct overlooking and while it is inevitable to have some inter-visibility between gardens, it is not believed that this would be unreasonable or unexpected in such a location, especially when considering the site's previous public use.
- 5.33 It is therefore believed, and in the context of the Inspector's observations on the previous application, that the development would not cause significant harm to the amenities of local residents and, therefore, the proposal is acceptable under the requirements of policy PCYFF 2 of the LDP as it relates to the protection of amenities near development sites.

Transport and access matters

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- 5.34 The Transportation Unit raised concerns regarding the impact of the development on the safety and convenience of the adjacent road network, as well as defaults in the design of the estate's internal roads. Additional information was provided by the applicant showing amendments to the footways within the site and proposals for traffic calming measures. The observations of the Inspector regarding the previous application are noted

"I have no evidence before me that the additional traffic would lead to any safety concerns. I note the contention that traffic already causes inconvenience to residents, but in my assessment the addition of six dwellings would not significantly increase traffic on the country road to a degree that would be harmful to local residents."

Considering that there is only an increase of one unit compared to the previous plan, it is not believed there is a sufficient change in the plan to justify refusing the application for this reason.

- 5.35 Given the above, it is therefore considered that the proposal is in accordance with policies TRA 2 and TRA 4 of the LDP relating to the parking provision and safety of the public road network.

Biodiversity Matters

- 5.36 An Ecological Assessment was submitted with the application and it suggested that all hedges and trees already on the site should be retained and that ecological improvement work should be undertaken.

- 5.37 It is considered that, by enforcing the condition above and following the planting schemes submitted, the development would be in keeping with the requirements of Policies PCYFF 4 and PS19 of the LDP, relating to landscaping and protecting the natural environment.

6. Conclusions:

- 6.1 Following the above discussion, and having considered all relevant matters including local and national policies and guidance, as well as the observations received, despite there being some positive features to the plan submitted, it is deemed that this application cannot be recommended for approval due to the failure to satisfy the LDP's housing policy requirements and the potential detrimental impact on the development of the Welsh language in the community.

7. Recommendation:

7.1 To refuse – Reasons

1. The housing provision in Morfa Nefyn is already significantly higher than the provision set by the Joint Local Development Plan, and therefore it is not believed that the proposal would meet the recognised local need for housing. As a result, the development would lead to an over-provision of open market housing in the community, which is contrary to the requirements of policy TAI 4 of the LDP and the settlement strategy included in policy PS 17.
2. Due to the potential market value of the proposed units for affordable homes, it is not possible to ensure that these units would remain affordable in order to meet the needs of the local community in the long-term and, therefore, the application is contrary to the requirements of Policy TAI 15 of the LDP.
3. Based on the submitted information in the Linguistic Statement, the Local Planning Authority has not been convinced that the development would not cause significant harm to the character and

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balance of the Welsh language in the community and, therefore, the application is contrary to the requirements of policy PS 1 of the Anglesey and Gwynedd Joint Local Development Plan.