

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	SIAMBR DAFYDD ORWIG, CAERNARFON

Number: 8

Application Number: C17/0242/30/LL

Date Registered: 13/03/2017

Application Type: Full - Planning

Community: Aberdaron

Ward: Aberdaron

Proposal: Construction of house and garage

Location: Land near Y Groesffordd, Rhiw, Pwllheli, Gwynedd, LL538AG

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1 This is a proposal to construct a new dwelling and a garage. The house would measure 20.2 metres in length and 6.5 metres in width, and would also include a traverse section towards the rear, measuring 6.5 metres by 7.5 metres. The proposed house would be two storeys with a height of 8 metres to the ridge. It is proposed that the house would be finished with a slate roof and external walls made of local stone. The garage would be a double garage, measuring 7.5 metres by 6.5 metres, with a height of 5.1 metres to the ridge. The garage would have a slate roof, but the materials of the external walls have not been noted in the application. The property would have four bedrooms, with an internal floor surface area of 292.78 square metres, and the garage would have an internal floor surface area of 40.71 square metres.
- 1.2 As part of the application, a letter was received from Derwen, the Disabled Children's Integrated Team. The letter outlines the family's needs, as one of the applicant's sons has been registered with a permanent disability. The family currently lives with the applicant's mother-in-law in a house which is located near the application site. The letter from Derwen notes the following requirements in relation to the equipment needed due to the son's disability.
- Corridors of sufficient width.
 - A bedroom and bathroom on the ground floor for the son.
 - A living room of the noted size.
 - The parlour is needed as this would also act as a therapy room / room for respite carers.
 - A kitchen of the noted size is needed.
 - A multi-purpose room is needed for hygiene reasons.
- 1.3 The site is located in the rural village of Rhiw. The site is also located within the Area of Outstanding Natural Beauty and the Landscape of Outstanding Historical Interest. There is a class 3 road to the north of the site and an unclassified road to the west. There is a field to the east of the site. There are some residential dwellings in the vicinity of the site.

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 Unitary Development Plan.
- 2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the 7 well-being goals within the Act. 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 reaching the

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recommendation set out below, 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.

2.3 **Gwynedd Unitary Development Plan 2009:**

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 series 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.

B12 – PROTECTING HISTORIC LANDSCAPES, PARKS AND GARDENS - Safeguard landscapes, parks and gardens of special historical interest in Wales from developments which would cause significant damage to their character, their appearance or their setting.

B22 – BUILDING DESIGN – Promote good building design by ensuring that proposals conform to a series of criteria relating to safeguarding the recognised features and character of the local landscape and environment.

B23 – AMENITIES - Safeguarding the amenities of the local neighbourhood by ensuring that proposals must conform to a series of criteria which aim to safeguard the recognised features and amenities of the local area.

B25 – BUILDING MATERIALS - Safeguard the visual character by ensuring that building materials are of high standard and in-keeping with the character and appearance of the local area.

C1 – LOCATING NEW DEVELOPMENTS – Land within town and village 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.

CH5 - NEW HOUSES 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.

CH33 – SAFETY ON ROADS AND STREETS – Development proposals will be approved if they comply with specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

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 guidance. 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.

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Supplementary Planning Guidance: Affordable Housing
 Supplementary Planning Guidance: New dwellings in Rural Villages

2.4 **Gwynedd and Anglesey Joint Local Development Plan. (Composite Version including Matters Arising Changes, January 2017)**

TRA 2: Parking standards
 TRA 4: Managing transport impacts
 PCYFF 1: Development criteria
 PCYFF 2: Design and place shaping
 PS 15: Settlement strategy
 PS 16: Protect and/or enhance natural environment
 New Policy: Areas of Outstanding Natural Beauty Management Plans
 PS 17: Safeguarding and/or enhancing heritage assets
 AT 1: Conservation Areas, World Heritage Sites, Parks and Registered Historic Gardens.

2.5 **National Policies:**

Planning Policy Wales (Edition 9, November 2016)
 TAN 2: Planning and Affordable Housing (2006)
 TAN 6: Planning for Sustainable Rural Communities (2010)
 TAN 12: Design (2016)

3. **Relevant Planning History:**

3.1 Y15/001625 – Pre-application enquiry to construct a dwelling on the site – Replied 10 July 2015. Advice was given in relation to the following:-

- Policy CH5 of the GUDP was the relevant housing policy, and that it supported only the construction of local affordable community housing, and that any such house would have to be tied to a 106 agreement. It was recommended that the applicant should be assessed by Tai Teg to see whether there was a need for an affordable house.
- It was confirmed that the site was not an infill site, nor was it located immediately adjacent to a building that was highlighted on the proposal maps, and that the proposal to develop the land would be contrary to criterion 2 of Policy CH5
- It was considered that developing the site would not create an obtrusive feature in the countryside and that developing the site would appear to follow the general pattern of development found in Rhiw, and therefore was in accordance with criterion 3 of policy CH5.
- The plans submitted showed a house that was substantially larger in size than an affordable house. Advice was provided on the size of an affordable 4 bedroom house and garage that would be permitted. It was also noted that due to the child's disabilities, under these circumstances it would be possible to permit a slightly larger house, but that we would need confirmation of the child's needs in order to assess whether the size of the house was reasonable, when considering the needs of the disabled child. It was also recommended that the size of the curtilage should be reduced in order to reflect that only an affordable house would be possible.
- It was confirmed that the officers would not be in a position to support the application as the site was not considered to be an infill site, nor was it a site that is located immediately adjacent to a building that has been highlighted on the map. They were given an option of submitting amended plans for the design prior to the submission of the application, to ensure that all the other matters linked to the application appeared to be acceptable.

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3.2 C06D/0194/30/LL - Construction of dwelling house and garage - Part Field 6171, Rhiw - Approved 9 March 2007. There was a local need 106 agreement attached to the permission. The approval was not implemented.

4. Consultations:

Community/Town Council: Strongly support.

Transportation Unit: No objection to the proposal. Recommend including standard conditions and advice on the access and parking and the height of the boundary.

Natural Resources Wales: No objections or observations.

Welsh Water: A condition regarding surface water / land drainage should be included if the application is approved.

AONB Unit: The site is at a crossroads in the centre of the rural village of Rhiw near Aberdaron, and is within the Area of Outstanding Natural Beauty (AONB). The AONB is protected by national and local policies. The site is currently agricultural land which is on a gentle slope, and from the plan it appears that the proposed new house would be fairly close to the road. There are a number of other houses in the vicinity of the site, with the majority being single-storey and fairly small houses. In principle there is no objection to the construction of a new house in the village of Rhiw to meet a recognised local need. Some aspects of the plan and design, such as the traverse section, the chimneys and windows echo local historical houses, and the materials appear to be suitable. However, there is concern that the development is too large for the site and the location in a historic part of the village.

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Public Consultation:

A notice was posted on the site and nearby residents were notified. The advertisement period has expired and several items of correspondence were received in support, on the following grounds:

- The site is within the village boundary, and is close to the village centre, the village Hall, public transport and it has convenient and safe access.
- A need for new houses in the Rhiw area.
- Houses in the area are expensive, and building is their sole option.
- The external appearance is in keeping with other houses in the village.
- Huge houses are being permitted in Abersoch.
- A second home would be permitted without hesitation.
- The son's needs and the consequent need for a suitably sized house.
- The family need to be close to extended family that provide support to them.
- Matters regarding human rights and disability rights.
- Retaining the family in the area would be an asset to the community.
- Enable a local family to remain in their community.

One person who supported the application was of the opinion that locating the house further back from the road but on the same level would be preferable in relation to the visual impact and balance of the crossroads.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 In relation to the GUDP, Rhiw has been designated as a rural village and therefore the relevant housing policy is Policy CH5. Policy CH5 states that only proposals for residential developments that include one or two units in rural villages can be approved, and that those proposals must comply with all the criteria within the policy.
- 5.2 From the first criterion within Policy CH5 it can be seen that the local community need for an affordable house must be proven. No information was submitted as part of the application to demonstrate whether the applicant is in need of an affordable house, and the application forms submitted only refer to the fact that it is an application for an affordable house. Therefore, it is considered that the proposal does not comply with criterion 1 of policy CH5 as the need for an affordable house has not been proven.
- 5.3 The second criterion of Policy CH5 of the GUDP requires that the site is an infill site, between buildings highlighted on the relevant inset map, or a site immediately adjacent to a highlighted building. The application site is not an infill site. The properties which are located on the other side of the road to the site to the west and

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north have been highlighted in red. However, the road separates the site from these houses in both directions. Consequently, it is not a site that is located immediately adjacent to a building that has been highlighted. In addition, the Supplementary Planning Guidance: New Houses in Rural Villages, states that a site which is immediately adjacent to a highlighted property is required to be a site which overlaps the curtilage of that property. In this specific case, there would be no overlapping. The New Houses in Rural Villages Supplementary Planning Guidance includes a plan to illustrate the type of sites which are acceptable in relation to this part of the policy, and it can be seen that sites where there is a road between the building that is highlighted in red and the site are not suitable. Consequently, it is considered that the location of the house is contrary to the requirements of criterion 2, Policy CH5 of the GUDP.

- 5.4 Despite the above, it is not considered that the proposal is contrary to criterion 3 of Policy CH5 as it is not considered that developing the site would create an obtrusive feature in the countryside and that developing the site would appear to follow the general pattern of development found in Rhiw. Currently there are houses located around the crossroads opposite the site, and developing this site would be a natural development in relation to the form of the village.
- 5.5 Criterion 4 of Policy CH5 requests that the size of the property reflects the specific need for an affordable house in terms of the size and the number of bedrooms. It is understood that the applicant has three children and therefore it can reasonably be expected that there is a need for a four bedroom house. The Supplementary Planning Guidance: Affordable Housing restricts the size of an affordable house to 120 square meters measured internally, and a garage to 20 square meters measured internally. The application in question includes a house with an internal floor surface area of 292 square metres and a garage with 40 square metres. Information was provided as part of the application to explain the family's circumstances, and the fact that one of the applicant's sons has been registered with a permanent disability. This was also conveyed during the pre-submission enquiry. It is recognised that these circumstances and requirements give rise to the need for a larger floor space to meet the child's needs, in relation to sufficient space and easy movement around the property. The need for a bedroom and bathroom on the ground floor, and the parlour that will operate as a therapy room / room for respite carers as needed has been accepted. It is also acknowledged that due to the circumstances, more space is needed within the living room and kitchen. Therefore, to an extent, it is accepted that the ground floor rooms as proposed are necessary to meet the son's needs. However, it is not considered that there is justification for the first floor surface area of 140 square metres. This first floor includes three bedrooms, a bathroom, an en-suite and an office. It is not considered that there is any justification for a first floor of the size which has been submitted. This first floor itself is larger than the maximum size of an affordable two-storey five bedroom house of 130 square metres as noted in the Supplementary Planning Guidance: Affordable Housing. The proposed house is a four bedroom house, and when considering that the size of an affordable four bedroom house in accordance with the Supplementary Planning Guidance: Affordable Housing is 120 square metres it is considered reasonable to expect that three bedrooms and a bathroom to be located within a space of 60 square metres. Therefore, in light of the above, and having taken the child's needs into consideration, it is considered that the house, as submitted, is substantially larger than what is required. It is considered that it would be possible to reduce the size of the property as a whole by at least 80 square metres, especially in considering that the son's needs are confined to the ground floor. In the same manner, it is not considered that there is justification for the size of the garage to exceed the 20 square metres designated in the

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Supplementary Planning Guidance: Affordable Housing. It is therefore considered that the size of the proposed garage could be halved. Consequently, it is considered that the proposal as submitted is contrary to the requirements of criterion 4 of Policy CH5 of the GUDP.

- 5.6 It is considered that the proposal would be acceptable in relation to criterion 5 of Policy CH5 of the GUDP as the proposal safeguards the existing natural boundaries on the site.
- 5.7 In relation to criterion 6 of Policy CH7, the applicant has not been asked whether he would be willing to sign a 106 agreement that would restrict the property as an affordable house as the proposal as a whole does not satisfy the policy requirements.
- 5.8 The proposal is therefore contrary to policy CH5 of the GUDP on the grounds that no local community need for an affordable house has been prove, the site is not located immediately adjacent to a building that has been highlighted, and that its size is substantially larger than an affordable house.
- 5.9 It is a requirement that planning applications be determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The current 'Development Plan' is the Gwynedd Unitary Development Plan (2001-2016) and the Joint Local Development Plan for Gwynedd and Anglesey (JLDP) will replace the UDP as the 'development plan' once it is adopted. It is hoped that the JLDP will be adopted during July 2017.
- 5.10 When dealing with any planning application the statutory test should be your first consideration at all times, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other relevant considerations state otherwise. The JLDP is now a material planning consideration for the purposes of development control - see paragraph 3.1.3 Planning Policy Wales that states:
"Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies ..."
- 5.11 Although many policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not know for certain what the contents of the Plan will be until the Inspector presents his binding report.
- 5.12 Paragraph 2.14.1 of Planning Policy Wales states:
"...thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances."
- 5.13 In this case, the housing policies differ. Rhiw would not have been included as a cluster in the LDP and therefore the site would have been designated as open countryside in the LDP. Consequently, only houses for people employed in agriculture, forestry or other land-based industry could be located on the site, in accordance with the requirements of Planning Policy Wales and Technical Advice Note 6: Planning for Sustainable Rural Communities (2010). The proposal would be contrary to these requirements as there is no agricultural, forestry or other land-based need for the proposed house.

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Visual amenities

- 5.14 It is accepted that the appearance of the design incorporate a number of traditional features. However, the proposed building is a substantial building that would be located within approximately four metres of the county road, which is situated to the north of the site. The building would fill the site's frontage with that county road. In the surrounding area the existing houses in the vicinity are a mix of single storey, single dormer and two storey houses. However, these houses without exception are comparatively small and squat in their design. The property, in its current form, in terms of its size and scale, does not respect the site and its surroundings. The observations of the AONB Unit on the application were received. While it welcomes some aspects of the plan and design, there is also concern expressed that the development is substantial for the site and its location in a historic part of the village. Therefore, it is considered that the proposal, in terms of its size and scale is contrary to the requirements of Policy B33 of the GUDP and that the proposal would therefore have an impact on the form and character of the village and the landscape and that it is contrary to the requirements of Policies B8 and B22 of the GDUP. As previously mentioned in the report, the house is significantly larger than the size of an affordable house, and it is considered that the size of the property could be reduced even having considered the needs of the disabled child. It is therefore possible that if the property was reduced in its size, that this would also overcome the concerns about the impact of the proposal on the character and landscape of the village.
- 5.15 The roof of the development would be covered by slates and it is intended to use stone on the external walls. It is considered that these materials would be appropriate and are in keeping with the area. It is therefore considered that the proposal is acceptable in relation to Policy B25 of the GUDP.
- 5.16 The site is located within the Llŷn and Bardsey Landscape of Outstanding Historic Interest. Policy B12 states that consideration will be given to the information about the Historical Landscapes if the impact of proposals is on such a large scale that it would be greater than merely a local impact. It is not considered that the proposal would have an impact beyond a local impact, and the proposal would not, therefore, have a wider impact on the historical landscape. Therefore, the proposal is not considered to be contrary to Policy B12 of the GUDP.

General and residential amenities

- 5.17 Policy B23 requests that consideration is given to the effect of the proposal on nearby residential amenities. Due to the location of the proposed property in relation to the adjacent houses, it is not considered that the proposal would cause any substantial harm for nearby houses in terms of privacy and overlooking. Neither is it considered that the proposal would cause significant harm in terms of traffic noise and it is not considered that the proposal is an overdevelopment of the site. It is considered that the proposal is acceptable in terms of Policy B23 as it would not cause significant harm to the amenities of the local neighbourhood.

Transport and access matters

- 5.18 It is intended to make use of the existing access to the field for vehicles and a new pedestrian access will be opened to the front of the property. The Transportation Unit

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was consulted on the proposal and they had no objection to the proposal. If the application is approved conditions would need to be imposed involving the entrance and parking. It is considered that the proposal conforms to the requirements of Policies CH33 and CH36 of the GUDP.

Response to the public consultation

5.19 The majority of the letters / correspondence received supported the application on the grounds of the family's personal circumstances, and the need to be close to extended family for support. Personal needs are not a planning matter, however in this case it is considered that the son's needs have been given full consideration in making the above assessment. Matters relating to developments on alternative sites in other areas of the county are irrelevant to this application.

6. Conclusions:

6.1 It is acknowledged that there are specific needs in this case due to the applicant's son's disability. However, having considered the proposal against the relevant policies, it was concluded that the principle of the development does not meet the basic requirements of the Council's housing policies, which stipulate that sites in rural villages are used solely to meet affordable housing needs. No evidence has been submitted to demonstrate whether the candidate has a true affordability need, and no intention has been shown to limit future occupancy. It is not an affordable development with a design and floor surface area that are substantially higher than the thresholds permitted by the Affordable Housing Supplementary Planning Guidance. Despite the applicant's needs the Council is not convinced, based on the submitted information, that worthy reasons have been submitted to deviate from the Council's current policies or national policies relating to Affordable Housing. The dwelling, as submitted, is therefore contrary to the requirements of the Council's housing policies, namely CH5, CH9 and the Supplementary Planning Guidance: Affordable Housing (2009). Additionally, it is considered that the scale and size of the development does not respect the site and its surroundings, and that it would also have an impact on the landscape, and that it is contrary to Policies B8 and B22 of the GUDP.

7. Recommendation:

7.1 To Refuse – reasons

1. The proposed development is not in an infill site or a site which is immediately adjacent to a building which has been highlighted on the inset maps associated with the Gwynedd Unitary Development Plan. Neither does the proposed development offer an affordable development, no evidence has been submitted to demonstrate that this applicant is in genuine need of an affordable houses and there is no intention of restricting occupancy in future to affordable need. The proposal is therefore contrary to policy CH5 of the Gwynedd Unitary Development Plan; and the Supplementary Planning Guidance: Affordable Housing, Gwynedd Council 2009.

2. The proposed dwelling house does not fall within the Council's Supplementary Planning Guidance; for affordable housing as the surface area of the dwelling is significantly higher than the recommended thresholds and does not reflect an affordable size, neither does it ensure that the house will remain affordable in the future. The proposal is therefore contrary to the Supplementary Planning Guidance: Affordable Housing Gwynedd Council (2009); Policy CH5 of the Gwynedd Unitary Development Plan, Planning Policy Wales 2012 "Affordable Homes" and TAN 2 "Planning and Affordable Housing" (2006).

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3. The proposal, in terms of its size and scale, does not respect the site and its surroundings, and it would therefore have an impact on the form and character of the village and its landscape, and it is therefore contrary to Policies B8 and B22 of the GUDP.