

PWYLLGOR CYNLLUNIO	DYDDIAD: «Planning_Ctte_Date»
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	GWYNEDD

Number: 4

Application Number: C17/0371/39/AM

Date Registered: 27/04/2017

Application Type: Outline

Community: Llanengan

Ward: Llanengan

Proposal: Demolition of building and construction of house

Location: Land adjacent to Berthwen, Bwlchtocyn, Pwllheli, Gwynedd, LL53 7BP

Summary of the Recommendation: TO REFUSE

PWYLLGOR CYNLLUNIO	DYDDIAD: «Planning Ctte Date»
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	GWYNEDD

1. Description:

- 1.1 This is a proposal to demolish a building and construct a new dwelling-house. This is an outline application and the only matters that require consideration are the principle of developing the site together with access. All other matters are reserved, and these include the location of the house within the site, appearance, scale and landscaping. However, the indicative plan of the proposed setting of the site has been submitted as part of the application. This indicative plan shows the possible location of the house and three parking spaces. The height of the proposed house would measure 7.3 metres above the level of the adjacent road and the house would be approximately 11 metres by 14 metres.
- 1.2 A planning statement letter has been received as part of the application. This statement outlines the family's circumstances and the need for the house, and why in their view the house should be approved as an exception to usual policy. The applicant currently lives in a one-storey dwelling, Bwthyn y Ffrwd, opposite the application site, with their 21 year old son who is an amputee with restricted mobility. The existing house has been adapted for their son's needs and therefore to avoid costs and their son having to move, the application requests constructing a new dwelling for the parents in order that their son can live independently in the existing house. From the information given, it is understood that it would not be viable for the applicant to apply for a house in another location as this would entail selling the existing house to the son, and because of house prices in Bwlchtocyn this would not be affordable to him. If a house can be built on the site in question this can be done at a lower cost that will enable the plan to be viable. The location plan submitted as part of the application also indicates that the property of Glan Ffrwd, which is also opposite the site, is in the applicant's ownership. It is understood that currently this property is occupied by the elderly parents of Mr Williams (applicant) and has been adapted for their needs. It is noted that being able to build a house on the site in question would also give an opportunity for the applicant to care for his parents as required.
- 1.3 The site is located in the rural village of Bwlchtocyn in terms of the GUDP, however, in the proposed LDP the site is situated in the countryside. The site is also located within the Area of Outstanding Natural Beauty and the Landscape of Outstanding Historical Interest. Access to the site is gained from an unclassified road. There is a field east of the site. To the north, east and north-west of the site are dwelling-houses. There is a field to the south. There are sheds constructed of steel and stone currently on the site.
- 1.4 The application is submitted to the Committee at the request of the Local Member.

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

PWYLLGOR CYNLLUNIO	DYDDIAD: «Planning Ctte Date»
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	GWYNEDD

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 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.

2.3 Gwynedd Unitary Development Plan 2009 (GUDP):

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.

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.

B20 – SPECIES AND THEIR HABITATS THAT ARE OF INTERNATIONAL AND NATIONAL IMPORTANCE – Refuse proposals which are likely to cause disturbance or unacceptable damage to protected species and their habitats unless they conform to a series of criteria aimed at safeguarding the recognised features of the site.

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.

PWYLLGOR CYNLLUNIO	DYDDIAD: «Planning Ctte Date»
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	GWYNEDD

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.

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

2.4 Gwynedd and Anglesey Joint Local Development Plan. (July 2017) (As amended by the Inspector’s Report, 30 June 2017)

TRA 2: Parking standards
TRA 4: Managing transport impacts
PCYFF 2: Development criteria
PCYFF 3: Design and place shaping
PS 17: Settlement strategy
PS 19: Protect and/or enhance natural environment
New Policy: Areas of Outstanding Natural Beauty Management Plans
AMG 5: Local Biodiversity Conservation
PS 20: Safeguarding and/or enhancing heritage assets
AT 1: Conservation Areas, World Heritage Sites and Landscapes, 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 7443 – Conversion of store to residential accommodation - Refused 16 August 1960.

4. Consultations:

Community/Town Council: Support.

Transportation Unit: No objection in principle to the proposal. However, we wish to receive confirmation regarding the location of the proposed supporting wall. The plans suggest that it would impair on the surface water gully in front of the site and would prevent access to the adjacent field, with the wall shown on a line that ends by the corner of the shed in the adjacent field. It is assumed that it is proposed to set the wall further back and to retain the nearby agricultural access. There is no objection to the location of the new access, or to the proposed parking provision and it is recommended that

PWYLLGOR CYNLLUNIO	DYDDIAD: «Planning Ctte Date»
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	GWYNEDD

conditions are attached for these.

Natural Resources Wales: We have no objections to the application but we do have the following observations.

We note that the preliminary survey report on bats and protected species submitted to support the above application (Chris Hall, 21 April 2017) has stated that there are currently no bats on the application site. According to the information in the report on bats, we consider that the proposed development is a case of lower risk to bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning' (2015). In this case, the report on bats concludes that the proposed development is not likely to have a detrimental impact or impair bats or their breeding and roosting sites on this site on condition that mitigation measures, as described in the report, are implemented. Also, since the development in this case does represent a lower risk to bats, we do not consider that the development is likely to be detrimental to support the population of the species in question and their protected status in their natural environment. Therefore, we do not object to the proposal, subject to adhering to all the avoidance measures described in the report on bats.

Advice also regarding waste disposal.

Welsh Water: A condition needs to be included on the planning permission regarding surface water and land drainage.

AONB Unit: The site is adjacent to a house called Berth Wen at the side of a country road in the Bwlchtocyn area and within the Area of Outstanding Natural Beauty. Currently, there are some fairly untidy stone and zinc buildings on the site. It is considered that a house of a reasonable size, carefully planned with a suitable design and materials to a rural site would be acceptable. In order to limit the impact of the development on the AONB a new boundary will have to be created between the site and the road (a traditional 'clawdd' is suggested), a suitable access and landscaping.

Biodiversity Unit: The bats survey by Chris Hall indicated that there is hardly any potential for bats to be present. There is potential for birds such as swallows to be nesting in the building. I wish to include a condition that is in accord with section 9.2 of the report that the demolition work occurs outside the nesting season. Should this not be possible, a detailed survey should be conducted of the buildings for nesting birds.

Public Consultation: A notice was posted on the site and nearby residents were notified. The consultation period has expired and no observations have been received.

5. Assessment of the material planning considerations:

PWYLLGOR CYNLLUNIO	DYDDIAD: «Planning Ctte Date»
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	GWYNEDD

The principle of the development

- 5.1 In line with the presumption in favour of sustainable development, applications for planning permission or to renew planning consent, should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise. Policies in an emerging development plan are material considerations. Planning Policy Wales states that all applications should be considered in relation to up-to-date policies. In terms of a plan that is emerging, there is no certainty regarding its contents only when the Inspector presents his final report. The Inspector's binding report was received on 30 June 2017. The Inspector's recommendations for amendments are binding. The policies and proposals of the Plan will not be amended further. On this basis, the policies and proposals of the Plan, as amended by the Inspector, are material considerations that carry substantial weight.
- 5.2 The current 'Development Plan' is the Gwynedd Unitary Development Plan (2001 - 2016) and the Joint Local Development Plan for Gwynedd and Anglesey (Joint LDP) will totally replace the Unitary Plan as the 'development plan' once it is formally adopted. It is likely that the Joint LDP will be submitted before Council to consider its adoption during July 2017.
- 5.3 The statutory test should be the first consideration at all times when dealing with any planning application, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other material considerations state otherwise. The Joint LDP is now a significant planning consideration for the purposes of development control. Paragraph 3.1.3 of Planning Policy Wales 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 ...".
- 5.4 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."
- 5.5 In relation to the GUDP, Bwlchtocyn 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.
- 5.6 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 if the applicant is in need of an affordable house, and the application forms submitted make no reference to applying 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.
- 5.7 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. One of the existing buildings on the site is

PWYLLGOR CYNLLUNIO	DYDDIAD: «Planning Ctte Date»
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	GWYNEDD

coloured red on the proposals map. Therefore, it is considered that the proposal complies with the requirements of criteria 2, policy CH5 of GUDP.

- 5.8 It is considered that the proposal is also acceptable in terms of criterion 3 of policy CH5 as it is considered that developing the site would not create an obtrusive feature in the countryside and would appear to follow the general pattern of development found at Bwlchtocyn. Currently, there are houses located directly near the site and it is considered that this is a natural plot for development for residential purposes in relation to the settlement and its form.
- 5.5 Criterion 4 of Policy CH5 requires that the size of the property reflects the specific need for an affordable house in terms of size and number of bedrooms. As the application in question is an outline application, detailed plans of the proposal in terms of floor plans and the internal layout of the house have not been submitted. However, the footprint shown on the indicative plan shows a house with a ground floor area of approximately 104 metres square and therefore considering that this will be a two-storey dwelling the floor area would double to approximately 208 metres square. We realise that this would be the external measurement for the floor area and the internal measurement would be less. However, the internal floor area would not correspond to the size of affordable dwellings as recommended in the Supplementary Planning Guidance - Affordable Housing. Consequently, it is considered that the proposal as submitted is contrary to the requirements of criterion 4 of Policy CH5 of the GUDP.
- 5.10 It is considered that the proposal would be acceptable in relation to criterion 5 of Policy CH5 of the GUDP as the proposal does not impair the existing natural boundaries.
- 5.11 In relation to criterion 6 of Policy CH7, we have not requested that the applicant be assessed by Tai Teg or whether he would be willing to sign a 106 agreement that would tie the property as an affordable house, as it is not considered that there is a need for an affordable house due to the fact that the applicant owns two other houses adjacent to the application site.
- 5.12 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 proven and that its indicative size is substantially larger than an affordable house.
- 5.13 In this case, the housing policies in the GUP and the emerging LDP differ. Bwlchtocyn has not been included as a cluster in the LDP and therefore the site would be in 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 also be contrary to these requirements as there is no agricultural, forestry or other land-based need for the proposed house.

Visual amenities

- 5.14 As this is an outline application no details were received about the proposed design of the house, apart from its indicative size and height. These show that it is proposed to construct a house that would measure approximately 11 metres by 14 metres and would reach a height of 7.3 metres above the existing road level. From the indicative plan the property would be in type of 'L' shape. When looking around the site, there

PWYLLGOR CYNLLUNIO	DYDDIAD: «Planning Ctte Date»
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	GWYNEDD

is a mixture of buildings that vary in terms of size and these include single-storey and two-storey dwellings. It is considered that siting a two storey house on the site would be in keeping with the houses in the nearby area, bearing in mind the variety of houses available in the vicinity. It is considered that the general layout of the site is acceptable, that the density of the development is acceptable (one house) and it is suitable in terms of maximum scale, and that it is possible, through conditions and by considering an application for reserved matters, to manage the remaining details of the development. It is therefore considered that the application satisfies the requirements of policies B22, B23 and B25 of the UDP and it will not have a detrimental effect on the area's visual amenities.

5.15 The site lies within the Llŷn AONB. The observations of the AONB Unit on the application were received. There comments state that the site currently has some fairly untidy stone and zinc buildings and it is considered that a house of a reasonable size, carefully planned with a suitable design and materials for a rural site, would be acceptable. The comments also note that in order to limit the impact of the development on the AONB a new boundary wall would have to be erected between the site and the road (a traditional 'clawdd' is suggested), a suitable access and landscaping. It is therefore considered that it is possible to locate a suitably designed house on the site without causing significant harm to the AONB. It is considered therefore that the proposal is acceptable in terms of Policy B8 of the GUDP. It is noted that the Areas of Outstanding Natural Beauty Management Plan Policy (AONBMP) in the LDP states that where appropriate, proposals within or that affect the setting and/or significant views in and out of the AONB should give consideration to the Plan. The AONBMP lists and assesses the qualities of the Llŷn AONB and these include the landscape, wildlife in the area, the area's historical environment and culture and emphasises the need to assess every development against these qualities. The site occupies a site within the AONB, however, it is considered that it does not have a high amenity value and approving the application as proposed would not undermine the aims of this document.

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 requires that consideration is given to the effect of the proposal on nearby residential amenities. As the application in question is an outline application, the full layout of the property in terms of location of the windows etc does not form part of the application. It is considered that with a suitably designed house it is possible to site a house on this plot in a way that would not cause significant harm to the amenities of the local neighbourhood. It is considered that the proposal satisfies the requirements of Policy B23 of the GUDP. Policy PCYFF 2 sets criteria for the design of developments and reflects similar policies in the GUDP. In terms of design it is considered that the proposal complies with the aims of this policy. The proposal is not considered to be contrary to the policy.

PWYLLGOR CYNLLUNIO	DYDDIAD: «Planning Ctte Date»
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	GWYNEDD

Transport and access matters

- 5.18 Policy CH33 and CH36 are relevant to this element of the application. The policies ensure safety on roads and streets and the provision of private parking facilities. The indicative plans show an intention to provide three parking spaces for the house. Since the application was submitted, the vehicular access has been revised in consideration of the Transportation Unit's comments. The Transportation Unit was consulted again regarding this proposal and their comments on the plan have not been received at the time of writing. However, it can be seen in their comments that they have no objection to the proposal in principle in terms of road safety, but conditions should be imposed on any planning permission. It is considered that the application can meet the requirements of policies CH33 and CH36 of the UDP which relate to road safety and the provision of private parking with appropriate conditions. Policy TRA 2 and 4 set criteria for the design of developments and reflect similar policies in the GUDP. In terms of design, it is considered that the proposal complies with the aims of this policy. The proposal is not considered to be contrary to the policy.

Biodiversity Matters

- 5.19 As part of the application, a Bats / Protected Species Survey was received. This report concludes that there are no bats in the buildings and there is only a low possibility that bats may be present. There is evidence that birds have been nesting in some of the buildings in the past. Observations on the application were received from the Biodiversity Unit who are anxious to include a condition that the demolition work should be undertaken outside the nesting season. This corresponds with the recommendations of the Bats / Protected Species Survey. In the same manner, Natural Resources Wales are anxious to include a condition that the work is undertaken in accordance with the recommendations of the Bats / Protected Species Survey. As a result of imposing appropriate conditions, it is considered that concerns regarding biodiversity stemming from the proposal are not valid and the proposal is acceptable in terms of Policy B20 of the GUDP and policy AMG 5 of the LDP.

6. Conclusions:

- 6.1 The applicant's personal circumstances are recognised in terms of his son's disability. However, having weighed-up the proposal against the relevant policies, it was concluded that the principle of the development does not comply with the fundamental requirements of the Council's housing policies that require that sites in rural villages are used to satisfy affordable needs only. No evidence has been submitted to demonstrate whether the candidate has a real affordability need, if the house in terms of size responds to the 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 personal circumstances of the applicant and his family, the Council is not convinced, based on the information submitted, that worthy reasons have been submitted to deviate from the Council's current policies or national policies concerning 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). It should also be noted that Bwlchtocyn has not been included as a cluster in the LDP and therefore the site would be in open countryside in the LDP. Consequently, it is deemed that the proposal is also contrary to the aims and requirements of Planning Policy Wales and Technical Advice Note 6: Planning for Sustainable Rural Communities (2010).

PWYLLGOR CYNLLUNIO	DYDDIAD: «Planning Ctte Date»
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	GWYNEDD

7. Recommendation:

7.1 To refuse – reasons

1. The proposed development does not offer an affordable development and no evidence has been submitted to demonstrate that the 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; Affordable Housing, as the floor 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).
3. Bwlchtocyn has not been included as a cluster in the LDP and therefore the site would be in open countryside in the LDP. As no agricultural, forestry or other land-based need has been proven for the proposal it is therefore contrary to the aims of the Supplementary Planning Guidance: Building New Houses in the Countryside, Technical Advice Note 6: Planning for Sustainable Rural Communities