

PLANNING COMMITTEE	DATE: 27/11/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	PWLLHELI

**Number: 2**

**Application  
Number:**

**Date 03/07/2017**

**Registered:**

**Application Full - Planning  
Type:**

**Community: Nefyn**

**Ward: Nefyn**

**Proposal: Construction of five one-storey houses with  
one to be affordable.**

**Location: Maes y Garn, High Street, Nefyn, Gwynedd,  
LL536HD**

**Summary of the Recommendation:** TO DELEGATE POWERS TO APPROVE SUBJECT  
TO SIGNING A 106 AGREEMENT

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## **1. Description:**

- 1.1 The application was submitted to the Planning Committee dated 25 September 2017 when it was resolved to defer considering the application in order to provide an opportunity for members to visit the site and for the applicant to have the opportunity to respond to the waiting list for allotments received by Nefyn Town Council. This is a full application for a residential development of five single-storey housing. The houses would be set out in two blocks of semi-detached houses and one detached dwelling. The houses would have slate roofing and pebble-dashed external walls. All of the houses are shown on the plans to be two bedroom houses. There is a potential for the detached house to be a three bedroom house as it includes an office. It is intended to have two parking spaces to the front of each house.
- 1.2 The abutting land to the west, which is also in the applicant's ownership, has already received planning permission to build 10 two-storey houses. As part of that permission, there was an intention to keep the site of the current application as 16 allotments, and a condition has been imposed on planning permission C12/1372/42/LL to ensure that this land is used as allotments.
- 1.3 As part of the application, a Community and Linguistic Statement, Planning Statement, Design and Access Statement and Summary of Evidence in relation to an Open Space have been submitted.
- 1.4 The site is located within the development boundary of Nefyn. The site has been earmarked as an open space / playing field to be protected in the LDP with the site previously used in the past as allotments. The Nefyn Conservation Area is situated to the north of the site. The site lies within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest. The site is served by a 1 class county road which runs through Nefyn.
- 1.5 The application is submitted to Committee as it is an application for five or more houses.

## **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 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 seven 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 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.

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**2.3 Gwynedd and Anglesey Joint Local Development Plan 2011-26 adopted 31 July 2017**

STRATEGIC POLICY SP 1 - The Welsh Language and Culture  
 ISA 4 - Safeguarding current open spaces  
 ISA5 - Provision of open spaces in new housing developments  
 TRA 2 - Parking Standards  
 TRA 4 - Managing transport impacts  
 PCYFF 1 - Development boundaries  
 PCYFF 2 - Development Criteria  
 PCYFF 3 - Design and Place Shaping  
 PS 17 - Settlement Strategy  
 TAI 2 - Housing in Local Service Centres  
 PS 18 - Affordable housing  
 TAI 15 - Threshold of Affordable Housing and their Distribution  
 PS 19 - Conserving and enhancing the natural environment  
 AMG 5 - Local Biodiversity Conservation  
 PS 20 - Conserving and enhancing cultural assets  
 AT 1 - Conservation Areas, World Heritage Sites, Parks and Registered Historic Gardens.

Supplementary Planning Guidance: Affordable Housing (November 2009)  
 Supplementary Planning Guidance: Housing Developments and Open Spaces of Recreational Value (November 2009)  
 Planning and the Welsh Language (November 2009)  
 Planning for sustainable building (April 2010)

**2.4 National Policies:**

Planning Policy Wales (Edition 9, November 2016)  
 Technical Advice Note 2: Planning and Affordable Housing  
 Technical Advice Note 12: Design  
 Technical Advice Note 16: Sports, Leisure and Open Spaces  
 Technical Advice Note 18: Transportation

**3. Relevant Planning History:**

- 3.1 C12/1372/42/LL - Construction of 10 two-storey houses with three being affordable houses and retention of allotments to the rear - Approved 12 December 2013
- 3.2 C15/0614/42/DA – Application for an immaterial amendment to an application approved under C12/1312/42/LL to remove a parapet wall from the design and to amend the parking scheme - Refused 3 July 2015.
- 3.3 C15/0633/42/LL - Construction of 6 two-bedroom bungalows - Withdrawn by applicant on 5 August 2015.
- 3.4 C15/1047/42/LL - Variation of condition 2 on planning permission C12/1372/42/LL in order to construct the 10 houses in line with amended plans which include deleting the parapets from the roofs of the houses, re-

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locating parking spaces and re-locating the houses nearer to the highway - Approved 19 November 2015.

3.5 C16/0375/42/LL - Revised application - Construction of four two bedroom bungalows and play area - Refused 20 June 2016. It was refused due to the following:

- the information and evidence submitted as part of the application had not convinced the Council that there was no demand in Nefyn for allotments and/or amenity land for similar use;
- no affordable housing proposed or evidence why it would not be appropriate to provide affordable housing.

#### 4. Consultations:

Community/Town Council: Object based on overdevelopment and the fact that the developer is not adhering to condition 16 of application C15/1372/42/LL. The allotments provided are unsuitable and it is impossible to grow anything as the land is so wet, even in the summer. Asked about information regarding how many people had objected following a mistake by the developer, noting only three objectors. By now, they have found a larger number of objections.

Transportation Unit: I do not have an objection to the proposal.

An intention is shown to provide two parking spaces per unit, with access to these within the estate road which is already being built.

It is recommended to provide the parking in accordance with the plan, there is no need to include a note in relation to the street works licences as the estate is yet to be adopted.

Welsh Water: Observations recommending a condition to submit drainage details for the site.

As a result of receiving these observations, the drainage plan was received for the site and a second consultation was undertaken with Welsh Water but no further response was received.

Biodiversity Unit: The site has already been cleared therefore, any reptiles there have gone. I do not have any biodiversity observations to make.

Housing Strategic Unit: **Information about the need:**  
The following shows the number of applicants who wish

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to live in the area: -

- 13 applicants from the Tai Teg register
- 14 applicants from the common housing waiting list

**Information on the type of need:**

The following shows the number of bedrooms that the applicants wish to have:

**Number of bedrooms (owned or part-owned) (Tai Teg)**

Choice	2 bedrooms	3 bedrooms	4 bedrooms
1st	0	2	0
2nd	1	3	0
3rd	1	4	0
4th	1	1	0

**Number of bedrooms (Housing Options Team)**

Number of bedrooms	Number noted as choice
2	14
3	2

The latest table from Gwynedd Council's Common Housing Register source refers specifically to those looking for a single-storey house.

**Suitability of the Scheme:**

Based on the above information it appears that the Plan:-

**Partially satisfies.**

If a Housing Association is a partner for this development, the design of the property must conform to WG standards (DQR).

Local information shows that houses sell on the open market for between:

- On average, semi-detached houses in Nefyn sell for approximately £222,250 (Zoopla 28/7/17).
- On average, a single house in Nefyn sell for

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approximately £234,000.

- There would be a need to consider awarding a discount of approximately 30% if they are not affordable in the first place.
- 70.7% of individuals have been priced out of the market in this area.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has ended. Correspondence was received objecting the proposal on the following grounds:-

- The Y Ddôl site is unsuitable for allotments as it is wet land and consequently a number of the allotments are empty. Photographs were received showing the land under water.
- Gardeners are waiting to return to the allotments in Maes y Garn.
- People stating that they had written to the Knights company noting that they have an interest in the land after seeing an advertisement in Llanw Llŷn.

Correspondence was received supporting / providing observations on the application on the grounds of:

- The development is beneficial to society and the local economy of Nefyn and the area.
- Site will be tidied.
- Houses of this type are more affordable and are perfect for young people, families and older people.
- People expressing an interest in purchasing one of the houses.
- Lack of single-storey houses in Nefyn and the area.
- Convenient site due to its central location.

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

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

- 5.1 The site has been designated in the LDP as an open space / playing field to be safeguarded. In the days of the Gwynedd UDP, the site in question formed a part of a larger site earmarked as a play area to be safeguarded. Planning permission was granted to erect 10 houses (application C12/1372/42/LL) on a part of that site and this land has been designated for house in the LDP. Of

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the information submitted on application C12/1372/42/LL it was understood that the site was used as allotments up to 2009, where around 25% of the entire site was used as allotments. Therefore, the land has currently not been used as allotments since 2009. When application C12/1372/42/LL was approved, approximately half of the site designated as a play area was to be kept as allotments, with those plans indicating an intention to create 16 allotments on the site of the current application. Before submitting application C12/1372/42/LL, discussions had been underway between the applicant and Nefyn Allotment Society, and a copy of the society's letter was submitted which accepted the proposal of 12 allotments as part of the development subject to further discussions in relation to matters such as the lease, preparing the plots, water for the site and matters relating to access to the site. The number of allotments to be provided was increased from 12 to 16 by the formal planning application submitted. The fact that 16 allotments would be provided on the site was a material consideration when dealing with application C12/1372/42/LL and was fateful in respect of justifying the development of 10 houses on another part of the protected play area in terms of Policy CH42 of the GUDP at that time.

- 5.2 Technical Advice Note 16: Sports, Leisure and Open Spaces (TAN 16) states that allotments are important green spaces in urban and rural areas, and their cultivation can contribute to sustainability, provide opportunities for leisure, exercise and healthy food, improve biodiversity and encourage interaction between different groups in the community. Paragraph 3.27 of TAN 16 states that local authorities and town and community councils are under an obligation in accordance with the Smallholdings and Allotments Act 1908 to provide sufficient plots for residents where they believe there is a demand for allotments. Paragraph 3.28 of TAN 16 also noted that statutory allotments provided by local authorities will be protected under the Allotments Act 1925, but that it is possible that the same protection will not exist in the case of allotment sites in private occupancy. The allotments provided for the application site in question are ones that were being provided by a private landowner and therefore in accordance with the guidance in paragraph 3.28 of TAN 16, it is possible that there would not be the same security for a privately owned allotment site. The applicant noted in the Plan, Design and Access statement that the condition on planning permission C16/0375/42/LL has the potential to ensure use of allotments on the site. However, it is also stated that it must be realised that if the land is not developed for housing, as is in the proposal which is the application subject, there is no mechanism in place that would free up the land for any other type of open space use. It also states that there is no logical basis to seek consideration for other types of open space uses in the Nefyn area as there is no realistic prospect that the site would be available for these uses.
- 5.3 Information was received from the Joint Policy Unit noting that Topic Paper 14 in relation to the work of preparing the LDP and based on an Assessment of Open Spaces ('Fields in Trust' standards) as noted in TAN 16, that there is a lack of play area provision in Nefyn. This is relevant to all kinds of open spaces, including playing fields, children's playgrounds and play areas with apparatus. However, this does not include allotments.

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5.4 In light of the fact that the site is an open space / playing field to be safeguarded, consideration must be given to the proposal in terms of Policy ISA 4 which relates to safeguarding existing open spaces. This policy states that proposals that will lead to the loss of existing open spaces, including any associated facilities with recreational, amenity or significant wildlife value, unless the criteria in the policy can be met, namely:-

- There is a general excess of the provision in the community;
- That the long-term need for the facility has ceased;
- Alternative provision of the same standard can be obtained in an area and which is as flexible to the local community in question;
- That redeveloping a small section of the site would lead to the retention and extension of the facility as a leisure resource.

5.5 As part of the application, a Summary of Evidence on Open Land document was submitted. As part of the application, the agent has summarised the information gathered as part of the Planning, Design and Access Statement submitted as part of the application. This information was prepared by the agent and summarises the process and efforts that the applicant has done to identify evidence of the demand for allotments in Nefyn. The procedure and method that the agent should follow to seek the information before hand was agreed upon.

5.6 Application C14/0171/42/LL for the change the land use to create 21 allotments and associated access paths in Y Ddôl, Nefyn which was approved on 30 April 2014. In an attempt to identify the demand for allotments in the Nefyn area, the agent sent letters to Nefyn Town Council, Nefyn Allotments Group and Gwynedd Council's Healthy Living Development Manager. The information sought in the letters was an attempt to seek information about how many of the Y Ddôl allotments were currently occupied and whether or not there was a waiting list for allotments. Letters were sent to the three above-mentioned parties during October 2016 and a response to the second letter was received by Nefyn Town Council. The answer that the agent had received from Nefyn Town Council outlined the history of Maes y Garn allotments and how the Y Ddôl site had been developed, that there were drainage problems in the Y Ddôl site and confirmed that there were 37 names on the waiting list for allotments but a copy of the waiting list has not been received thus far.

5.7 The agent also issued an advertisement in Llanw Llyn during April 2017. This advertisement sought to identify information to see the level of interest for obtaining allotments in Nefyn. In the Summary of Evidence on Open Lands and Planning, Design and Access Statement documents submitted with the application, the agent has noted that three responses have been received expressing an interest in obtaining an allotment in Nefyn. Later, it became apparent that more responses had been received via e-mail. The agent has submitted a letter apologising for this error as they were not aware that these had been accepted previously due to an error in the e-mail systems of Knights



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(agent). Therefore, it was received in the form of a letter as an addition to the information from the responses to the Llanw Llŷn advertisement. In addition to the letters, six responses were received via e-mail expressing an interest in obtaining an allotment. Since the error, in respect of the number of responses received by the agent, the Local Planning Authority received 12 responses from people who were either noting that they had written to Knights expressing an interest in obtaining an allotment and/or who were now noting that they did have an interest in obtaining an allotment. The details of these were shared with the agent. A response was received from the agent confirming that they had now received 10 responses, namely three letters and five e-mails in April 2017, prior to submitting the planning applications and then one e-mail and one further letter since the end of August. Also, confirmation was received that eight of those who had expressed an interest had written to Knights and the Council, two had responded to Knights only and then four had responded to the Council only. Therefore, a total of 14 have expressed an interest in an allotment.

- 5.8 In September 2016, the applicant carried out a survey of the allotments at Y Ddôl in order to assess how many of the 21 were being used. From the information submitted only 10 out of the 21 allotments with planning permission were being used. Photographs were also submitted to show the use.
- 5.9 As the applicant had been given to understand through a letter from Nefyn Town Council that there were drainage problems on the Y Ddôl allotment site; he sought access to the Y Ddôl site to assess the drainage needs and see whether or not they could be resolved. He attempted to contact the Town Council via letter on two occasions and received a response stating that the land was on temporary lease as the members of Gerddi Pawb had noted on many occasions that they wished to return to Maes y Garn as soon as possible. Also in the letter it was noted that despite restoration work being carried out to improve drainage, the land had not improved and therefore they could not see the benefit of sending an engineer to the site. The applicant's request to visit the Y Ddôl site to assess whether he could assist to improve the drains was therefore turned down by Nefyn Town Council. However, the applicant has expressed as part of the application that he continues to be prepared to investigate the drainage on the Y Ddôl site should the opportunity arise. The applicant has also expressed as part of the application that he is willing to provide a financial contribution towards improving the open space facilities by means of a 106 agreement as part of the planning permission should the application be approved.
- 5.10 Before the application was submitted to the Committee on 25 September 2017, a copy of the waiting list for allotments and a list of current stakeholders of the allotments were received late in the day from Nefyn Town Council. The waiting list noted 36 people who were waiting for an allotment, whilst the stakeholders list showed that 8 out of 15 allotments were in use.
- 5.11 As a result of receiving these lists, the applicant received the opportunity to prepare a response. In response, the applicant notes that:

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- He asked for the list approximately 18 months ago.
- He is unaware of any process where people can apply to join the list.
- Permission C14/0171/42/LL is given for allotments at Y Ddôl to provide 21 allotments but that the list refers to 15 allotments. Out of the 21 with planning permission, only 7 are in use and therefore, 11 allotments are available at Y Ddôl.
- The waiting list includes 36 names but that many of these were not full names, and addresses were incomplete.
- The list's third column included dates but there was no heading for these dates, and also that a date had not been listed against each name on the list.

5.12 In order to assess the credibility of the waiting list, a letter was sent on 12 October 2017 to 30 of the names on the list. The applicant did not contact those who had responded to the advert in Llanw Llŷn expressing an interest in obtaining an allotment. The applicant also did not contact the four who had written to the Council, expressing an interest in the allotments. Four names on the list did not have a full address and an effort was made to get hold of their full address in Nefyn but no response was received from them. Of the 30 letters sent, a response was not received from 21, but six responses were received via e-mail, and two over the phone (one of the names is considered to have been noted twice on the waiting list). Of the eight responses to the letter, three people noted that they did not want an allotment (one of these appeared twice on the waiting list) and therefore these names should be disregarded from the waiting list. Five of the names on the waiting list confirmed that they still wanted to remain on the list for an allotment. It appears that on two occasions, the same person had been included twice. This raises a concern about the substance and credibility of the waiting list. In light of the above, the applicant has come to the conclusion that the list is not a credible list as evidence for a demand for allotments. In addition, it appears to the applicant that there is no structure in place where local residents can add their names to the list and there is no standard method for the information that needs to be submitted. The level of details on the list for giving names outlines the lack of systematic method and the list does not show firm evidence of the demand. Also, considering the limited number of responses received from the applicant to confirm an interest in an allotment, the applicant came to the conclusion that the waiting list cannot be depended upon as evidence of the demand for allotments in Nefyn. The four cases of those who have responded to express that they do not wish to be on the list, in addition to the 21 names that did not respond, predominates the five who did respond to confirm that they are still interested, and this shows that the list is not based on firm evidence and the weight that should be put on this is limited.

5.13 When application C12/1372/42/LL for 10 houses was approved, the site of the current application was to locate 16 allotments, and therefore not all of the allotments and the open space of recreational value would be lost. This was also considered a means of improving the facilities for the allotment tenants, as matters such as preparing the plots and having water for the site were matters which had been discussed between the landowner at the time and

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Nefyn Allotment Society. Since application C12/1372/42/LL was approved, an application for allotments on alternative land in Nefyn has been approved. That application was C14/0171/42/LL to change the land use to create 21 allotments and associated access paths in Y Ddôl, Nefyn which was approved on 30 April 2014. From the information submitted as part of the application, it can be seen that the applicant has attempted to understand the level of need for allotments in Nefyn and also the use made of the existing allotments. He had also sought access to the existing allotments to assess the drainage of the land to see whether or nor he can assist in improving these current allotments in Y Ddôl. It could be seen that the situation with allotments in Nefyn had changed since the application for 10 houses had been approved with planning permission given for 21 allotments at Y Ddôl site. It appears from the information submitted that these allotments have not been filled and, although there may be reasons for this, there is potential here for 21 allotments. It was understood that this land was leased by Gwynedd Council to Nefyn Town Council for 15 years from October 2014. It can be seen from the stakeholders list received from Nefyn Town Council that eight of the allotments on the Y Ddôl site are in use. This list notes that there are 15 plots at Y Ddôl but planning permission was given for 21 allotments. Nefyn Town Council submitted a waiting list with 36 names on it. The applicant has looked into this list and there is a doubt about the credibility and substance of this list as evidence of the need of allotments in Nefyn. If the responses to the advertisement in Llanw Llŷn are taken into consideration, along with the responses received from the Council and the responses the applicant received from those on the waiting list, it can be seen that approximately 19 names had expressed an interest in obtaining an allotment. Six of these already have allotments on the Y Ddôl site. Therefore, should the Y Ddôl land be used to its full potential in accordance with the planning permission, it is considered that it would be possible to fulfil the demand on the Y Ddôl site. The evidence submitted as part of the application shows that efforts have also been made to seek access to the Y Ddôl site to see whether or not it is possible to resolve the drainage problems that are understood to exist on the land; however, access has not been agreed with Nefyn Town Council. It can also be seen from the content of TAN 16 that the same type of protection cannot be afforded to allotments in private ownership compared to those being run by local authorities. It was considered that a fair effort had been made by the applicant to seek information about the needs in terms of the allotments provision in Nefyn, and also to try and contribute towards improving facilities at Y Ddôl site. On the basis of the information to hand, it is considered that a sufficient provision of allotments is available in the community and therefore the long-term need of the facility has ceased. It is considered that the Y Ddôl site is as accessible for the local community as was the Maes y Garn site. It would also be possible, should access be granted in order to assess the land, that the land drainage of the Y Ddôl site could be improved and the applicant continues to be willing to address this. Otherwise, the applicant is willing to provide a financial contribution towards improving the open space / playing field facilities in the community. Therefore, based on the information to hand, it is considered that the proposal meets the requirements of Policy ISA 4 of the LDP.

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- 5.14 The proposal is for the construction of five single-storey dwellings. The site is located within Nefyn development boundary and therefore it is necessary to consider the principle of developing the site for housing under Policy TAI 2 of the LDP. This policy is supportive of providing houses within the development boundary of local service centres. This includes houses on designated sites and windfall sites as in the case of the previous application. The policy identifies an indicative provision of 37 residential units on windfall sites in Nefyn during the plan period. Appendix 5 of the LDP notes an indicative supply level for windfall sites of 15 units for Nefyn after considering units completed since the Plan's foundation date, housing commitments and also the housing designation). Therefore, these five units would make a positive contribution towards the windfall housing provision within Nefyn. It is therefore considered that the proposal is acceptable in relation to Policy TAI 2 of the LDP. As part of that application, the applicant has stated that he would be willing to sign a 106 agreement binding one of the units as an affordable unit. This would equate to 20% of the houses and which is more than the requirement for Nefyn as noted in Policy TAI 15. The requirement for Nefyn would be 10% in terms of Policy TAI 15. As a result of signing a section 106 agreement for affordable housing to tie one of the units for affordable need, it was considered that the proposal would satisfy the requirements of policy TAI 15. Four of the units would have an internal surface area of approximately 56 square metres. This would be within the maximum size for a two bedroom single-storey affordable house recommended in Supplementary Planning Guidance: Affordable Housing, namely 80 square metres.
- 5.15 This is an application for the erection of five houses. However, these five units would form an extension to the adjacent site with planning permission for 10 houses and is in the middle of being built. An open space was not included as part of the original development. Policy ISA 5 of the LDP requires new housing proposals for 10 or more houses in area where existing open spaces cannot satisfy the needs of the proposed housing development to provide a suitable provision of open spaces. In circumstances where it is not possible to provide outdoor open play spaces as part of new housing developments, an alternative provision can be provided off the site or a financial contribution can be made towards improving facilities in existing open spaces. The plan does not show an open space within the site, however, the applicant, as already noted, has made a contribution towards open spaces / play areas in order to improve them. As part of the application, the applicant looked into the open spaces / play areas in the area and it can be seen that there are facilities within approximately 300 metres (walking distance) of the site in Y Ddol. As mentioned above, there are existing allotments on this site but also there is a children's play area for children with equipment as well. It is considered that this facility is within a reasonable distance of the site. Under the circumstances, it is considered that it would be reasonable to receive a financial contribution to improve the open space / play area facilities within the community. The exact contribution will be determined following discussions and information received about proposed suitable improvements that would equate to and be consistent with the cost and scale of the provision

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required as part of the proposal. In doing so, it is considered that the proposal would be acceptable from the perspective of Policy ISA 5 of the LDP.

### **Linguistic and Community Matters**

- 5.16 A Linguistic and Community Statement was received as part of the application as this is a proposal to erect five dwelling houses. The observations of the Joint Policy Unit were received regarding this Community and Linguistic Statement and on the whole it is not considered that the scale of the proposed development is likely to have a detrimental impact on the Welsh language. The site lies within the development boundary of Nefyn and it is noted that the proposal offers five houses, one of which is affordable, namely 20% of these units, in compliance with policies TAI 2 and TAI 15 of the LDP. According to the 2011 Census, 76.1% of the population of the Nefyn ward spoke Welsh compared with 65.4% in Gwynedd. It is likely that the proposed units will be very attractive to residents in particular to older people and families in the area. The development will give local people more choice within the local housing market and thus help to retain the population in the community. Housing affordability in the Nefyn ward is higher than the figure for the county which means that houses are generally less affordable here. In 2014, 74.7% of households were priced out of the housing market in the ward compared with 59.7% in the whole of Gwynedd. The median house price in the ward was £171,250 compared with £136,375 in Gwynedd. Due to the size of the units proposed, it is likely that the units proposed will be more affordable than the average of the current housing stock and this in turn will help meet local need for more affordable housing. Given the size and location of the proposed dwellings, it is not expected that their price will be out of reach of local residents. Therefore, the development is likely to retain the local population in the community which can contribute to having a positive impact on the Welsh language. It is likely that the development will be very attractive to families with children and older people. The number of pupils at the school would continue to be below capacity. The applicant's conclusions in terms of how constructing the houses could have a positive impact on local residents are agreed with. It is suggested that the applicant has a discussion with Hunaniaith on how awareness could be raised of opportunities in the local area for adults to learn Welsh if the applicant does not have packages to give to new tenants about the local area. Therefore, it is not considered that there are community and linguistic implications deriving from the current application and that the proposal is acceptable in terms of Policy PS 1 of the LDP.

### **Visual amenities**

- 5.17 The design of the proposal is relatively simple and includes a row of single-storey houses which have been separated to form two pairs of semi-detached houses and one detached unit. The houses are of a relatively traditional design with a slate ridged roof and pebble-dashed external walls. In terms of their design, it is considered that the proposal would be in-keeping with the area and that it would not have an unacceptable detrimental impact on the form or character of the landscape or the surrounding townscape. Although it is located near the boundary of the conservation area, it is not considered that the

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proposal would impact the character of the conservation area. It is considered that the proposal is acceptable in respect of Policies PCYFF 3 and AT 1 of the LDP.

- 5.18 The site lies within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest. The proposal for the construction of houses is within the development boundary and in the middle of other buildings. It is considered that the impact of the proposal would be local and that it would not have an impact on the wider historic landscape. It is considered therefore that the proposal is acceptable in terms of Policy AT 1 of the LDP.

### **General and residential amenities**

- 5.19 Dwellings are located on the northern, southern and eastern boundary of the site. However, due to the location of the proposed houses and the fact that there are no windows in the gable ends of either side of the proposed houses, it is not considered that the proposal would have a detrimental impact on the amenities of the residents of the houses to the north and south of the site. The houses to the east of the site are on a lower level and therefore in light of erecting a fence on the site boundary and that the houses are single-storey ones, it is not considered that the proposal would cause a loss of privacy or overlooking for the houses to the east. It is considered that the proposal is acceptable in terms of Policy PCYFF 2 of the LDP.

### **Transport and access matters**

- 5.20 Access to the site would be gained via a new vehicular access which has been permitted as part of application C12/1372/42/LL and which has been built. The plans indicate an intention to have two parking spaces at the front of each house, creating ten parking spaces for the development. The Transportation Unit submitted observations confirming that they had no objection to the plans. It is considered that the proposal is acceptable in terms of road safety and complies with the requirements of Policies TRA 2 and TRA 2 of the LDP.

### **Biodiversity matters**

- 5.21 5.11 The Biodiversity Unit submitted observations on the application and stated that the site had already been cleared and therefore any reptiles that were there would have gone. Therefore, they had no biodiversity observations to make on the application. It is considered that the proposal is acceptable in terms of Policy AMG 5 of the LDP.

## **6. Conclusions**

- 6.1 It is considered that the evidence submitted as part of the application is sufficient in proving how the proposal would comply with the requirements of Policy ISA 4. Based on the information submitted, the Local Planning Authority is therefore convinced that there is no demand in Nefyn for allotments and/ or amenity land for similar use. Should the Y Ddôl land be

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used to its full potential of 21 allotments in accordance with the planning permission, it is considered that it would be possible to fulfil the demand on the Y Ddôl site. It should also be realised that this is private land and not public land. The applicant has stated as part of the application that the land would not be developed for housing, as is in the proposal which is the application subject, because there is no mechanism in place that would free up the land for any other type of open space use. It goes on to also note that there is no realistic prospect of the site being available for other open space uses. The national advice found in TAN 16 recognises that statutory allotments provided by local authorities will be protected under the Allotments Act 1925, but that it is possible that the same protection will not exist in the case of allotment sites in private occupancy. Therefore, it is considered that the information submitted is sufficient to justify losing this open space. It is expected that a financial contribution would be made by the applicant as part of a 106 agreement to improve open space / play facilities in the community.

- 6.2 The proposal complies with the council's housing policies and the provision of one affordable house is sufficient in terms of compliance with affordable house requirements in Policy TAI 15. The applicant will be required to sign a 106 agreement binding one of the units as an affordable house.

## **7. Recommendation**

- 7.1 To delegate the right to the Senior Planning Manager to approve the application subject to the applicant signing a Section 106 Agreement to ensure that one of the houses is an affordable house and to agree on an appropriate method to ensure a financial contribution towards improving an open / play space in the community, and also to conditions -

1. Commencement within five years.
2. In accordance with the plans.
3. Slate roof to be agreed.
4. Exterior surfacing to be agreed.
5. Removal of permitted development rights for extensions and curtilage buildings for an affordable house.
6. Welsh Water Condition
7. Parking spaces to be completed in accordance with plans and to be operational before the houses are occupied for the first time.