

PLANNING COMMITTEE	DATE: 26/02/2018
THE REPORT OF THE SENIOR PLANNING SERVICE AND PUBLIC PROTECTION MANAGER	DOLGELLAU

Number: 6

Application Number: C16/0942/42/AM

Date Registered: 27/10/2017

Application Type: Outline

Community: Nefyn

Ward: Morfa Nefyn

Proposal: Residential development of 9 affordable dwellings

Location: Land adjacent to Maes Twnti, Morfa Nefyn, Pwllheli, Gwynedd, LL536EU

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1 This is a residential development for 9 affordable dwellings. It 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 plots. To give an idea of the size of the houses the Planning, Design and Access Statement refers to buildings up to 10m by 10m in length and width. The height of the one-storey houses would be 2.5m to the eaves and 6m to the ridge, and the two-storey houses would be at a height of approximately 4.9m to the eaves and 9m to the ridge.
- 1.2 The application has been amended several times since the original application was submitted. Originally, the application was for a residential development of up to 23 houses to include 7 affordable houses. It was then amended to a residential development for up to 23 houses, with 50% of these being affordable housing. The application has now been amended by reducing the size of the original site and to a development of 9 affordable dwellings. Therefore the application will be assessed on the grounds of the proposal for 9 affordable dwellings.
- 1.3 As part of the application, a Planning, Design and Access Statement, Ecological Assessment and Linguistic and Community Statement were submitted. In addition, the applicant submitted a letter stating that 12 persons were employed in the construction of the houses and the materials would be ordered via Jewson, Huws Gray and Travis Perkins. As an attachment letters were also submitted from 6 local workers employed by the applicant at Maes Twnti in support of the application.
- 1.4 The site lies in the countryside and the application's red line does not touch the Morfa Nefyn development boundary in the LDP. Land north of the site has begun to be developed with 6 houses built. The estate road has been laid and has access to the class 2 county highway. It is intended to use this access for the proposed site and to extend the existing estate road to serve the proposed houses. A public footpath runs through the application site. The site lies within a Landscape of Outstanding Historic Interest. There are some residential dwellings in the vicinity of the site.
- 1.5 The application is submitted to Committee as it is a residential development for five or more dwellings.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be 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 Anglesey and Gwynedd Joint Local Development Plan 2011-26 adopted 31 July 2017

PS 1 - The Welsh Language and Culture
 PS 2 - Infrastructure and developer contributions
 ISA - Infrastructure Provision
 TRA 2 - Parking Standards
 TRA 4 - Managing transport impacts
 PCYFF 2 - Development Criteria
 PCYFF 3 - Design and Place Shaping
 PCYFF 4 - Design and Landscaping
 PS 13 - Housing provision
 PS 17 - Settlement Strategy
 TAI 4 - Housing in Local, Rural and Coastal Villages
 TAI 16 - Exception sites
 PS 19 - Conserving and enhancing the natural environment
 AMG 5 - Local Biodiversity Conservation
 AT 1 - Conservation Areas, World Heritage Sites and Landscapes, Parks and Registered Historic Gardens.

Supplementary Planning Guidance: Affordable Housing (November 2009)
 Supplementary Planning Guidance: Planning and the Welsh Language (November 2009)

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 18: Transportation

3. Relevant Planning History:

- 3.1 C06D/0025/42/AM - Construction of 10 dwelling houses - Field sections 1220 and 1413 (Pwll Blew Land), Lôn Isaf, Morfa Nefyn - Approved 9 February 2007.
- 3.2 C06D/0512/42/MG - Construction details of 4 two-storey affordable dwellings - Field sections 1220 and 1413 (Pwll Blew Land), Lôn Isaf, Morfa Nefyn - Approved 28 January 2008.
- 3.3 C06D/0713/42/LL - Estate road details - Field sections 1220 and 1413 (Pwll Blew Land), Lôn Isaf, Morfa Nefyn - Approved 24 April 2007.
- 3.4 C07D/0106/42/LL - Estate road details - Field section 1814 (Maen Gwyn field), Lôn Isaf, Morfa Nefyn - Approved 10 April 2007.
- 3.5 C07D/0325/42/MG - Construction of a two-storey dwelling (plot 10) - Field sections 1220 and 1413 (Pwll Blew Land), Lôn Isaf, Morfa Nefyn - Approved 28 January 2008.
- 3.6 C07D/0401/42/LL - Estate road construction (amended details) - Field sections 1220 and 1413 (Pwll Blew Land), Lôn Isaf, Morfa Nefyn - Approved 9 October 2007.
- 3.7 C07D/0440/42/MG - Construction of a two-storey dwelling (plot 9) - Field sections 1220 and 1413 (Pwll Blew Land), Lôn Isaf, Morfa Nefyn - Approved 28 January 2008.

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- 3.8 C06D/0379/42/AM - Construction of 2 dwelling houses - Pwll Blew fields, Lôn Isaf, Morfa Nefyn - Approved 26 November 2009.
- 3.9 C10D/0340/42/LL - Construction of a terrace of 3 dwellings - Plots 5-7, Pwll Blew Fields, Lôn Isaf, Morfa Nefyn - Approved 7 December 2010.
- 3.10 C10D/0431/42/LL - Amended plan to construct a two-storey dwelling (plot 10) - Field sections 1220 and 1413 (Pwll Blew Land), Lôn Isaf, Morfa Nefyn - Approved 13 April 2011.
- 3.11 C11/0170/42/AM – Residential development of four houses with 2 of these affordable housing – Maes Twnti, Lôn Isaf, Morfa Nefyn – Approved 14 February 2012.
- 3.12 C13/0121/42/LL - Construction of two semi-detached dwellings - 5 and 7 Maes Twnti - Approved 25 March 2013.
- 3.13 C16/1416/42/RC - Removal of Section 106 Agreement restricting occupancy of 6 dwellings as the sole or main residence and not to be occupied as a second home or holiday home - Houses 1, 3, 5, 7, 10 and 12 Maes Twnti, Morfa Nefyn - Approved 16 February 2017.

4. Consultations:

Community/Town Council: Support with 100% of the houses being affordable

Transportation Unit: No objection to the proposal, but recommend conditions to impose on any permission.

Welsh Water: Recommend a condition to submit a drainage plan for the site. No problems are anticipated regarding the treatment of sewage from the site. There is no objection in terms of water connection.

Natural Resources Wales: No objection to the application but propose conditions.

We note that the preliminary survey report on bats and protected species submitted to support the above application (Clwydian Ecology 12/02/2017) has stated that no bats are present at the application site. According to the information in the bat report, 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,

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subject to adhering to all the avoidance measures described in the report on bats.

Footpaths Unit: The development is on the verge of Public Footpath No. 12 Nefyn Town Council. Therefore, the path must be safeguarded and access must be protected during and after the development. Regarding the southern section of this Path Gwynedd Council policy suggests a width of 3 metres if the path is squeezed between new boundaries, such as a garden fence, and therefore it is expected that the full plan will include this condition.

Biodiversity Unit: The amended plan dated 27 October 2017 indicates that the existing trees and 'cloddiau' will be retained and I am glad of this. In order to ensure that the hedgerows are protected I suggest that there is a wildlife buffer of 2 metres and this should protect the 'clawdd' from development work now and in the future. I would like to see amended plans incorporate the wildlife buffer. In addition, the new houses should include bat and bird boxes and the planting schemes should include species of native trees and heritage fruit trees.

Housing Strategic Unit: **Information about the need:**
The following shows the number of applicants who wish to live in the area: -

- 17 applicants on the Tai Teg register
- 22 applicants on the common housing register waiting list

(the above figures may have been duplicated)

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	Two-bedroom	Three-bedroom	Four-bedroom
1st	0	5	0
2nd	0	1	0
3rd	2	3	1
4th	0	5	0

Number of bedrooms (Housing Options Team) - Gwynedd Council's Common Housing Register

Number of bedrooms	Number noted as choice
2	15
3	14
4	5

(The above figures may have been duplicated)

Suitability of the Scheme:

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Based on the above information it seems that the Plan addresses the need in the area.

If a Housing Association was a partner for this development, the design of the property would be required to conform to WG standards (DQR).

On average, a property in Maes Twnti sells for approximately £270,000. (Zoopla)

77.3% are priced out of the market in this area. (Caci paycheck)

There would be a need to consider a discount of around 40% if they are not affordable in the first place. (This information is provided without receiving the open market price for the property to be developed)

Tai Teg: Not received.

Welsh Language Services: Not received.

Public Consultation: A notice was posted on the site and nearby residents were notified. The consultation period has expired.

An objection has been received to the proposal on the grounds of the original plans dealing with a larger site for more housing. However, the plans have been amended to the proposal currently in question, namely 9 houses on a smaller site. As a result of this amendment to the plan the objector has stated that the site is further away from their property and it would not impact on them now in terms of loss of light or privacy.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The LDP proposals maps for the village of Morfa Nefyn show that site lies outside the village development boundary and it is considered that this is tantamount to erecting a new house in the countryside. Strategic Policy PS 17 - Settlement Strategy concerns the distribution of housing. Only housing development that complies with Planning Policy Wales and TAN 6 will be permitted in the Open Countryside. In accordance with TAN 6 one of the few circumstances in which a new residential development in the open countryside can be justified is when accommodation is required to enable a rural enterprise worker to live at, or close to, his workplace. The existing application is not an application for a rural enterprise dwelling and therefore it is considered that the proposal is contrary to Strategic Policy PS 17 and Policy PCYFF 1, together with Planning Policy Wales and TAN 6.

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- 5.2 Policy TAI 16 involves proposals for affordable homes on rural exception sites. The purpose of policy TAI 16 is to free up sites on the outskirts of settlements to provide affordable housing where houses would usually not be approved.
- 5.3 Firstly, Policy TAI16 requires that a proven local need has been demonstrated for affordable housing that cannot reasonably be delivered within a reasonable time-scale on a market site inside the development boundary. As part of the application the applicant submitted figures of need from the Tai Teg waiting lists and the Common Housing Register. No details of any additional effort made by the applicant to see if there was a need for affordable housing were submitted and if it was possible to provide these affordable houses on alternative sites within the development boundary. It is interesting to note from the information submitted that those on the Tai Teg list have only registered an interest and have not been assessed as eligible for an affordable house. Therefore, there is no certainty that those on the Tai Teg waiting list are eligible for affordable housing or if they have a definite interest in the scheme in question. It is therefore considered that insufficient evidence has been submitted to demonstrate a local need and that it would not be possible to deliver this need on a market site within the development boundary. To this end, it is considered that the proposal is contrary to Policy TAI 16 of the LDP.
- 5.4 Policy TAI 16 also requires that an exception site is directly adjacent to a development boundary and forms a reasonable extension to the settlement. The application site is located near a partly constructed housing estate. However, if we look at the map for Morfa Nefyn in the Gwynedd Maps Document attached to the LDP, it is seen that the application site is not located directly adjacent to the development boundary. From the planning history it can be seen that the land adjacent to the application site has a long and extensive history. Over the years planning permission has been granted for a total of 16 dwellings on the adjacent land. Currently, 6 houses have been built on the adjacent land and the estate road has been laid. The original consent on the adjacent land was an outline application to construct 10 houses and therefore the reserved matters were required to be submitted within three years of approval. Reserved matters were agreed for only the 6 houses that have been built, although an amended design was agreed for some of these more recently. By now it would not be possible to submit a reserved matters application for the 4 additional houses that were part of the outline application. The estate road received full planning application approval for development. Outline application C09D/0379/42/AM for 2 dwellings was approved in November 2009 and then outline application C11/0170/42/AM for 4 dwellings including 2 affordable dwellings was approved in February 2012. However, no reserved details applications were submitted in the case of both applications and therefore both permissions have run out of time. Full application C10D/0340/42/LL was approved in December 2010 to erect a terrace of 3 dwellings on the upper side of the affordable houses that have been built on the land. However, this planning application was not implemented. Permission C13/0121/42/LL namely a full application to construct two semi-detached dwellings on two of the plots on the eastern side of the land above the two houses that have already been built. This planning consent has not been implemented thus far and it will expire on 25 March 2018. Therefore as can be seen, over the years planning permission has been granted for up to 16 dwellings on the land. Out of these 6 have been built and another 2 can be built under planning permission C13/0121/42/LL if this is implemented before 25 March this year. However, the permissions for the rest of the plots have lapsed and have not been implemented. Consequently, the applicant has space available to develop housing within the boundary without having to consider the development of land outside the boundary. Even if there was justification for affordable housing on a rural exception site the developer has land that touches the development boundary and therefore there

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is no requirement to develop the site subject to the current planning application that does not abut the Morfa Nefyn development boundary. In addition, it is understood from the Joint Policy Unit that the land bank for houses provided or with permission for Morfa Nefyn is more than the indicative supply for the village as noted in Policy TAI 5 namely an indicative provision of 15 houses. Due to the current situation it is not considered that developing the land subject to the current application is a reasonable development for the settlement as vacant land is available between the existing houses on the Maes Twnti estate and the application site and therefore developing the site in question would make the development isolated with vacant land between it and the existing houses at Maes Twnti. Also, although it is realised that the layout of the site would only follow the development pattern commenced on the estate, there is concern regarding the linear pattern of the development that gives the proposal a very urban feel. It is therefore considered that the proposal is contrary to policy TAI 16 LDP.

- 5.5 As this is an outline application, there are no full details about the size of the houses. Indicative measurements were given in terms of the size of the houses that would be up to 10m by 10m in length and width. The height of the one-storey houses would be 2.5m to the eaves and 6m to the ridge with the two-storey houses at a height of approximately 4.9m to the eaves and approximately 9m to the ridge. If the application were to be approved it would be necessary to ensure as part of the reserved matters application that the size of the houses would be in keeping with the sizes given in the Supplementary Planning Guidance for Affordable Housing. The size of the houses would depend on the number of bedrooms and if they are one or two-storey.

Linguistic and Community Matters

- 5.6 This proposal is to construct 9 dwelling houses and a Linguistic and Community Statement was received as part of the application. The Council's Welsh Language Services were consulted and no response has been received at the time of writing. The proposal is for the provision of nine affordable houses and it is likely that the units would be attractive to the area's residents. The development will give local people more choice within the local housing market and thus help to retain the population in the community. 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 considered that this is a development that is acceptable in terms of Policy PS 1 of the LDP.
- 5.7 Policy PS 2 and ISA 1 of the LDP require that a sufficient infrastructure provision exists to cope with developments, such as sufficient educational facilities to cope with any increase in the number of pupils emanating from new residential developments. The Supplementary Planning Guidance (SPG) 'Housing Developments and Educational Facilities' is also relevant to this aspect of the application. The observations received from the Education Department state that there is sufficient space in Nefyn but that Morfa Nefyn school is fairly full. This information was received back in 2016 when the application was originally submitted. If the application were to be approved it would be necessary to ensure that there is capacity or otherwise at Ysgol Morfa Nefyn to serve the development, and if there is no capacity then it would be necessary to ensure a financial contribution towards educational facilities via a 106 agreement to meet with the requirements of Policies PS 2, ISA 1 of the LDP and the SPG.

Visual amenities

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5.8 As the application before you is an outline application, it is not possible to carry out a full assessment on the design as the layout, appearance, scale and landscaping are reserved matters. However, the proposed layout of the proposal on the plans indicate that it is proposed to continue with linear pattern of development commenced at Maes Twnti with houses located either side of the central estate road. There is some concern regarding a linear layout of this type on the whole land as it creates an urban feature in an area that is currently countryside. If the application is approved then the design aspects would be subject to a condition to be approved by means of a reserved matters application. Similarly, the materials will be a matter to be controlled by means of imposed conditions. Having agreed a suitable design and materials it is considered that it would be possible to have a development that would be in accordance with the requirements of Policy PCYFF 3 of the LDP. It would also be necessary to ensure a suitable programme of landscaping work by means of a condition if the application is approved and in compliance with Policy PCYFF 4 of the LDP.

5.9 The site lies within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest. The proposal is for the construction of dwellings. 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

5.10 Policy PCYFF 2 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. However, having considered the location of the site compared with existing housing and with suitably designed housing it is possible to site houses on the land 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 PCYFF 2 of the LDP.

Transport and access matters

5.11 It is intended to gain access to the site by extending the estate road on nearby land. The Transportation Unit was consulted on the proposal and they had no objection to the proposal. It is considered that the proposal would not have a detrimental impact on road safety. It is considered that the proposal is acceptable in terms of TRA 2 and TRA 4 of the LDP.

Biodiversity Matters

5.12 An Ecological Assessment was received as part of the application. Observations were received from the Biodiversity Unit and Natural Resources Wales. Natural Resources Wales is of the opinion that the proposal represents a lower risk to bats and they do not object the proposal if work is undertaken in accordance with the measures to avoid harm described in the report. If the application is approved a condition could then be imposed to ensure that the work is undertaken in accordance with the Ecological Assessment. The observations of the Biodiversity Unit state that they appreciate that the existing 'cloddiau' are to be retained and want to ensure a wildlife buffer of 2m between the development and the 'cloddiau'. A condition may be imposed to ensure this if the application is approved. There would also be a need to ensure the landscaping details via a condition. Consequently, it is considered that the proposal is acceptable in terms of Policy AMG 5 of the LDP.

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6. Conclusions:

- 6.1 The site is not located exactly adjacent to the Morfa Nefyn development boundary and therefore it cannot be considered as a rural exception site and the proposal therefore entails building new houses in the countryside where they are not needed for a rural enterprise. The local need for affordable houses has not been proven without any doubt and the developer has land available for development within the boundary or directly adjacent to the boundary. Therefore, it is considered that the proposal is contrary to the requirements of policy TAI 16 LDP and also national planning guidance in Planning Policy Wales and Technical Advice Note 6: Planning for Sustainable Rural Communities.

7. Recommendation:

7.1 To Refuse – reasons

1. The proposal would entail building new houses in the countryside where they are not needed for a rural enterprise. The proposal is, therefore, contrary to Strategic Policy PS 17 and Policy PCYFF 1 of the Anglesey and Gwynedd Joint Local Development Plan 2011-2026 (31 July 2017) together with Planning Policy Wales (9th Edition, November 2016) and Technical Advice Note 6: Planning for Sustainable Rural Communities.
2. The local need for affordable houses has not been proven and that it would not be possible to provide the provision within the development boundary. In addition, the application site is not located directly near the development boundary and it does not form a reasonable extension to the settlement, therefore it cannot be considered as a rural exception site. The proposal is considered to be contrary to the requirements of Policy TAI 16 of the Anglesey and Gwynedd Joint Local Development Plan 2011-2026 (31 July 2017).