

PLANNING COMMITTEE	DATE: 01/02/2021
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	

Number: 1

Application Number: C19/1174/42/LL

Date Registered: 15/01/2020

Application Type: Full

Community: Nefyn

Ward: Morfa Nefyn

Proposal: Residential development of six dwellings, access and associated works

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

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1 This is a full application for a residential development of six separate dwellings, an access road and associated works on the site of the former Resurrection of Our Saviour Catholic Church, Morfa Nefyn, which had now been demolished. This is a brownfield site, approximately 0.4 ha, located in a residential area of the Coastal-Rural Village of Morfa Nefyn, as defined by the Anglesey and Gwynedd Joint Local Development Plan. The vehicular access would be along the former church's access road, which leads from the unclassified Lôn yr Eglwys, near Ysgol Morfa Nefyn, while it is intended to retain pedestrian access to the north from Lôn Uchaf. Nefyn Community public footpath no. 14 crosses the site near the southern boundary.
- 1.2 The development would include three different types of houses, four of the houses having three bedrooms, and two having four bedrooms. All the houses would have two stories, would be up to 7.8m high and would each have an internal garage and a first floor balcony. The houses would have slate pitched roofs and the external finish of the walls would include slate cladding, grey "Marley" cladding and cedar cladding, with some elements in white render.
- 1.3 The development would be in the form of a 'cul-de-sac' with separate vehicular access, parking space and a garden for each unit.
- 1.4 There have been extensive discussions in dealing with the application, in order to ensure that the appropriate information is available to enable the Planning Authority to assess all relevant elements of the application. The information submitted for consideration as part of the application includes:
- Planning Statement
 - Housing Mixture Statement
 - Welsh Language Statement
 - Drainage Strategy
 - Ecological Assessment
- 1.5 In addition, based on the requirements of Policy TAI 15 of the LDP, the applicant proposes to make a financial contribution equal to 0.6 affordable units should planning permission be granted.
- 1.6 An appeal was submitted in relation to this application as the Planning Authority had not made a decision on the proposal within the target period of 8 weeks. The Town and Country Planning Order (Development Control Procedure) (Wales) (Amended) 2015 provides a four week "dual jurisdiction" period between the LPA and the Planning Inspectorate, where an appeal has been submitted due to a lack of decision. This allows the Local Planning Authority to continue to determine the outcome of an application for planning permission during the first four weeks after the appeal is received. This appeal was received on 12 January 2021, and so the four week period does not come to an end until 9 February 2021.

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2. Relevant Policies:

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Planning Policy Wales emphasise that planning decisions should be 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 (Wales) Act 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.

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

PS1: THE WELSH LANGUAGE AND CULTURE

PS 16: HOUSING PROVISION

PS 17: SETTLEMENT STRATEGY

PS 18: AFFORDABLE HOUSING

PS19 : CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT

PCYFF 1: DEVELOPMENT BOUNDARIES

PCYFF 2: DEVELOPMENT CRITERIA

PCYFF 3: DESIGN AND PLACE SHAPING

PCYFF 4: DESIGN AND LANDSCAPING

TAI 8: AN APPROPRIATE MIX OF HOUSING

TAI 4: HOUSING IN LOCAL, RURAL AND COASTAL VILLAGES

TRA 2: PARKING STANDARDS

TRA 4: MANAGING TRANSPORT IMPACTS

Supplementary Planning Guidance

SPG: Housing Mixture (2018)

SPG: Affordable Housing (2019)

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

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2.4 National Policies:

Planning Policy Wales (Edition 10, December 2018)

Technical Advice Note 12: Design (2016)

Technical Advice Note 18: Transport (2007)

3. Relevant Planning History:

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

4. Consultations:

Community Council:

Object:

- The development is contrary to the LDP policy which encourages the provision of only affordable housing in "coastal villages"
- None of the houses will be affordable
- There is a lack of variety in the type of housing offered
- The development would be harmful to the Welsh language and culture within the community
- The houses would have a detrimental impact on the privacy of existing houses on Lôn Uchaf
- The vehicular access is too narrow
- The development would cross a public footpath

Transportation Unit:

No objection

- The applicant has demonstrated that it would be possible for a fire engine to gain access in an emergency.
- The proposal is likely to lead to an increase in daily traffic, but it is not thought that the increase would be significant
- The estate would not be able to comply with the Council's adoption standards, and will have to remain private
- The provision for parking and turning within the estate is acceptable

It is suggested that standard conditions should be implemented relating to the provision of the estate road and parking, and a request made for a Construction Transport Management

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Statement in order to ensure safety in the vicinity of the school during the development period

Welsh Water:	No objection - observations for the applicant
Natural Resources Wales:	No observations to offer Standard guidelines for the applicant
Footpaths Unit	Not received
Public Protection:	Not received
Biodiversity Unit:	No objection A request for a condition stating that a wildlife survey should be undertaken before development of the site commences, in case a wildlife interest should develop in the meantime.
Land Drainage Unit:	Due to the size and nature of the development, an application will need to be provided to the SuDS Approval Body for approval before construction work commences.
Municipal Services:	Not received
Housing Strategic Unit:	Not received
Language Unit	Not received
Public Consultation:	A notice was posted on the site and nearby residents were notified. The following observations were received in response to the consultation relating to material planning considerations: <ul style="list-style-type: none"> • There have been too many housing developments in the village lately • The houses do not meet the needs of the local community

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- A lack of an affordable element in the proposal
- The development would be contrary to strategic policy PS17 of the LDP, the Settlement Strategy
- The access road is completely inadequate, especially bearing in mind how close it is to the primary school and the traffic problems which already occur at certain times
- A public footpath crosses the site
- The access road is too narrow
- Health and safety concerns when considering large vehicles (e.g. bin lorries) attempting to gain access to the site, especially as many park their vehicles along the side of Lôn yr Eglwys.
- Concerns about overlooking of existing houses which back onto the site
- There would be noise and disruption from the site, which would be harmful to the amenities of current residents.
- There are too many houses in the plan
- The consideration given to the development's sustainability is insufficient.
- A lack of measures to mitigate the loss of biodiversity
- Concerns that the increase in use of the path leading to Lôn Uchaf would cause disruption for nearby residents
- Overshadowing of nearby properties as a result of the development
- Should permission be granted, it will be necessary to provide the details of a waste disposal scheme, to ensure that no waste is burnt on the site.
- Conditions to control the building process are required
- Appropriate screening should be ensured in order to protect the amenities of neighbours.

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

- That the application refers to the wrong church (St. Mary's is the Protestant church which still stands near the site)
- Concern about the structural impact of the building work on nearby properties
- A concern regarding the accuracy of the plans submitted
- A development of bungalows would be more appropriate for the site

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 It is a requirement that planning applications be determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case. The application site is located on brownfield land within the development boundary of the Coastal-Rural Village of Morfa Nefyn, as defined by the LDP. The proposal is therefore consistent with the objectives of policy PCYFF 1 of the LDP to locate new developments within

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development boundaries; however, those developments must comply with the other policies of the LDP as well as national policies and other planning considerations before they are deemed acceptable.

- 5.2 Morfa Nefyn is denoted as a Coastal-Rural Village in the LDP, and policy TAI 4 supports housing developments in order to meet the Plan's strategy by using suitable windfall sites within the development boundaries of settlements in this tier, based on the indicative provision for the settlement.
- 5.3 The indicative housing supply for Morfa Nefyn over the Plan period is 15 units (including a 10% 'slippage allowance'). During the period 2011-2020, a total of 32 units were completed in Morfa Nefyn (each one on windfall sites). The windfall land bank, i.e. sites with extant planning permission, was 8 units in April 2020. These figures are therefore higher than the indicative supply figure noted in the LDP for Morfa Nefyn.
- 5.4 It is noted that the provision in Morfa Nefyn for 2020 (based on the land bank and those already built) is 25 units more than the indicative supply during the period of the Plan. When considering only the units that have been built, it is noted that it is 17 units more than the indicative supply.
- 5.5. Policy PS 17 of the LDP, which is the Settlement Strategy, states that 25% of the housing growth will be located within Villages, Clusters and open Countryside. A review of the situation in relation to the windfall provision within all the Villages, Clusters and open Countryside indicates that 1,152 units from the total of 1,758 units (without the 10% slippage allowance) predicted on windfall sites had been completed (between 2011 and 2019), and that 722 units were in the land bank (and likely to be completed). There is no certainty that the units in the land bank will be supplied and based on the completion rates to date within the Villages, Clusters and Open Countryside category, there could be a lack of housing supply within this tier. However, this must be considered in parallel with the specific situation in Morfa Nefyn in relation to what has already been built there, and the extant permissions.
- 5.6 Policy TAI 4 noted that any housing proposals within coastal-rural villages must be of a scale, type and design that is in keeping with the character of the settlement. It is housing developments on a small scale that are promoted, including infilling, converting buildings or changing the use of sites that become available. A relatively lower level of development is promoted for these Villages in order to protect their character and to support the community's need in terms of housing or affordable housing for local need. In accordance with policy PS16, this development is considered to be a "Large windfall site". While acknowledging the offer of a financial contribution towards the provision of affordable housing locally, this development would include six substantial open market houses that would add to the over-provision of housing in the settlement since the adoption of the LDP. The development would do nothing to support the community's need for housing by providing housing to meet certain needs, such as affordable housing. Instead, it is intended to provide substantial market houses that could, if sold on the open market, lead to a change in the community's character. As a result, it is believed that the application is contrary to the requirements of policy TAI 14 of the LDP.

The housing mix

- 5.7 A Housing Mix Statement was submitted with the application. It is noted that the units proposed are a mix of four detached three bedroom houses, and two detached four bedroom houses. It is therefore likely that the proposal could appeal to families with children. Information justifying

this provision has been submitted with the enquiry, including a letter from a local estate agent supporting the proposal and the type of housing offered.

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

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

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

Affordable housing

- 5.13 As two or more units are proposed as part of the proposed development, Policy TAI 15 ('Threshold of Affordable Housing and their Distribution) notes that it is expected for at least 10% of the units to be affordable.
- 5.14 Policy TAI 15 states that where the affordable housing requirement of a particular scheme falls below a single dwelling on the site, providing an affordable unit within that development will remain the priority. However, if it is deemed that this is not possible, a pro-rata payment will be expected rather than no affordable provision on the site. Not one of the units proposed as part of this application is affordable (in accordance with the definition in TAN 2); rather, the applicant has offered a financial contribution to the value of 0.6 units towards the provision of affordable housing locally.
- 5.15 It is noted that the proposed size of the units is larger than the indicative figure noted in the Supplementary Planning Guidance on Affordable Housing in relation to the notional size of such an affordable unit. Based on the information in the SPG a contribution equating to 0.6 affordable units would be required; using the methodology in part 7.5 of the Affordable

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Housing SPG which calculates the financial contribution, 0.6 affordable units in Morfa Nefyn would require a contribution of £49,999.

- 5.16 Having said this, should the applicant be of the opinion that it is not viable to provide the affordable element within any plan, it would be their responsibility to clearly state on the viability assessment pro-forma the circumstances that justify a lower affordable housing contribution than expected. No such statement has been submitted with this application.
- 5.17 Based on the above, it is not clear why at least one affordable house could not have been included in the scheme, and therefore it is not believed that the proposal satisfies the requirements of policy TAI 15, which states that where the affordable housing requirement of a particular scheme falls below a single dwelling on the site, providing an affordable unit within that development will remain a priority, and only when it is deemed that this is impossible will a pro-rata payment be accepted.

The Welsh Language

- 5.18 Policy PS1 promotes and supports the use of the Welsh language in the Plan area and the policy makes it a requirement for developers to submit a Welsh Language Statement with any proposed residential development that would either on its own or accumulatively provide more than the indicative housing provision set for the settlement. A Welsh Language Statement was submitted with the planning application, which concludes that the impact of this development on the Welsh language in the local community would, on the whole, be neutral, and that the affordable housing contribution would help towards the provision for local people.
- 5.19 According to the 2011 Census, 72% of the population of the Morfa Nefyn speak Welsh compared with 65.4% in Gwynedd. Although a decrease was seen in the percentage of Welsh language speakers between 2001-2011, the level remains above the threshold of 70% considered to be a viable Welsh language community.
- 5.20 The Welsh Language Statement makes the following points regarding linguistic matters:
- The development would provide open market family homes for local people.
 - The marketing strategy would encourage local occupancy.
 - The proposal would provide a financial contribution towards the provision of affordable housing off the site
 - Providing housing in this location would give local people an opportunity to stay in the area, with easy access to work opportunities, services and facilities
 - By adopting a Welsh name and incorporating Welsh signage, the proposal would contribute towards the visual elements of the Welsh language.
 - The proposal would offer an opportunity to make a valuable contribution to local employment during the construction work and by supporting local businesses.
- 5.21 The response of the Language Unit to the document submitted is awaited, and the matter will be further reported at the Committee meeting.

Design and visual amenities

- 5.22 Generally, policies PCYFF 2 and PCYFF 3 of the Joint Local Development Plan approve proposals for new developments as long as they do not have a detrimental impact on the health, safety or amenities of the occupiers of local properties or on the area in general. In addition, developments are required to:
- Contribute to, and enhance, the character and appearance of the site
 - Respect the site and its surroundings in terms of their position in the local landscape.

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- Use appropriate materials

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

General and residential amenities

5.24 Because of the location, design, slope, and size of the proposed houses, it is not believed that there would be any significant detrimental impact on private amenities as a result of the development. While accepting that the houses around the area of the proposed development currently back onto a vacant site, this is an infill site within the development boundary, and it is not considered unreasonable for development for housing. It appears that the layout of the proposed houses has been designed to avoid direct overlooking and while it is inevitable to have some inter-visibility between gardens, it is not believed that this would be unreasonable or unexpected in such a location, especially when considering the site's previous public use.

5.25 Despite the above, it is believed that there is the possibility of considerable inconvenience and disturbance for local residents as a result of the use of the proposed vehicular access to serve the development. The access road is very narrow - the width of a single vehicle - and, due to its nature, it will not be adopted by the County Council as a public road; the entire estate road will remain private.

5.26 In considering the type and size of the proposed houses, there is a strong possibility that each property will have at least two private vehicles and, adding in vehicles transporting goods and service vehicles, a significant and regular increase in the use of the access road and the junction with Lôn yr Eglwys is likely. The vehicular entrance is also near to Ysgol Morfa Nefyn, which itself creates traffic that already causes inconvenience to local residents. This considered, and in light of matters such as the need for waste to be collected from the end of the access road (as it will not be adopted), it is believed very likely that there will be disturbance in terms of the impact on ease of access, parking problems and traffic flow issues, creating an unacceptable disruption for nearby residents. In addition, it is also believed that despite the efforts shown in the plans to provide safe and tidy bin storage areas, due to the nature of such a facility, in such a confined space, it is inevitable that those arrangements will add to problems with untidiness and litter near the entrance, which is close to the community cemetery and the historic and attractive building of St. Mary's Church.

When considering the above, in view of the number and type of houses proposed and the narrowness of the access road, it is believed that there is a likelihood that this development will cause significant damage to the amenities of local residents; therefore, the proposal does not meet the requirements of policy PCYFF 2 of the LDP with regard to protecting amenities near development sites.

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Transport and access matters

- 5.27 Following discussions with the applicant and having received further information, the Transportation Unit has no objection to the proposal. It was confirmed, despite the unusual design with a single track road for access and a lack of a formal turning area within the site, that the applicant had shown that it was possible for a fire engine to gain access in an emergency. It was also confirmed that the entrance's location almost opposite the school was acceptable in terms of safety - the proposal is likely to cause an increase in daily traffic, but up to the site entrance is a two-lane county road, and it is believed that the increase would not be significant in a way which could cause congestion on that road.
- 5.28 The lack of land means that the applicant cannot satisfy the Council's adoption standards and therefore, should the proposal be approved, it would remain a private estate. This is not an unusual situation, but it does mean that bin collections would happen from the site entrance, and that the responsibility for maintaining the estate would sit with the owner/residents rather than Gwynedd Council.
- 5.29 The parking provision shown for each plot is satisfactory, and it is believed that they all include sufficient surface area to turn and join the estate road in a forward gear.
- 5.30 It is suggested that standard conditions should be implemented relating to the provision of the estate road and parking in accordance with the plans to an adopted standard for the residents' well-being, and, due to the access restrictions, it is suggested that the applicant should also submit a Construction Transport Management Statement for approval before commencement of the work, with an emphasis on keeping the road clear in front of the school and avoiding heavy traffic at school opening and closing times.
- 5.31 Given the above, it is considered that the proposal complies with policies TRA 2 and TRA 4 of the LDP relating to the parking provision and safety of the public road network.

Biodiversity Matters

- 5.32 An Ecological Assessment was submitted with the application, and a consultation was undertaken with the Biodiversity Unit. The report showed that the site had been cleared and that no significant vegetation was to be found growing there; as a result, there were no habitats for wildlife at the time. However, vegetation can return within a year or two, and so the Unit requested a condition to undertake a further ecological survey before commencement of the construction work.
- 5.33 It is considered that, by enforcing the condition above and following the planting schemes submitted, the development would be in keeping with the requirements of Policies PCYFF 4 and PS19 of the LDP, relating to landscaping and protecting the natural environment.

6. Conclusions:

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

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7. Recommendation:

7.1 To refuse – reasons –

1. The housing provision in Morfa Nefyn is already significantly higher than the provision set by the Joint Local Development Plan, and therefore it is not believed that the proposal would meet the acknowledged local need for housing. As a result, the development would lead to an overprovision of open market housing in the community, which is contrary to the requirements of policy TAI 4 of the LDP and the settlement strategy included in policy PS 17.
2. No sufficient reason has been provided within the application as to why an affordable unit cannot be provided on the site, and therefore the application is contrary to the requirements of Policy TAI 15 of the LDP.
3. Due to the narrowness of the access route to the site and the detrimental impact on the flow and convenience of private and service transportation which will use it, it is likely that the development will have negative impacts on the amenities of local residents and users of Lôn yr Eglwys, including those who attend Ysgol Morfa Nefyn; therefore, the proposal is contrary to the requirements of policy PCYFF 2 of the LDP with regard to protecting the amenities of land users near development sites.