

<b>PLANNING COMMITTEE</b>	<b>DATE: 21/03/2022</b>
<b>REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER</b>	

**Number: 8**

**Application Number: C21/0668/43/LL**

**Date Registered: 09/07/2021**

**Math y Cais: Full**

**Community: Pistyll**

**Ward: Llanaelhaearn**

**Proposal: Construction of affordable dwelling**

**Location: Land near Uwch y Don, Bwlch Gwynt, Pistyll, Pwllheli,  
LL53 6LP**

**Summary of the Recommendation: TO REFUSE**

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## **1. Description:**

The application was deferred at the Planning Committee meeting held on 13 December 2021 in order to receive the further information from the applicants. The applicants were asked to prove their need for an affordable house and financial information, Red Book Evaluation and Valuation for their current house were received. An Amended Plan was also received changing the layout of the house, reducing the size of the plot and changing the boundary treatment, as well as an Ecological Report as the land had been identified as a Wildlife Site.

- 1.1 This is a full application to construct an affordable home (four bedrooms) on land near Uwch y Don, Pistyll. It is design as a two-storey dormer dwelling including a kitchen/diner, living room, utility room/toilet and one bedroom on the ground floor and three bedrooms, an office and a bathroom on the first floor. The house would be finished with slate roofing, solar panels and rendered walls. It is intended to amend an agricultural access gate to gain access to the plot, with a parking and turning space within the site. Internally, the house measures approximately 9 metres long by 7.8 metres wide. It is currently an agricultural field on a gradual slope with a gorse hedge on the front boundary.
- 1.3 Pistyll is a Cluster Village in the Local Development Plan Inset Maps and the site is located adjacent to the Uwch y Don dormer property that is marked red on the maps. The site is served by a steep unclassified county road which leads from the centre of the village. The site is located within the Llŷn Area of Outstanding Natural Beauty and the Llŷn and Ynys Enlli Landscape of Outstanding Historical Interest. The land has been identified as the Dolydd Pistyll Local Wildlife Site.
- 1.4 The application is submitted to the Planning Committee at the request of the Local Member.

## **2. Relevant Policies:**

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the 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 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017**
- PS 1 The Welsh Language and Culture
- TRA 2 – Parking standards
- TRA 4 – Managing transport impacts
- PCYFF 1 – Development Boundaries
- PCYFF 2 – Development criteria

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PCYFF 3 – Design and place shaping

PCYFF 4 - Design and landscaping

PCYFF 6 - Water conservation

PS 17 - Settlement Strategy

TAI 6 - Housing Clusters

PS 18 – Affordable housing

TAI 15 - Threshold of Affordable Housing and their Distribution

PS 19 - Conserving and where appropriate enhancing the natural environment

AMG 1 - Areas of Outstanding Natural Beauty Management Plans

AMG 5 – Local Biodiversity Conservation

AMG 6: Protection Sites of Local or Regional Significance

PS 20 - Conserving and where appropriate enhancing cultural assets

AT 1 – Conservation areas, world heritage sites and landscapes, parks and registered historic gardens

Supplementary Planning Guidance: Affordable Housing (April 2019)

Supplementary Planning Guidance – New Houses in Rural Villages

## 2.4 **National Policies:**

Planning Policy Wales (Edition 11, February 2021)

Future Wales: The National Plan 2040

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)

Technical Advice Notes (TAN) 6: Planning for sustainable rural communities (2010)

Technical Advice Note (TAN) 18: Transport (2007)

## 3. **Relevant Planning History:**

3.1 No previous planning history.

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#### 4. Consultations:

Cyngor Cymuned/Tref:

Response to the second consultation

Members of Pistyll Community Council agreed to express their support to the application.

Original response

Pistyll Community Council members wish to extend their support in relation to the above planning application that will be submitted to the Planning Committee on 22 November, 2021.

During their meeting on 12 October the members welcomed the information that a local family were proposing to construct an affordable home on their family's land in Pistyll.

The applicants are very eager to move back to their family, but we understand that they are not eligible for an affordable home through the Tai Teg scheme as they already have a house.

We appeal to you to consider that approving this application will increase the stock of affordable homes within the area of Pistyll and Nefyn as their existing house in Nant y Felin will be sold with a Section 157 on it, namely that it will only be available to Gwynedd residents, and also with an affordable element on it for local people to be able to purchase a four bedroom house for an affordable price and enable other young families to stay in their areas. We also understand that the Council is considering buying the existing house back into Council stock.

Transportation Unit:

Not received.

Biodiversity Unit:

Observations to the second consultation

An updated PEA report has been provided in support of the application.

The following mitigation measures and biodiversity enhancements noted in the PEA report must be conditioned:

- The Japanese knotweed management plan must be followed (page 35 – 37)
- As the works will be on a Wildlife site, a management plan must be put in place for the future management of the site within the grounds of the property (based on section 5.2.2 and 5.2.4 of the report) – this should include enhancement and compensation (section 6) detailing tree species to be planted, location, maintenance of planting and details of in-built bat boxes and their location.
  - The information provided in appendix under “Plant-

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ing aftercare” will need to be adhered to and included in the management plan of the site.

- The information provided in the appendix under “Procedure for vegetation clearance/Hedgerow translocation/Clawdd translocation” and “Procedures for translocation of hedges” will need to be adhered to and will need to be undertaken in the presence of a suitably qualified ecologist.
- As a ditch will need to be culverted ordinary water consent will be required and “GPP 5 works and maintenance in or near water” must be followed (section 5.2.1 of the report)
- The methods alluded to under section 5.2.6. (detailing when the work can be carried out, any specific methods and the presence of an ecologist) for reptiles and amphibians will need to be adhered to.
- A lighting plan must be produced following the advice under 5.2.7
- All points in section 7 of the PEA should be followed (though please note that since the updated report, none of the section numbers correspond).

#### Original observations

The site of the proposed development lies the Pistyll Meadows Wildlife Site. As a result, the applicant will need to provide a Preliminary Ecological Assessment.

AONB Unit:

#### Response to the second consultation

The adaptations made to the boundaries, the gate and the additional landscaping answer the concerns in terms of the effect on the AONB.

#### Original response

The site in question is located on the peripheries of the village of Pistyll and in the Area of Outstanding Natural Beauty (AONB). The site is currently agricultural land and the site is relatively prominent on the side of a rural road that leads from Pistyll to the direction of Pentreuchaf. There is another dwelling nearby, namely Uwch y Don.

Policy CP 6 in the AONB's Management Plan supports the provision of affordable homes to meet genuine local need where plans, designs and materials are in-keeping with the AONB's environment.

The proposal in question is for a dormer house of a relatively simple design, similar to other recent houses in the Pistyll area. Some minor changes would help the development blend with its location in the AONB and contribute to maintaining local wildlife. The suggested changes are to retain the existing soil hedge as a boundary between the site and the road, create a new access that is suitable to a rural location (stone wall or clawdd) and erect a small clawdd and

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introduce landscaping along the boundaries.

Land Drainage Unit (Gwynedd Consultancy):

**INFORMATION:** It appears that a watercourse runs along the boundary of the development site and that the developer intends to place the stream in a culvert as part of the development. This will require Ordinary Watercourse Consent from this unit - FCRMU@gwynedd.llyw.cymru should be contacted for further advice. Please note that our policy allows only for culverting to facilitate access and the developer will be required to keep the ditch as an open watercourse otherwise.

Since 7 January 2019, sustainable drainage systems (SuDS) are required to control surface water for every new development of more than one dwelling or where the building surface area has drainage implications of 100m<sup>2</sup> or more. Drainage systems must be designed and constructed in accordance with the minimum standards for sustainable drainage as published by Welsh Ministers.

These systems must be approved by Gwynedd Council in its role as SuDS Approval Body (SAB) prior to commencement of the construction work.

Due to the size and nature of the development, an application may need to be provided to the SuDS Approval Body to be approved before construction work commences. No drainage details have been submitted to date, and until an application is made to the SAB there is no assurance that the site plan would enable compliance with the full suite of national NDS standards. Early consultation with the SAB is recommended.

<https://www.gwynedd.llyw.cymru/cy/Trigolion/Cynllunio-a-rheolaeth-adeiladu/Cynllunio/System-Draenio-Cynaliadwy.aspx>

Strategic Housing Unit:

Not received.

Welsh Water:

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

There is no public sewerage system in the immediate vicinity of the application site and therefore the proposed development will require the provision of satisfactory alternative facilities for sewage disposal. Notwithstanding this, we acknowledge that the accompanying 'Proposed Site Plan' (Drawing No. 2105-gj002) refers to the route of a new 100mm drain to connect to a main sewer off-site and can

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confirm that a public sewerage system is located further north of the site.

Accordingly, if you are minded to grant Planning Consent for the above development, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dŵr Cymru Welsh Water's assets:

**Condition** No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

**Reason:** To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Natural Resources Wales:

We have no objections to the application but we do have the following observations:

**Protected Species:** We note that the ecological report submitted in support of the above application (B Moseley BSc Hons (PIEMA) Ecology Report 14/01/2022) has noted that no European Protected Species use the application site. Therefore, there are no further species observations to make on the application as submitted.

**Protected Landscape:** The development site is located within the Llŷn Area of Outstanding Natural Beauty (AONB) and the main objective is to protect and enhance natural beauty. NRW is of the opinion that the development will not affect the purposes of the AONB, but there may be local considerations. Therefore, we advise that discussions should be held with the local authority landscape specialist.

**Protected Sites** From the information submitted, NRW are of the view that the proposals could have an impact on the Pen Llŷn Special Area of Conservation (SAC) / Seacliff Lley, and the Porthdinllaen to Porth Pistyll Site of Special Scientific Interest. The application is located within 270m of the SAC and SSSI.

NRW has noted the potential impact routes of pollution for the features of this site. The pollution route might not lead to a detrimental impact if the developer adheres to the pollution prevention guidelines.

No assessment of likely significant impact under Regulation 63 of the Habitats and Species Conservation Regulations 2017 has been undertaken by your authority, or it was not forwarded for consideration to NRW. If you come to the conclusion that the proposed development is likely to have a substantial impact on the European site, we look forward to being re-consulted. In the absence

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of this assessment, NRW cannot offer any certainty that the proposals would not have a detrimental impact on the SAC.

With the provision of the impact route referred to above by the SAC, NRW is of the opinion that the SSSI features would also be sufficiently protected.

Public Consultation:

A notice was posted on the site and nearby residents were notified. The advertising period has expired. There were no objections to the proposal but a number of correspondences were received supporting the application:

- Support a local young family that wishes to build a new home - the applicant is originally from Pistyll.
- The site is a suitable location for policy purposes.
- No public bodies object to the application
- Build on the family's Farm land - Wish to be nearer to help on the Farm, the applicant's father is approaching retirement age, the site is within walking distance of the farm, the applicant and his sons would be able to continue with the family tradition of farming.
- Tai Teg: Assessment failed, not because of salary but as the applicant has a suitable house and needs to sell his house first. Tai Teg does not consider how much the value of a property has increased in the last two years compared with the area's salaries.
- The applicant's current house is a former Council house with a 157 Condition that restricts the sale to people from Gwynedd. Nefyn Town Council and several others support that the proposal would free up a local house in the Nefyn area which is truly needed.
- The prices of four bedroom houses in Nefyn are currently in excess of £400,000 - need to secure housing for local young people is crucial to Communities where Holiday Homes are increasing.
- The applicant's current house is now unsuitable for the family's needs, small kitchen and rooms, noise, traffic and parking problems.
- Need a tailored space / office for the applicant's work who is an Information Technology Programmer/Analyst - to meet Health and Safety needs, confidentiality and data protection. There is no such space in the existing house.
- Tai Teg objectives are having an opposite effect to their original proposal of housing people in their own communities
- Important that the children are able to remain in the same school for stability.
- The family's mental health is suffering due to anti-social problems.
- Pistyll is turning into a holiday village with recent developments such as Natural Retreats, Fferm Pistyll and Plas Pistyll and Bethania Chapel, and therefore it is important to provide homes for young families for the future of the communities.
- Despite the policies - this is a unique situation.



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## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 Pistyll has been designated a Cluster village in the Gwynedd and Anglesey Local Development Plan, therefore the relevant housing policy in this case is Policy TAI 6 *Housing Clusters*. Only affordable homes can be approved in cluster villages and on suitable sites located adjacent to buildings that are coloured red on the Inset Maps and subject to complying with all of the policy's criteria.
- 5.2 The application was deferred at the Planning Committee meeting held on 13 December 2021 in order to give the applicant an opportunity to present further information, as there was doubt that the applicant was in genuine affordable need. They were asked to confirm why the existing property could not be extended to meet their needs, to explain how much equity would likely be freed up in selling the house and they were asked to reduce the size of the plot. Additional information was received including further explanation in terms of their need, a valuation for the existing house and likely equity, a Red Book Evaluation for the proposed house, amended Plan amending the layout, size and boundary treatment of the plot and also an Ecological Report. The relevant steps were taken to consult with the relevant bodies on the new information received. You will appreciate that the content of the financial details is sensitive and confidential and cannot be included in the report.
- 5.3 The proposal must, therefore, be re-assessed in terms of compliance with policy TAI 6 based on the new information to hand.
- 5.4 **Criterion 1 - The need for an affordable home for local community need (in accordance with the list of terms) has been proven.**

Local need for clusters is defined as people in need of an affordable house who have resided within the cluster in the surrounding rural area for a continuous period of 5 years or more, either immediately before submitting the application or in the past.

The Personal Statement on the application details the family situation of the applicants, noting that they are a young local couple with three children 9, 5 and 3 years old therefore asking for a four-bedroom house. The couple already owns a former Council house in Nefyn which in subject to a 157 condition, and, according to the statement, has become too small for their needs. They are therefore asking to build a house in the applicant's native area in Pistyll on the farmland owned by the family. He also wishes to be nearer to the family farm to be able to help his father who is approaching retirement age with farm work. It must be clearly stated that this is not an application for an agricultural dwelling, and that no agricultural need has been proven.

- 5.5 Whilst there is no doubt that the applicant complies partly in terms of criterion 1 in the sense that he is a local person, this in itself is not sufficient to prove need. As the applicant already owns a house in Nefyn, the Planning Service needs to be completely satisfied that this household is in genuine need for another house on the basis that the existing house is not acceptable or suitable to meet their needs reasonably. Alongside thi, if satisfied that such a need exists, it must be ensured that they are not able to secure any suitable property on the open market locally. Comprehensive further information was received from the applicant following the last Committee, confirming that the size of their existing house is 103m<sup>2</sup> and that it has recently been extended. Nevertheless, they stress that their kitchen

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and garden are too small, that there is no suitable office space for his work as a programme analyst, parking problems and anti-social issues are all factors as to why their existing house is unsuitable and that they need the proposed house. Details were also presented of examples of current four-bedroom houses on the market in the Nefyn and Pistyll area, which vary from £350,000 - £475,000, emphasising that they could not afford these houses. Tai Teg were consulted on the new information, including the financial information about the valuation of the existing house and equity, and the applicant was required to re-submit an application to them. A copy of Tai Teg's response was received from the applicant, confirming that they had assessed the application against their criteria, but as they were in a suitable house for the size of the family, that was affordable and that they had not specific needs, that they were refusing the application. Whilst appreciating the applicant's situation, based on the new information to hand and the results of the latest Tai Teg assessment, the applicant has not proven to be in need of an affordable house. It must be borne in mind that new housing in the countryside can only be approved as an exception to policy, and can only be approved as the last resort. As the applicant has not proven that he is in need of an affordable house, the application does not meet the requirements of criterion 1 of the policy.

**5.6 Criterion 2 - The site is an infill site, between buildings highlighted on the relevant Inset Map, or is a site directly opposite the curtilage of a highlighted building**

The plot in question is located adjacent to a building that is marked red on the Inset Maps and is close to the centre of the Pistyll village cluster. If need had been proved, it is believed that the site is suitable for the development and complies with criterion 2.

**5.7 Criterion 3 - The scale of the development is consistent with the character of the settlement.**

The indicative housing supply for every cluster within Gwynedd-Dwyfor during the period of the Plan (2011-26) is 40 units. During the period 2011-20, a total of 8 units were completed in each cluster identified within Gwynedd-Dwyfor. The windfall land bank for all these settlements, i.e. sites with extant planning permission, was 4 units in April 2020. This means that there is currently capacity within the indicative provision for the Clusters in Gwynedd-Dwyfor. Given these figures, it would be reasonable to accept that a development of one dwelling on a scale that is consistent with the character of the settlement is acceptable with regard to criterion 3. Additionally, the design is a dormer house, which is consistent with the design of the adjacent house and the other houses in the vicinity.

**5.8 Criterion 4 - The proposal would not create an intrusive feature in the countryside, and would not create a piecemeal development pattern, or create a ribbon development contrary to the general development patterns of the settlement.**

It is not considered that the proposal is contrary to criterion 4 of Policy TAI 6 as it is not considered that developing the site would create an intrusive feature in the countryside and that developing the site would follow the general pattern of development found in Pistyll. The site is close to the centre of Pistyll village and there is one other property that is relatively close further up and on the opposite side of the road, therefore the development would not appear out of place on the site in question.

**5.9 Criterion 5 - The size of the property reflects the specific need for an affordable house in terms of its general size and the number of bedrooms.**

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As already noted, this is a family of five namely a young couple with a 9-year-old son, a 5-year-old daughter and a 3-year-old son. They are therefore asking for a four-bedroom dwelling with a bedroom for each of the children and also an office for the applicant. The Probable Floor Space table included in Supplementary Planning Guidance - Affordable Housing (April 2019) does not note a specific size for a 5-person, 4-bedroom unit, but a 6-person, 4-bedroom unit is expected to have approximately 110m<sup>2</sup> of internal floor space. The Committee is reminded that there is inconsistency in the scales of the Plans originally printed, which meant that the size of the house noted in the report to Committee on 13 December 2021 was incorrect, but the error was corrected in the additional information form and noted on the plans. It can be confirmed that the internal ground floor space is approximately 71m<sup>2</sup>, with the first-floor usable surface area (the space higher than 1.5m) is approximately 44m<sup>2</sup> making a total internal space of 115m<sup>2</sup>, which is not substantially larger than the size recommended.

Concern was raised regarding the size of the plot previously, and amended plans were submitted on 27 January 2022 changing the setting of the house to be closer to the road and narrowing the plot. It is considered that reducing the size is an improvement to the previous proposal.

- 5.10 Since the last Committee, a red book valuation has been presented for the proposed property, which states a likely open market price of £315,000. As the valuation was completed by a Chartered Surveyor using the RICS Red Book methodology, we must therefore accept that the basis of the valuation is acceptable. Consideration has been given in the valuation to comparative sales in the area, varying from £285,000 - £327,500 over the past three years.
- 5.11 Part 3.3.5 of the Supplementary Planning Guidance – Affordable Housing, states an assumed price of an affordable unit (based on the type of unit proposed together with its location). The Guidance states that this shows the expected price of intermediate affordable units in the individual LSOAs where the application is made, which will be a starting point for the applicant and any discussions with the local planning authority. Based therefore on information from the Supplementary Planning Guidance 'Affordable Housing' (part 3.3.5), the following indicative price is noted for a single affordable dwelling (i.e. the type proposed) in Pistyll (the indicative price is the basis for further discussions regarding the affordability of units):

<b>LSOA</b>	<b>Household Median Income (2020)</b>	<b>3.5 Times household income</b>	<b>10% deposit level for a single house%</b>
Llanaelhaearn	£25,971	£90,899	£30,000

\*Zoopla website: Five-year period February 2017 - February 2022 (six sales)

**Therefore:** The assumed price of a single affordable house in Pistyll: £90,899 + £30,000 =  
**£120,899**

- 5.12 The Strategic Housing Unit has not responded to confirm in terms of affordability, what the reasonable likely discount percentage would be for a new single intermediate property. It is suggested that a discount of approximately 50% would be needed to make the price affordable to £157,000 which would be affordable for an intermediate property. There is concern about house

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prices increasing, and the price of the property / land could increase significantly in the future to a level where it could be argued that the property is not affordable whatever the discount, and that an application may be submitted to lift the s106 agreement. We note that the Local Development Plan only supports proposals for affordable units where it can be ensured that they remain affordable in perpetuity. In such an elevated position with coastal views that could influence the price of the house in future, it cannot be certain that the house would continue to be affordable to the future.

**5.13 Criterion 6 - Due to the more sensitive rural location than usual, the development will be required to make the best use of the natural features of the site and retain any natural features on the site or on the site boundary which are worth retaining**

The existing front boundary is formed by a soil *clawdd* topped with gorse which runs along the road. The southern boundary is not as well-defined with gorse shrubbery here and there. Concern was expressed that the original plans indicate a proposal to demolish the front *clawdd* and to replace it with a boundary wall such as the one in the Uwch y Don property and to erect fencing along the remaining boundaries. It is noted that the ONB Officer has suggested changes to the boundaries, including retaining the existing soil *clawdd* as a boundary between the site and the road, creating an access that is suitable for a rural location (stone wall or *clawdd*) and erecting a small *clawdd* and introducing landscaping along the boundaries. Having drawn the applicant's attention to the concerns, an amended site plan was submitted following the last Committee, keeping the boundary *clawdd* and introducing landscaping for the rest of the boundaries. The changes are more considerate and keep and use existing natural features and respect the rural character of the sensitive site within the AONB. The amendments now satisfy the requirements of criterion 6 of the policy.

**5.14 Criterion 7 - There are mechanisms to restrict the occupancy of the house initially and in perpetuity to those who have a need for an affordable house.**

If all matters were acceptable, it would be possible to bind the proposed dwelling as an affordable home through a 106 agreement. However, policy TAI 6 along with Policies PS 17 and TAI 15 promote affordable housing only within clusters such as Pistyll. The houses should not only be affordable for the applicants (first owners), but they should also be houses that continue to be affordable for any future prospective buyers. As the applicant has not proven eligible to be in need of an affordable house, the proposal does not comply with the requirements of criterion 7 either.

5.15 In light of the above, it can be seen that this proposal does not meet criteria 1 and 7 of Policy TAI 6, and that it is also contrary to the requirements of Policies PS 17 and TAI 15.

**Visual amenities**

5.16 This is a two-storey dormer dwelling with a slate roof, solar panels and rendered walls. It is a relatively simple design and is similar in design to other dormer dwellings in the vicinity of the site. Since the last Committee, the setting of the house and size of the plot has changed. The house has also been moved closer to the road, offering a better sequence to the development line of Uwch y Don. The main elevation of the house, with the front door would face south and the gable end of the house and the first-floor window would face the road, the same layout as the Uwch y Don property. The field is on a slope therefore the property would be on higher level than the neighbour. As already noted, it is considered that the size of the house is acceptable. The amendments made

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to reduce and narrow the plot since the last Committee are also considered to be an improvement and more reasonable for an affordable house. As already mentioned, retaining the boundary *clawdd* and introducing landscaping to the boundaries is an improvement and is more considerate of the feature and character of the area and rural location. A response was received from the AONB Officer to the second consultation, noting that the adaptations made to the boundaries, the gate and the additional landscaping answer the concerns in terms of the effect on the AONB. It is therefore considered that a house could be acceptable on the site without causing significant harm to the area's visual amenities or having an impact on the character of the AONB and the broader Landscape of Outstanding Historical Interest. The proposal does therefore comply with the requirements of policies PCYFF 3, AMG 1 and AT1 in this case.

### **General and residential amenities**

- 5.17 There is a dwelling on lower ground to the north of the site, namely Uwch y Don and another house that is higher up and on the opposite side of the road to the south-west, namely Yr Hen Ysgol. Yr Hen Ysgol is set approximately 30 metres away and is therefore far enough away and across the road to mean that their amenities would not be affected to a significant extend. The proposed house would be set on land that is higher than Uwch y Don and the curtilage would abut its boundary. There are several windows on rear of Uwch y Don property, and the curtilage part which touches the plot is used as their parking area. The plans indicate two ground floor windows and one roof light (office) on the northern side of the house that would face this property, with a distance of approximately 18m shown in the Site Plan from the proposed wall to the rear wall of Uwch y Don. The submitted cross-section plan does not indicate how the levels of the proposed house relate to Uwch y Don. An Amended Plan was received moving the setting of the house closer to the road and introducing landscaping on the boundary with Uwch y Don. Given the distance between the windows and the proposal to landscape the boundary, it is not considered that the proposal is obtrusive or substantially affects the privacy of neighbours, and with the proposed landscaping on the boundary, privacy would be protected further. Therefore, it is considered that the proposal is acceptable in terms of Policy PCYFF 2 of the LDP. Nevertheless, this does not do away with the fact that the proposal does not meet the requirements of the housing policies that require a need for an affordable home to be proven.

### **Transport and access matters**

- 5.18 The site is served by a steep unclassified county road that leads upwards from the centre of the village in the direction of the plot. The proposal shows that it is expected to alter the existing agricultural access to serve the dwelling that is located in the highest corner of the field. The road in this part is straight and steep and it is considered that it would be possible to provide a suitable access with satisfactory visibility lines in both directions. As noted already, the size of the plot has been narrowed and boundary treatment has been adapted so that the boundary *clawdd* is retained, but there is not change to the location of the entrance. A parking area has been shown within the plot and turning space to enable a vehicle to exit in forward gear. No response was received from the Transportation Unit to the consultation. Although the response of the Transportation Unit would be beneficial, it is believed that the setting and visibility of the entrance and the straight road is satisfactory and satisfies the requirements of policies TRA 2 and TRA 4 of the LDP.

### **Biodiversity matters**

<b>PLANNING COMMITTEE</b>	<b>DATE: 21/03/2022</b>
<b>REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER</b>	

- 5.19 The site of the proposed development lies within the Pistyll Meadows Wildlife Site. As a result, the Biodiversity Unit asked for an Initial Ecological Assessment to be submitted. The Ecological Assessment was submitted following the deferral by the Planning Committee on 13 December 2021 and it was consulted upon. It appears that the report was satisfactory and offered a number of mitigating measure and biodiversity improvements which could be placed as a condition, should the application be approved. These include Japanese Knotweed management measures, creating a wildlife management plan, vegetation clearing action, seeking permission to create a culvert, having an Ecologist present during excavation work, following external lighting guidelines and following all the Ecologists recommendations. With the condition recommended by the Biodiversity Unit, it is considered that the proposal satisfies the requirements of policy AMG 6 of the LDP. This overcomes refusal reason no. 3 noted in the previous Committee report.
- 5.20 No response had been received from Natural Resources Wales to the first consultation, but a response was received to the second consultation (see above). It was noted that the proposal could affect the Pen Llŷn Special Area of Conservation (SAC), and the Porthdinllaen Site of Special Scientific Interest which has been designated for the coastal cliffs of Pistyll approximately 270m away from the site, down the slope. It was therefore suggested that an Assessment of Likely Significant Impact under Regulation 63 of the Habitats and Species Conservation Regulations 2017 is prepared. The Biodiversity Unit has undertaken a Regulation 63 test in accordance with the recommendation of NRW and concludes that, due to the size of the development, Gwynedd Council can be confident that the development will not lead to a Significantly Negative Impact on the features or the processes of the Pen Llŷn a'r Sarnau SAC, or Porth Dinllaen to Porth Pistyll SSSI. Based on the Biodiversity assessment, it is considered that the proposal is unlikely to have a significant impact on the land designation and therefore satisfy the requirements of policies PS 19 and AMG 5 of the LDP.

## **6. Conclusions:**

- 6.1 Having weighed up the proposal against the relevant policies and after considering the response to the consultations and the letters of support, it is concluded that the proposal in essence is contrary to the requirements of policy TAI 6 of the LDP. The applicants have not proven they are in need of a house due to their situation of owning an existing suitable home. Whilst acknowledging that the site is suitable in a Cluster village located adjacent to a house that is marked red, the proposal does not meet with all the criteria in policy TAI 6. It is also appreciated that selling the existing property which is subject to a 157 condition would free up the house to local residents, however, this does not justify approving building in a rural exception location. The applicants' frustrating situation and their desire to move is appreciated, nevertheless, we cannot deviate from the policies which require a proven need for an affordable house. Based on the above assessment and the latest response from Tai Teg, there is no choice but to refuse the application.

## **7. Recommendation:**

To refuse – reasons

1. The applicant has not proven a genuine need for affordable housing local need in full, therefore the proposal is contrary to criteria 1 and 7 of Policy TAI 6, Tai 15 and PS17 of the Gwynedd and Anglesey Joint Local Development Plan and the requirements of the Supplementary Planning Guidance: Affordable Housing (2019).