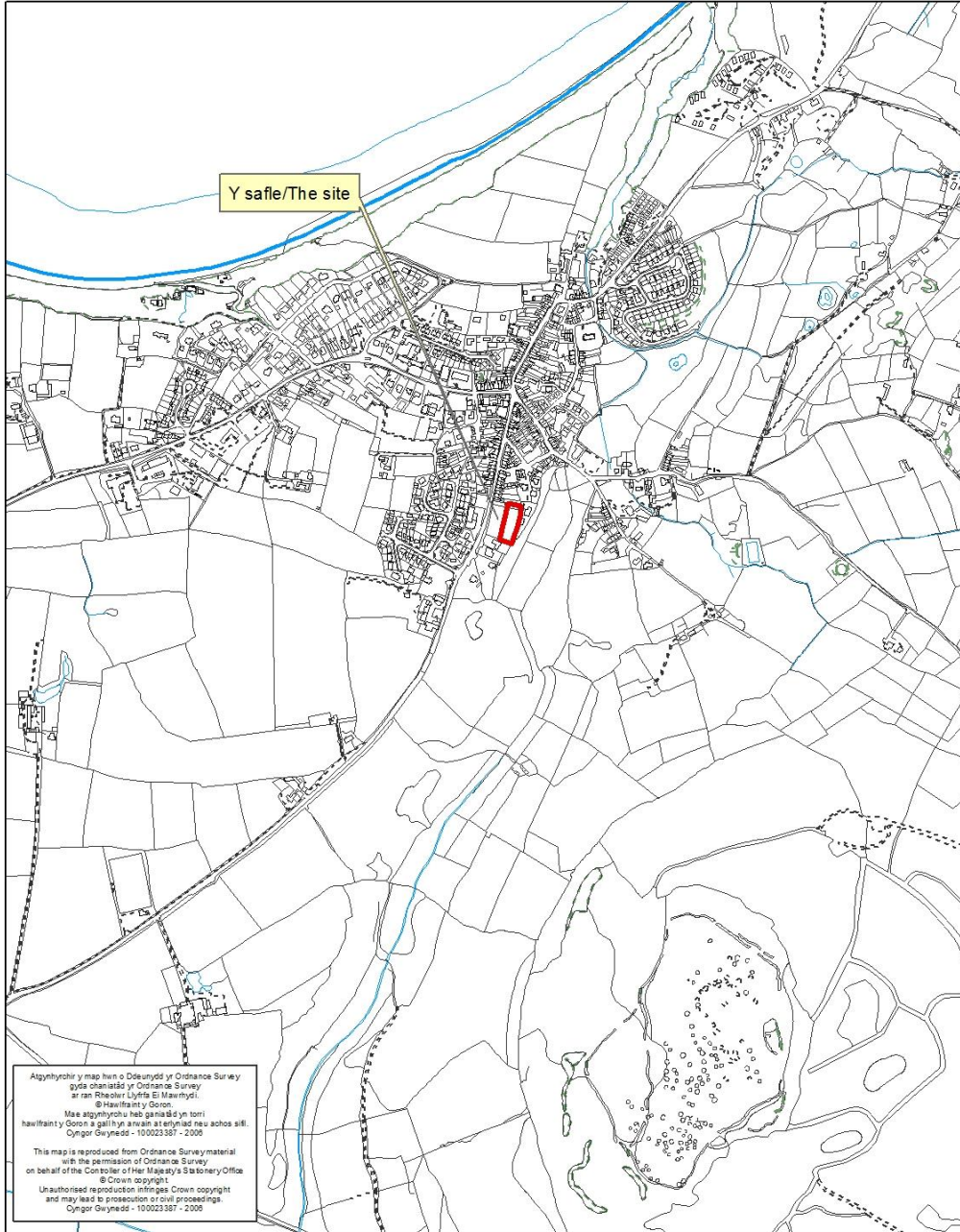


Number: 5.7



Rhif y Cais / Application Number : C16/0375/42/LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.  
Location Plan for identification purposes only. Not to scale.



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Application Number: C16/0375/42/LL  
Date Registered: 08/04/2016  
Application Type: Full - Planning  
Community: Nefyn  
Ward: Nefyn

Proposal: REVISED APPLICATION - CONSTRUCTION OF FOUR TWO BEDROOM BUNGALOWS AND PLAY AREA

Location: NEFYN ALLOTMENTS, HIGH STREET, NEFYN, PWLLHELI, GWYNEDD, LL536HD

**Summary of the Recommendation:** TO REFUSE

## 1. Description:

- 1.1 This is a full application for a residential development of four single-storey houses and the creation of a play area. The houses would be set out in two blocks of semi-detached houses. The houses would have slate roofing and pebble-dashed external walls. It is intended to have one parking space in front of each house. The houses would be located on the northern part of the site, and the proposed play area would be located in the most southern corner. No full details have been received in terms of the layout of the play area and whether there is a proposal to install playing equipment on the land.
- 1.2 The site is located within the Nefyn development boundary. The site has been earmarked as a protected play area in the GUDP and the site has been previously used as allotments. The Nefyn Conservation Area is situated to the north of the site. The site lies within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest. The site is served by a class 1 county road which runs through Nefyn.
- 1.3 The adjacent land to the west, which is also owned by the applicant, has already received planning permission to construct 10 two-storey houses. As part of that permission, there was an intention to keep the site of the current application as 16 allotments, and a condition has been imposed on planning permission C12/1372/42/LL to ensure that this land is used as allotments.
- 1.4 As part of the application, a Design and Access Statement was submitted. In addition, a copy of a letter dated 2 March 2016 was submitted which was sent by the applicant to the Nefyn Allotments Group, seeking information about the need for allotments in Nefyn and whether there was a waiting list. A further letter from the applicant dated 6 April 2016 has been submitted, which has assumed that there is an adequate supply of allotments on their site near Y Ddôl in light of a lack of response from the Nefyn Allotments Group.
- 1.5 The application is submitted to committee at the Local Member's request.

## 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 in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

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2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act, and in making 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. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed decision.

2.3 **Gwynedd Unitary Development Plan 2009:**

A2 – PROTECT THE SOCIAL, LINGUISTIC AND CULTURAL FABRIC OF COMMUNITIES - Safeguard the social, linguistic or cultural cohesion of communities against significant harm due to the size, scale or location of proposals.

B4 – DEVELOPMENT WITHIN OR THAT AFFECTS THE SETTING OF CONSERVATION AREAS - Ensure that proposals within conservation areas, or which affect their setting, are refused unless they aim to maintain or enhance the character or appearance of the conservation area and its setting.

B7 – SITES OF ARCHAEOLOGICAL IMPORTANCE - Refuse proposals which will damage or destroy archaeological remains which are of national importance (whether they are registered or not) or their setting. It also refuses any development that will affect other archaeological remains unless the need for the development overrides the significance of the archaeological remains.

B12 – PROTECTING HISTORIC LANDSCAPES, PARKS AND GARDENS - Safeguard landscapes, parks and gardens of special historical interest in Wales from developments which would cause significant damage to their character, their appearance or their setting.

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

B22 – BUILDING DESIGN - Promote good building design by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and character of the local landscape and environment.

B23 – AMENITIES – Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area.

B25 – BUILDING MATERIALS - Safeguard the visual character by ensuring that building materials are of high standard and in-keeping with the character and appearance of the local area.

CH4 – NEW DWELLINGS ON UNALLOCATED SITES WITHIN THE DEVELOPMENT BOUNDARIES OF LOCAL CENTRES AND VILLAGES – Approve proposals for the construction of new dwellings on unallocated sites within the development boundaries of Local Centres and Villages if they conform to criteria aimed at ensuring an affordable element within the development.

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CH33 – SAFETY ON ROADS AND STREETS – Development proposals will be approved if they comply with specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

CH36 – PRIVATE CAR PARKING FACILITIES – Proposals for new developments, extensions to existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council's current parking guidance. Consideration will be given to the accessibility of public transport services, the possibility of walking or cycling from the site and the proximity of the site to a public car park. In circumstances where there is an assessed need for off-street parking and where the developer does not offer parking facilities on the site, or where it is not possible to take advantage of the existing parking provisions, proposals will be approved provided the developer contributes to the cost of improving the accessibility of the site or providing the number of necessary parking spaces on another site nearby.

CH42 – SAFEGUARDING OPEN SPACES OF RECREATIONAL VALUE – Proposals that will lead to the loss of existing open spaces of recreational value will be refused unless a series of criteria can be satisfied in relation to the need for the facilities, offering a similar provision, best way of ensuring the future of the facility, improving the range and quality of the current provision and the importance in terms of biodiversity, the quality of the landscape and amenities.

CH43 – PROVISION OF OPEN SPACES OF RECREATIONAL VALUE IN NEW HOUSING DEVELOPMENTS - Expect that new housing developments of 10 or more dwellings - in areas where the existing open spaces provision does not meet the needs of the development - provide suitable open spaces of recreational value as an integral part of the development.

Supplementary Planning Guidance: Affordable Housing (November 2009)

Supplementary Planning Guidance: Housing Developments and Open Spaces of Recreational Value (November 2009)

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

Supplementary Planning Guidance: Planning for sustainable building (April 2010)

#### 2.4 **National Policies:**

Planning Policy Wales (Edition 8, January 2016)

Technical Advice Note 2: Planning and Affordable Housing

Technical Advice Note 12: Design

Technical Advice Note 16: Sports, Leisure and Open Spaces

Technical Advice Note 18: Transportation

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

- 3.1 C12/1372/42/LL - Construction of 10 two-storey houses with three being affordable houses and retention of allotments to the rear - Approved 12 December 2013
- 3.2 C15/0614/42/DA – Amended application for an non-material amendment to an application approved under C12/1312/42/LL to remove a parapet wall from the design and to amend the parking scheme - Refused 3 July 2015.
- 3.3 C15/0633/42/LL - Construction of 6 two-bedroom bungalows - Withdrawn by applicant on 5 August 2015.

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3.4 C15/1047/42/LL - Variation of condition 2 on planning permission C12/1372/42/LL in order to construct the 10 houses in line with amended plans which include removing the parapets from the roofs of the houses, re-locating parking spaces and re-locating the houses nearer to the highway - Approved 19 November 2015.

#### 4. Consultations:

Community/Town Council: Not received.

Transportation Unit: No objection to the proposal but it is recommended that more parking should be provided as part of the development. Parking provision on a scale of one space per unit is shown, however, unless the developer can prove that there is no need for standard parking provision for these units, it is recommended to provide two spaces for each bungalow. Providing two spaces for each unit is likely to reduce the need to park on the estate road and reduce the possibility of parked cars on the estate over-flowing to the nearby highway.

Welsh Water: Submit observations including the need to impose conditions relating to surface water and land drainage, together with submitting the details of a drainage scheme on any permission.

Biodiversity Unit: There are records of reptiles (slow-worm) on the site. The applicant will have to provide a reptile survey and a mitigation plan. The reptiles are protected under the Wildlife and Countryside Act 1981 (as amended) and it would be illegal to kill or harm reptiles.

I recommend conditions relating to submitting a reptile report and mitigation measures, and also a condition relating to the need to clear vegetation etc on the site outside the nesting period.

Gwynedd Archaeological Planning Service: Not received.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period ended and no observations had been received during this period.

#### 5. Assessment of the relevant planning considerations:

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

5.1 The site forms part of the site which has been designated as a protected play area in the GUDP. It is understood that the site was originally protected due to the fact that it is used as allotments. This was confirmed in recommendation ARG.0229 of the Inspector's Report in relation to adopting the GUDP. From the information submitted in application C12/1372/42/LL it was understood that the site was used as allotments up to 2009, where around 25% of the entire site was used as allotments. Therefore, the land has not been used as allotments since 2009. When application C12/1372/42/LL was approved, approximately half of the site designated as a play

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area was to be kept as allotments, with those plans indicating an intention to create 16 allotments on the site of the current application. Before submitting application C12/1372/42/LL, discussions had been underway between the applicant and Nefyn Allotment Society, and a copy of the society's letter was submitted which accepted the proposal of 12 allotments as part of the development subject to further discussions in relation to matters such as the lease, preparing the plots, water for the site and matters relating to access to the site. The number of allotments to be provided was increased from 12 to 16 by the time a planning application was submitted. The fact that 16 allotments were to be provided on the site was a material consideration when dealing with application C12/1372/42/LL and was crucial in respect of justifying the development of 10 houses on another part of the protected play area in terms of Policy CH42.

- 5.2 Technical Advice Note 16: Sports, Leisure and Open Spaces (TAN 16) states that allotments are important green spaces in urban and rural areas, and their cultivation can contribute to sustainability, provide opportunities for leisure, exercise and healthy food, improve biodiversity and encourage interaction between different groups in the community. Paragraph 3.27 of TAN 16 states that local authorities and town and community councils are under an obligation in accordance with the Smallholdings and Allotments Act 1908 to provide sufficient plots for residents where they believe there is a demand for allotments. Paragraph 3.28 of TAN 16 also noted that statutory allotments provided by local authorities will be protected under the Allotments Act 1925, but that it is possible that the same protection will not exist in the case of allotment sites in private occupancy.
- 5.3 In light of the fact that the site is part of a protected play area, the proposal must be considered in terms of Policy CH42 of the GUDP which relates to safeguarding open spaces of recreational value. This policy states that proposals that will lead to a loss of existing open spaces of recreational value, including any associated facilities, will be refused unless a series of criteria included in the policy can be met. When application C12/1372/42/LL for 10 houses was approved, the site of the current application was to locate 16 allotments, and therefore not all of the allotments and the open space of recreational value would be lost. This was also considered a means of improving the facilities for the allotment tenants, as matters such as preparing the plots and having water for the site were matters which had been discussed between the landowner at the time and Nefyn Allotment Society. Therefore it was considered that in line with criterion 3 of policy CH42, developing a small part of the site would be the best way of ensuring the facility's future and its improvement. Since application C12/1372/42/LL was approved, an application for allotments on alternative land in Nefyn has been approved. That application was C14/0171/42/LL to change the land use to create 21 allotments and associated access paths in Y Ddôl, Nefyn which was approved on 30 April 2014. As part of the current application, the landowner wrote to Nefyn Allotment Society to seek information regarding how many of the 21 allotments in Y Ddôl have been occupied. He also asked whether that site in Y Ddôl was full, whether there was a waiting list for allotments and if there was a list, how many people were on that waiting list for an allotment. That letter was written on 3 March 2016, but the applicant did not receive a response to that letter. Therefore, the applicant has assumed that as he has received no response to that letter, Nefyn Allotment Group have adequate allotment provision on the site in Y Ddôl. No further information has been submitted by the applicant as part of the application to justify that this facility is no longer required for Nefyn's residents. Although written information has not been received, the Local Planning Authority has been given to understand verbally that the waiting list for allotments in Nefyn remains extant. A letter was sent to Nefyn Town Council to ask whether they knew

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if a need for amenity land remained in Nefyn, whether there was still a need for allotments and if there was, how many names were on the waiting list? Their response was awaited while preparing the agenda. The information and evidence submitted by the applicant is very weak in terms of justifying why there is no longer any need for this land as allotments or even another similar amenity use. The only thing that the applicant has considered is Nefyn Allotment Group's lack of response to his letter. It does not appear that the applicant himself has tried to find out whether there is a demand for allotments directly with people in the area e.g. trying to advertise directly himself that allotments are available. It is also not considered that the applicant has tried to see whether he could offer provision on alternative land. Therefore, it is not considered that the information submitted indicates how the proposal would correspond with criteria 1 and 2 of Policy CH42, and the Local Planning Authority is not convinced that there is no demand in Nefyn for the allotments and / or amenity land for similar uses. Therefore, it is considered that no adequate, undoubted and thorough evidence has been submitted as part of the application to justify the loss of this open space of recreational value in order to build houses and therefore the proposal is contrary to Policy CH42 of the GUDP and the relevant NCT.

- 5.4 The proposal is for the construction of four single-storey houses. The site is located within Nefyn development boundary and therefore it is necessary to consider the principle of developing the site for housing under Policy CH4 of the GUDP. This policy supports the provision of housing within the development boundary of a local centre of village, subject to the need to provide a proportion of affordable units on each site which meet general local need. The proposal does not refer to any intention for a proportion of the houses to be affordable ones. No information was submitted as part of the application to justify why it would not be appropriate to provide affordable housing on the site. The houses would be two bedroom houses, and the internal size would be approximately 57 metres square which is within the maximum size of two bedroom single-storey affordable houses as recommended in Supplementary Planning Guidance: Affordable Housing. Although units of this size could be affordable themselves depending on the circumstances, no information to prove this was submitted as part of the application. Unless there are factors which prove that it is not appropriate to provide affordable housing on the site, it would be expected for a percentage of the units to be affordable. Initially, we would request approximately 30% of the units to be affordable as has been secured for the alternative site where 3 out of the 10 units are bound to be affordable houses through a 106 agreement. Therefore, in its current form the proposal does not comply with criterion 1 of Policy CH4 of the GUDP as no proportion of affordable housing is offered as part of the proposal, and no evidence was submitted to indicate why it would not be appropriate to provide affordable housing on the site in this case.
- 5.5 There is a proposal to include a children's play area within the site. Although there are no details expanding on whether there it is intended to install any equipment on this site, it is considered that it would be possible to impose a condition to agree on such equipment and / or the exact layout of the play area. This play area would ensure the provision of an open space for the residents of these houses together with the 10 houses which have already received planning permission. It is considered that the proposal could be acceptable in terms of Policy CH43 of the GUDP.

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### **Language and Community Matters**

- 5.6 This is a proposal to construct four houses, and in line with Supplementary Planning Guidance - Planning and the Welsh Language it is not required to submit a Community and Linguistic Assessment for a development which includes fewer than five residential units. It is acknowledged that planning permission has been granted for the 10 residential units on the neighbouring land, but that was a separate application where a Community and Linguistic Statement was submitted with the application for the 10 houses and was considered when determining the application. In considering that application it was considered that there would be no significant impact on the Welsh language and the community deriving from that proposal. As those 10 houses have already been considered in terms of their community and linguistic impact, it is not considered that they are relevant when considering linguistic and community matters associated with the current application. Therefore, it is not considered that there are community and linguistic implications deriving from the current application and that the proposal is acceptable in terms of Policy A2 of the GUDP.

### **Visual amenities**

- 5.7 The design of the proposal is relatively simple and includes a row of single-storey houses which have been separated to form two pairs of semi-detached houses. The houses are of a relatively traditional design with a slate ridged roof and pebble-dashed external walls. In terms of their design, it is considered that the proposal would be in-keeping with the area and that it would not have an unacceptable detrimental impact on the form or character of the landscape or the surrounding townscape. Although it is located near the boundary of the conservation area, it is not considered that the proposal would impact the character of the conservation area. It is considered that the proposal is acceptable in respect of Policies B4, B22 and B25 of the GUDP.
- 5.8 The site lies within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest. Policy B12 states that consideration will be given to the information about the Historical Landscapes if the impact of proposals is on such a large scale that their impact would be greater than merely a local impact. As noted above the proposal involves constructing houses within a development boundary and in terms of its location and size it is considered that the proposal's impact would be local, and it would not have a broader impact on the historical landscape. Therefore, it is not considered that the proposal is contrary to Policy B12 of the GUDP.

### **General and residential amenities**

- 5.9 Dwellings are located on the northern, southern and eastern boundary of the site. However, due to the location of the proposed houses and the fact that there are no windows in the gable ends of either side of the proposed houses, it is not considered that the proposal would have a detrimental impact on the amenities of the residents of the houses to the north and south of the site. The houses to the east of the site are on a lower level and therefore as a fence would be erected on the site boundary and that the houses are single-storey, it is not considered that the proposal would cause a loss of privacy or overlooking for the houses to the east. The proposal is considered acceptable in terms of Policy B23 of the GUDP.

### **Transport and access matters**

- 5.10 Access to the site would be gained via a new vehicular access which has been permitted as part of application C12/1372/42/LL and which has been built. The plans indicate an intention to have one parking space at the front of each house, creating four parking spaces for the development. The Transportation Unit submitted observations on the proposal and they had no objection, but recommended providing



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more parking as part of the development. Parking provision on a scale of one space per unit is shown, however, unless the developer can prove that there is no need for standard parking provision for these units, it is recommended to provide two spaces for each bungalow. Providing two spaces for each unit is likely to reduce the need to park on the estate road and reduce the possibility of parked cars on the estate overflowing to the nearby busy highway. Although the plans do not indicate two parking spaces for each unit, given the site layout it is considered that it would be possible to provide two parking spaces for each unit, and therefore if the application is approved it would be reasonable to impose a condition to provide two parking spaces for each unit. In light of doing so, it is considered that the proposal could be acceptable in terms of road safety and would comply with the requirements of Policies CH33 and CH36 of the GUDP.

#### **Biodiversity matters**

- 5.11 The Biodiversity Unit submitted observations on the application and stated that there are records of reptiles (slow-worm) on the site. The observations refer to the need for the applicant to provide a survey which would include a mitigation plan for reptiles and suggest including that as a condition on any planning permission. Furthermore, the Biodiversity Unit has also recommended a condition relating to the need to clear vegetation on the site outside the nesting period. Subject to imposing appropriate conditions as referred to above, it is considered that the proposal would be acceptable in respect of Policy B20 of the GUDP.

#### **Archaeological Matters**

- 5.12 The Gwynedd Archaeological Planning Service was consulted on the application, but no response was received. However, an archaeological assessment was undertaken on application C12/1372/42/LL and the results were submitted in the form of a report by Headland Archaeology. This assessment did not discover archaeological evidence on the site and therefore it was unlikely that archaeological ruins remained on the site. Consequently, it was also unlikely that the proposal would have an impact on any archaeological ruins. The Gwynedd Archaeological Planning Service did not consider that further archaeological investigations were required in relation to that proposal and that the site did not require mitigation measures. The site of the current application was within the land that was studied as part of the above archaeological report. Therefore, it is not considered that archaeological implications derive from the current application and it is therefore considered that the proposal is acceptable in respect of Policy B7 of the GUDP.

### **6. Conclusions:**

- 6.1 It is not considered that the information submitted as part of the application proves how the proposal would comply with the requirements of Policy CH42 of the GUDP. Based on the information submitted, officers are not convinced that there is no need for allotments and / or amenity land for similar use in Nefyn. Therefore, it is considered that the information submitted by the applicant/agent is inadequate to justify the loss of the open space of recreational value in order to build houses, and therefore the proposal is contrary to Policy CH42 of the GUDP.
- 6.2 In its current form the proposal does not comply with criterion 1 of Policy CH4 of the GUDP as no proportion of affordable housing is offered as part of the proposal, and no evidence has been submitted to indicate why it would not be appropriate to provide affordable housing on the site in this case.

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**7. Recommendation:**

7.1 To refuse – reasons

1. The Local Planning Authority is not convinced from the information and evidence submitted as part of the application that there is no demand in Nefyn for allotments and / or amenity land for similar uses, and therefore it is considered that the proposal does not comply with the requirements of Policy CH42 of the GUDP which requests the protection of open spaces of recreational value.
2. No proportion of affordable housing is offered as part of the proposal, and no evidence has been submitted to indicate why it would not be appropriate to provide affordable housing on the site and therefore, it is considered that the proposal is contrary to Policy CH4 of the GUDP and the SPG: Affordable Housing.