

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

Number: 1

Application Number: C17/0557/38/LL

Date Registered: 20/06/2017

Application Type: Full - Planning

Community: Llanbedrog

Ward: Llanbedrog

Proposal: Construction of affordable dwelling

**Location: Land by Ffordd y Traeth, Llanbedrog,
Pwllheli, Gwynedd, LL537TF**

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1 The application was submitted to the Planning Committee dated 25 September 2017 when it was resolved to defer considering the application in order to provide an opportunity for members to visit the site before discussing this matter at the meeting of the Planning Committee. This is a full application to construct an affordable two-storey dwelling on a plot of land between two residential properties known as Arlanfor to the north and Ger y Môr to the south in the village of Llanbedrog. Internally, the dwelling would include three bedrooms, a bathroom, a hallway and storage room on the ground floor and a kitchen / living room, toilet and a landing on the first floor with a lounge and connected balcony. Externally, the construction of dwelling will be of a natural slate roof, UPV-c and Aluminium windows and doors and walls of white render. The surface area of the ground and first floors of the dwelling including an integral garage would measure a total of 122 square metres.
- 1.2 The northern elevation (facing the rear of Arlanfor) would include a two-storey and part single-storey (garage) gable-end with the garage door and a single door on the ground floor and the side of the balcony on the first floor. The eastern elevation will be two-storey and will include numerous windows and doors which take advantage of the views towards Cardigan Bay and the Llŷn Area of Outstanding Natural Beauty (AONB). The southern elevation will include a two-storey gable-end. The western elevation (facing the county road) would include the single-storey part (garage) with a window on the ground floor along with two windows on the first floor. The main entrance to the house is in the northern elevation.
- 1.3 It is proposed to locate the parking and turning spaces in front of the dwelling's northern elevation and a short access road to connect the site with a private estate road to the north of the site. The applicant states that access will be gained to the site through a new opening on the end of the adjacent estate road. The applicant does not own the site that is relevant to the application but a notice was submitted with the application stating that the relevant notice has been submitted to the landowner. A revised plan was received on 21 September 2017, reducing the surface area of the proposed house to 100 square metres, and locating the access road approximately 2 metres from the site's western boundary. There is no change to the design of the house. A statement was also received from the applicant, presenting a full response to the objection received as a result of the statutory publicity, and attention is given to these objections in the body of the report.
- 1.4 The site is located outside the development boundary as included in the LDP. There are a number of local and national designations nearby including the Pen Llŷn AONB, a Registered Historic Landscape (CADW), Open Protected Spaces and Special Landscape Area.
- 1.5 A Supporting Planning Statement and a Design and Access Statement were submitted with the application.
- 1.6 In addition to this document, a planning statement was submitted which notes the following:-
 - I. If the proposal would be approved, it would provide an affordable home and suitable facilities for the applicant and her family in her own area.
 - II. Approving the application would contribute towards the vivacity of the local Welsh community.

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- III. The development would blend in well with its background and would involve a reasonable extension to the village's current developmental form.
- IV. The house would not have a detrimental impact on the residential amenities of local residents.
- V. An access of the adequate standard can be provided for the adjacent estate road for the proposal.

2. Relevant Policies:

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.

2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the 7 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 2011-2026 adopted 31 July 2017.**

TRA 2 - Parking Standards

TRA 4 - Managing transport impacts

PCYFF 1 - Development boundaries

PCYFF 2 - Development Criteria

PCYFF 3 - Design and Place Shaping

PS 19: Protect and/or enhance natural environment

TAI 5 Local Market Housing

TAI 16: Exception Sites

AMG 1 Areas of Outstanding Natural Beauty Management Plans

AT 1 - Conservation Areas, World Heritage Sites, Parks and Registered Historic Gardens

2.4 National Policies:

Technical Advice Note (TAN 2) Planning and Affordable Homes (2006).

TAN 12 Design (2009)

Planning Policy Wales, Edition 9 (2016), Chapter 9 Housing.

3. Relevant Planning History:

3.1 C15/0427 Construction of affordable dwelling - the application was withdrawn 10 June 2015.

4. Consultations:

Community/Town Council: Support

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Transportation Unit: I refer to the above application, and confirm that I have no objection to the proposal.

However, I note that the side of the site does not join the adopted highway, i.e. the green space on the end of the estate road was in private ownership.

I recommend including the following note on any planning permission granted:

P007: NOTE: The applicant is instructed to write to the Street Works Manager to receive permission under Section 171/184 of the Highways Act, 1980 to undertake any work within the road/pavement/green verge which is required to construct the access.

Natural Resources Wales: No objection. Propose standard observations regarding the Protected Species of the Area of Outstanding Natural Beauty.

Welsh Water: Offer observations and standard conditions.

Housing Strategic Unit: Information about the need for housing:

The following shows the number of applicants who wish to live in the area -
58 applicants wish to own or part-own a home
Two have noted Llanbedrog as their first choice for a three bedroom house.

Suitability of the Scheme:

Based on the above information it seems that the Plan provides one additional dwelling within the area.

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

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

The house in Llanbedrog is valued at £250,000

There would be a need to consider a discount of at around 40% if they are not affordable in the first place.

Area of Outstanding Natural Beauty Unit: The site in question is amongst other houses near Arlanfor, Llanbedrog and within the AONB. 12 affordable homes have been constructed nearby relatively recently.

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The proposed development appears to blend in with the nearby buildings in terms of size/scale, building materials and colour. Therefore, it is not believed that the development would affect the AONB.

Biodiversity Unit

The Unit has no concerns regarding the application.

Public Consultation:

A notice was posted on the site and nearby residents were notified. The advertisement period has expired and correspondence was received objecting on the following grounds:

- The house does not meet the requirements for an affordable home and the size of the house is too big for the requirements of an individual.
- The price of properties for sale in the village is within the cost of building the house.
- Doubt whether the house could be built for the cost noted.
- The house does not resemble an affordable home.
- Wonder how a house on a sensitive site can be justified.
- Not enough space in the plot to build the proposed house.
- The proposed house does not blend in or follow the internal layout pattern of affordable homes.
- The location of the access road and the proposed garden would affect the privacy of the neighbour.
- Approving the application is likely to affect road safety.
- Need to question the value of the proposed property.
- Impact of overlooking from the balcony.
- The site is outside the development boundary.
- Approving the application would set a precedent for similar developments
- Not enough evidence has been submitted to assess the impact on the landscape, visual impact, heritage, drainage and ecology and should the application be approved, the decision would be unsafe and could potentially be subject to a judicial review.
- Not enough evidence has been submitted to assess local need
- The design does not respect the site or the vicinity.
- Over-development
- Approving the application could open the site to similar developments

In addition to the above objections, objections were

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received that were not valid planning objections, including:

- The previous application was withdrawn due to objections.
- Comfortable with the adjacent provision of affordable homes by a Housing Association as they are rented by local people.
- A covenant on the deeds prevents the land from being developed.
- Would permission be required to park a vehicle on the access road to the house?
- Believe that the proposed property would be used as a holiday home as the applicant does not live or work in the area.
- That the proposal is on the land of the applicant's father and this is not evidence of need.
- A clause on actions preventing development on the land behind Arlanfor.
- Disturbance during the development of the site.
- Would the applicant's proposal to keep a horse on adjacent land lead to other developments?.
-

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

- Support.
- Infill site.
- The design adheres to the local pattern. It is important to develop affordable housing in the area as house prices in Llanbedrog and Abersoch are beyond the reach of the local population.
- The applicant is a local person and has been assessed for an affordable home.
- The application does not lead to any problems of overlooking.
- Lack of affordable housing within the village.
- The application forms a reasonable extension to the village boundary.
- Keeps to the housing building line in the vicinity of the site.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 LDP proposals maps for the village of Llanbedrog show that site lies outside the village development boundary and it is considered that this is tantamount to erecting a new house in the countryside. Therefore, it is not considered that the application can be dealt with under Policy TAI 5 of the LDP which involves residential developments on sites within village development boundaries.
- 5.2 Policy TAI 16 involves proposals for affordable homes on rural exception sites. The purpose of policy TAI 16 is to free up sites on the outskirts of Villages and Local

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Centres to provide affordable housing where houses would usually not be approved. The application has been submitted as a proposal for an affordable home on the outskirts of the village and evidence has been submitted to that end, however, there are concerns regarding the evidence submitted in terms of the size and scale of the proposed three bedroom house and this matter is discussed in greater detail below. It is understood from the statement submitted with the application that the house in question is to be a home for the applicant and details and evidence have been submitted to show that the applicant needs an affordable home and they confirm they are willing to accept an obligation through a Section 106 legal agreement to restrict the occupancy of and the value of the house should it be sold in future to ensure that it remains an affordable house. Also, a letter has been received from Tai Teg stating that the applicant's application for an affordable home has been successful and they would nominate her to self-build in Llanbedrog. It is noted that an objector has voiced a doubt over the applicant's need for an affordable house along with the value of the proposed house due to its design and location. However, whether or not the applicant is in need, any permission would be granted for the land and not for the applicant and would also be bound with a 106 agreement for an affordable home. This means that the proposal to build an affordable home would not be restricted solely to the applicant. The evidence submitted with the application is an important planning matter in discussing the application, any permission would not be exclusive to the applicant. It is therefore considered that information about the applicant's circumstances which has been submitted as part of the application meets the requirements for an affordable home. Also note that the Gwynedd Supplementary Planning Guidance state that the Local Planning Authority should not differentiate between open market housing and affordable housing whilst acting upon planning considerations. It is not considered that the design of the proposed house creates a feature that would be out of place in the context of the site.

- 5.3 Supplementary Planning Guidance: Affordable Housing (2009), Gwynedd Council state that the maximum size of a two-storey (three bedroom) house will be 100m². The previous plans show a two-storey property with living rooms on the first floor and the bedrooms on the ground floor. The applicant states that the internal surface area of the house measures 104 square metres and with the size of the garage it is a total of 122 square metres. The dwelling's surface area is higher than the thresholds recommended in the guidelines; however, amended plans were received by the applicant on 21 September 2017, which shows that the size of the proposed house has reduced to 100 square metres. Therefore, the proposal as amended reflects an affordable size in order to ensure that the house continues to be affordable for the future. The size of the house as amended conforms to the requirements of the Supplementary Planning Guidance: Affordable Housing Gwynedd Council (2009); Policy TAI 16 of the LDP, Planning Policy Wales 2012 "Affordable Homes" or TAN 2 "Planning and Affordable Housing" (2006).
- 5.4 In terms of the site's location in relation to the development boundary, the site is located on the outskirts of the village. The plans submitted with the application show that the site along with the proposed house would be located in a spacing in the development boundary. Policy TAI 16 states, amongst other things, the need for a rural exception site to be on land that forms a reasonable extension to the settlement. It is felt that the proposal occupies land that has been squeezed to the village boundary in an attempt to satisfy policy requirements. A site plan was submitted with the application showing the building line as interpreted by the applicant. This line takes the adjacent property of Ger y Môr as a starting point and includes the location of the proposed house. It is felt that using Ger y Môr as a starting point for the line is misleading because of its location approximately 25 metres from the county road. The

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site would not be within the building line should the houses near the county road be used. It is realised that the applicant has submitted further details disagreeing with the officer's opinion about this.

- 5.5 Despite the applicant's arguments, officers are not convinced, based on the information submitted, that the site forms a reasonable extension to the village development boundary. It is not considered that the proposal complies with the Council's policy requirements namely policy PCYFF 1, PCYFF 2 and TAI 16 LDP and Supplementary Planning Guidance: Affordable Housing (2009).

Visual amenities

- 5.6 The site lies outside the village boundary and within the Area of Outstanding Natural Beauty where local and national policies presume against developments that are likely to have a substantial detrimental effect on the landscape. There are a number of local and national designations nearby including the Registered Historic Landscape (CADW), Open Protected Spaces and Special Landscape Area. The plans submitted with the application show that the site along with the proposed house has been squeezed in a spacing in the development boundary and between two residential houses. The proposal would be visible from the existing access to the adjacent unclassified county road and more extensive views of the coast. A picture was received from the applicant showing the proposed house located in its built context, and this picture is submitted to the committee. It is likely that erecting a house on the site would create a development that would have a significant harmful impact on the broader landscape due to its location amongst buildings and the observations received from the AONB Unit confirm this. It is not considered that the proposal would be contrary to policy AMG 1 LDP.

General and residential amenities

- 5.7 As mentioned above, two dwellings are located on either side of the site, namely Gêr y Mor to the south and Arlanfor to the north-west. Currently, the site is part of a larger agricultural field which extends to the nearby coastline and which offers privacy and tranquility to the occupants of the existing two dwellings. Should the application be approved, it is likely that the proposal would involve change for both neighbours as with any new development, however the location of the house along with the layout of the main windows in the western and eastern mean that the proposed house would not significantly disturb the privacy of those houses. It is noted that the occupants of Arlanfor have expressed concern regarding the impact of the first floor balcony on the privacy of their house. It must be realised that the location of the balcony faces the coastline to the east and with a privacy screen on the northern gable-end. It is therefore unlikely that the use of the balcony by occupants of the proposed house would have a significant impact on the privacy of the adjacent neighbours. The site is located outside the development boundary of the village and the location of the site is in spacing between two properties. The gable-end of the proposed house is located approximately 9 metres from the Arlanfor gable-end and approximately 13 metres from the Ger y Môr gable-end and with an access road to the proposed plot located along the rear boundary of Arlanfor. It appears that that the proposed plot and the proposed house have been squeezed as close as possible to the development boundary to try to satisfy the requirement of the policy and this creates a narrow site and an unacceptable development and it is considered that it does not create a reasonable extension to the settlement. It is therefore felt that approving the application would cause an element of disturbance for the neighbour due to the activities related to the residential use of a new property and coming and going from

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the plot and this concern has already been voiced by a neighbour. It is noted that the applicant has submitted an amended plan showing that the new access road to the site is located approximately 2 metres from the neighbour's boundary to the north-west in order to reduce the impact of the proposal on him. Nevertheless, she claims that the road's previous location would not have a detrimental impact on the neighbour and she also states that a similar situation already exists on the nearby estate where activities and general coming and going from individual houses have an impact on other houses in the estate. These comments are noted, however, it must also be realised that houses on an estate are constructed together and, as a result, it is not an acceptable comparison in relation to this proposal which is before existing single housing where there is currently no disturbance. It was not considered that the amendments to site plan would significantly alter or improve the application's situation. It is considered that the location of the house would cause significant disturbance to the adjacent houses. Contrary to policy PCYFF 2, PCYFF 3 and TAI 16 LDP.

- 5.8 Concerns have been voiced regarding the lack of information received with the application in terms of an assessment of impact on the landscape, visual impact, heritage, drainage and ecology. Note that the concerns regarding the landscape / visual impact / heritage have been discussed in the body of the report and in terms of ecological impact that the Biodiversity Unit has stated there is no objection to the proposal. An objector states that the applicant has not shown the provision for surface water drainage as part of the application. The objector also claims that the new housing development to the north of the site has meant having to install a temporary sewage store in order to resolve drainage problems, however, it is noted that the applicant has stated that the new house would be connected to the public sewer with surface water drains only discharging to the land. Further observations by the applicant were received, stating that there are no drainage problems on the land and should any problem arise, she would be willing to install a small sewage treatment plant. However, it would be possible to set a condition on any permission to ensure that drainage details are submitted if permission is granted.

Transport and access matters

- 5.9 The proposal involves building on a site outside the village development boundary. The site is located in the corner of a field between two residential properties. The plan shows that it is intended to create a vehicular access to the north along the boundary of the site in order to connect to a private access road within a nearby estate of 12 affordable homes. It has been understood from the applicant that she has a right of way along the estate road, and although it is currently a private road it is understood that it is intended for the Council to adopt it in due course. It is not considered that using the estate road as an access to serve one additional house would affect road safety observations were received from the Transportation Unit confirming this. The site plan shows that the existing field is served by an access to the west of the application site and that access is considered to be sub-standard because of lack of visibility. It is therefore felt that a condition should be imposed on any permission to ensure that the existing access is closed before any construction work on the proposed house commences. An amended plan was received showing that the location of the access road within the site is placed approximately 2 metres from the neighbour's boundary; it is not considered that this alteration would have an impact on road matters. In those circumstances, it is not considered that the proposal would be contrary to policy TRA 3 of the LDP. The proposal also demonstrates that there is adequate parking provision in the garage and within the plot. Therefore, it is considered that the plan complies with Policy TRA 2 of the LDP.

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Biodiversity matters

- 5.10 The Biodiversity Unit responded to confirm that it had no objection to the application.

6. Conclusions:

- 6.1 It should be noted that full consideration has been given to the information received from the applicant as part of the application and later in dealing with the application. Given the above and having considered all the relevant matters, including local and national policies and guidance, as well as the observations received, it is deemed that this development is not acceptable. It is considered that the site does not form a logical extension to the village and therefore does not comply with the guidance of Supplementary Planning Guidance: Affordable Housing, Gwynedd Council (2009). It is considered that the proposal is contrary to policies PCYFF 1, PCYFF 2 and TAI 16 and Supplementary Planning Guidance: Affordable Housing Gwynedd Council (2009). It is also felt that approving the application would cause an element of disturbance for neighbours due to the activities related to the residential use of a new property and coming and going from the plot and this concern has already been voiced by a neighbour.

7. Recommendation:

- 7.1 To Refuse – reasons

Policies CDYFF 1 and TAI 16 of the LDP state that houses will be approved on the peripheries of village development boundaries as an exception to policy, and this as a logical extension to the village and for affordable housing of a specific size. It is not considered that the site forms a reasonable extension to the village development boundary as referred to in Supplementary Planning Guidance: Affordable Housing, Gwynedd Council (2009). The proposal is therefore contrary to the principles of policies PCYFF1, PCYFF 2 and TAI 16 and Supplementary Planning Guidance: Affordable Housing, Gwynedd Council 2009.

2. It is considered that approving the application would cause unacceptable disturbance deriving from the activities related to the residential use and movements to and from the plot and would have a harmful impact on the amenities of nearby residents and would be contrary to policies PCYFF 2 and PCYFF 3.