

PWYLLGOR CYNLLUNIO	DYDDIAD: 13/12/2021
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	

Number: 2

Application Number: C21/0430/22/LL

Date Registered: 27/04/2021

Application Type: Full

Community: Llanllyfni

Ward: Penygroes

Proposal: Application for the erection of an affordable dwelling with access and parking and associated landscaping

Location: Land near Oxton Villa, Ffordd Haearn Bach, Penygroes, LL54 6NY

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1 This is a full application for erecting an affordable dwelling with an access and parking space, together with associated landscaping.
- 1.2 The site is located within an agricultural field on the outskirts of the village of Penygroes along a narrow road that turns into a public footpath at the far end. There is a public footpath running between the field that is the subject of the application and the last house in the village (Glaslyn).
- 1.3 The proposal is for constructing a single-storey dwelling and providing a new access from the road and providing parking spaces within the site. The proposed dwelling measures approximately 15m by 12.5m, and approximately 6m high to the roof ridge and 2.5m to the eaves. It provides two bedrooms. The proposed curtilage measures approximately 35m by 35m and includes space for parking and turning. It is proposed to finish the new house with render, and slate on the roof.
- 1.4 The application is a resubmission of that refused under C20/0853/22/LL. We note that the application to hand contains an e-mail from Tai Teg confirming that the applicant has been assessed as suitable for purchasing an affordable dwelling or for self-build of an affordable dwelling.
- 1.5 The application is submitted to the Planning Committee at the Local Member's request.
- 1.6 The application was submitted to the Planning Committee on 12.07.2017, where it was decided to defer the application in order to receive further information regarding the following:
- A valuation of the proposal
 - Confirmation of the applicant's current need in terms of the number of bedrooms, and the applicant's situation
 - Confirmation of whether the applicant has considered providing another affordable unit on the site, as it is substantial.
 - Confirmation of whether the applicant is prepared to sign a local person affordable housing 106 Agreement should the Planning Committee decide to permit the application.
- 1.7 The applicant's agent has provided a response to the above which included a 'red book' valuation along with the following information:
- The applicant intends to settle and start a family within this proposed family home. He does not want to be in a position where the property would need to be extended in the future, therefore two bedrooms are considered to address the applicant's need.
 - The proposed dwelling responds directly to the applicant's particular needs for an affordable house, which are covered within Policy TAI 16 of the JLDP: that is, that affordable housing units shall be permitted on sites that are directly adjacent to the development boundaries and which form a reasonable extension to the settlement, provided there is evidence of local need. In this case, the agent confirms that the applicant is in direct need of an affordable house and that his need would correspond to the scale of the proposed development. Furthermore, the size of the plot would match that of the existing property to the north of the site, therefore it would not appear out of character with the local area in this case.

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- The applicant would be prepared to sign a legal agreement for securing the property as an affordable dwelling in perpetuity. The property is intended as a forever family home for the applicant.
- The rest of the land around the property is in the applicant's ownership, and he has no intention to build more houses on the site.

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.

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 recommendation.

2.3 Gwynedd and Anglesey Joint Local Development Plan 2017:

PS1: The Welsh Language and Culture

TRA 2: Parking Standards

TRA 4: Managing Transport Impacts

PS 5: Sustainable Development

PCYFF 1: Development Boundaries

PCYFF 2: Development Criteria

PCYFF 3: Design and Place Shaping

PCYFF 4: Design and Landscaping

PS18: Affordable Housing

TAI 15: Affordable Housing Threshold and Distribution

TAI 16: Exception Sites

PS19: Conserving and where appropriate enhancing the natural environment.

Supplementary Planning Guidance: Planning Obligations 2009

Supplementary Planning Guidance: Affordable Housing 2019

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Supplementary Planning Guidance: Maintaining and Creating Distinctive and Sustainable Communities 2019.

2.4 National Policies:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 – February 2021)

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

Technical Advice Note (TAN 6) Planning for Sustainable Rural Communities (2010)

Technical Advice Note (TAN 12) Design (2016)

3. Relevant Planning History:

C20/0853/22/LL – Application for erecting an affordable dwelling with associated access, parking and landscaping – REFUSED – 18-12-2020

4. Consultations:

Community/Town Council: Not received.

Transportation Unit: I refer to the above enquiry and confirm that the Transportation Unit has no objection to the proposal.

I recommend attaching the following conditions / notes to any planning permission granted, to protect the visibility splays from the property and to provide the turning space as an extension to the public road, to be adopted as part of that road for the benefit of local residents and general traffic.

Welsh Water: Welsh Water conditions

Biodiversity Unit: Need a condition for improving biodiversity – I would suggest installing a sparrow box on the building and also a bat box (there are several records of bats in the area), and also plant native hedgerows.

Natural Resources Wales: Not received

Footpaths Uni: Comments – Will need to ensure that public footpath no. 35

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Llanllyfni is protected during and after this development.

Strategic Housing Unit:

I am concerned that only one property is proposed on such a large plot, and see this as an opportunity to build at least one other affordable property, perhaps in partnership with a RSL.

In terms of affordability, a 45% discount would bring the price of the property to £137,500, which is reasonable for a new intermediate single property. My concern at the moment is that house prices are 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 despite the discount level, and I can anticipate an application to lift the s106 restriction.

Could we have clarity regarding land ownership? Is the prospective developer the owner, and will the remaining land be used as a garden of sorts, or is only a part of the land under consideration in this application? It would be worth knowing whether the red book valuation has taken the land into consideration in the valuation, or just the property.

The valuation states “I consider the current open market value of the proposed new dwelling at “Land adjacent Oxton Villa” being freehold with vacant possession, to be fairly represented by a figure of £250,000 (two hundred and fifty thousand pounds).” There is no mention of the value of the rest of the land if it is to be packaged with the property in the future, and we should be clear in terms of what is included so that we can comment effectively.

Land Drainage Unit:

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 100m² 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

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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.

Public Consultation: A notice was posted on the site and the advertising period has expired. No observations were received.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 This site is located outside the development boundary of Penygroes as indicated in the Gwynedd and Anglesey Joint Local Development Plan.
- 5.2 Policy PCYFF 1 ('Development Boundaries') states that proposals outside development boundaries will be refused unless they are in accordance with specific policies in the Plan or national planning policies or that the proposal shows that its location in the countryside is essential.
- 5.3 Policy TAI 16 'Exception Sites' states that, provided it can be shown that there is a proven local need for affordable housing which cannot be delivered within a reasonable time-scale on a market site within the development boundary, as an exception, proposals for 100% affordable housing plans on sites immediately adjacent to development boundaries that form a logical extension to the settlement will be granted.
- 5.4 It does not appear from the information submitted with the application that the application site (as indicated by the red and blue lines) touches the development boundary. There is a gap between the site and the development boundary (which appears to be a public footpath). In planning policy terms the site is therefore defined as a location in open countryside and is not relevant to be considered in terms of Policy TAI 16 'Exception Sites', which is supported in the Supplementary Planning Guidance 'Affordable Housing'.
- 5.5 In this respect, paragraph 6.4.36 of the JLDP states that development in open countryside must satisfy national policy and Technical Advice Note 6 in terms of meeting requirements to be classed as a rural enterprise dwelling. No such justification appears to have been presented with the application.
- 5.6 Other relevant planning matters are assessed below. Therefore, based on the above, it is considered that the proposal is contrary to the requirements of policy TAI 16, PCYFF 1 and paragraph 6.4.36 of the LDP as well as Technical Advice Note 6.
- 5.7 We note that the proposed dwelling is being proposed as an affordable dwelling. The application to hand contains a copy of an e-mail from Tai Teg confirming that the applicant has been assessed as suitable for purchasing an affordable dwelling or for self-build of an affordable dwelling, and the applicant's agent has confirmed that the applicant currently has need for two bedrooms, with the intention of growing his family within the floor area of the proposed property. The internal floor area of the 2 bedroom, single-storey dwelling is approximately 110m square which is 50m greater than the maximum specified in the Supplementary Planning Guidance for an affordable 2 bedroom, single-storey dwelling, and the height of the main roof-space means there is potential to provide an

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additional floor above part of the dwelling in future. We note that the applicant has indicated that he intends for his family to grow within the property without the need for an extension, but it is not clear what exactly are his intentions with this as only two bedrooms are proposed.

- 5.8 A red book valuation has been presented for the property which states an open market price of £250,000. The application's agent has confirmed that this valuation includes the land around the property that will be used as a curtilage. 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 was given in the valuation to comparable sales in the area. We note that not many units have been identified for comparison: two bungalows with a considerably lower price – although it is noted that they require repair work. One of these units has three bedrooms compared with the two-bedroom proposed unit.
- 5.9 The Zoopla Website notes an average value of £186,207 for sales of single units in Penygroes during the past five years (14 sales). The average for all types of properties sold in Penygroes during the past year is £114,000 (19 sales).
- 5.10 The value stated for this property is therefore significantly higher than these figures, and from looking at the table attached of units sold in Penygroes during the past two years, the value given for the proposed unit is higher than the price for any property in Penygroes. It is substantially higher than the vast majority of units that were sold in Penygroes in this period. Please note that the comparison during the past two years refers to all types of properties. We note that this is a new-build, thus there would probably be a premium on it, and it also appears that factors in relation to the impact of Covid-19 on the housing market are likely to have increased the property's value too.
- 5.11 Part 3.3.5 of the Supplementary Planning Guidance – Affordable Housing states an assumed price for an affordable unit (based on the type of unit proposed and 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 Penygroes (the indicative price is the basis for further discussions regarding the affordability of units):

Assumed price of a single affordable house in Penygroes

Settlement	Household Median Income (2020)	3.5 times household income	10% deposit level for a single house%
Penygroes	£23,032	£80,612	£18,621

*Zoopla website: 5-year period from October 2016 – October 2021 (14 sales)

Therefore, based on this the assumed price of a single affordable house in Penygroes is £80,612 + £18,621 = **£99,233**.

- 5.12 The Strategic Housing Unit has confirmed that in terms of affordability, a 45% discount would bring the price of the property to £137,500, which is reasonable for a new intermediate single property. Despite this there is concern about house prices increasing, and the price of the property

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/ 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 ensures that they remain affordable in perpetuity.

- 5.13 We also note that the application site (which contains the proposed house and its curtilage) is very large, and concern remains that providing a curtilage of this size would be likely to increase the value of the property ultimately, which would render the house unaffordable in terms of price. On this basis, the proposal is considered to be contrary to the requirements of policy TAI 15 of the LDP and the SPG Affordable Housing in respect of securing an affordable unit in perpetuity and the floor area shown.

Transport and access matters

- 5.14 The proposal involves gaining access to the site off an unclassified road that runs past the site, by creating a new access. The Transportation Unit has no objection to the proposal subject to the inclusion of conditions for the parking and access.
- 5.15 The Footpaths Unit have confirmed that the public footpath running along the boundary of the site would need to be protected during any works.
- 5.16 Therefore, on these grounds, it is considered that the proposal can comply with the requirements of policy TRA 2, which ensures sufficient parking standards; and policy TRA 4, which ensures road safety.

Visual, residential and general amenities.

- 5.17 Policies PCYFF 2, PCYFF 3 and PCYFF 4 of the LDP are relevant to this application and relate to: design, finishes, elevations, landscaping and visual and general amenities.
- 5.18 The current site forms part of an existing agricultural field that borders with the village of Penygroes. As is noted above, a public footpath (that lies outside the application site) separates the site from the village's development boundary. Policy PCYFF 2 provides development criteria, and states that proposals must demonstrate compliance with all relevant policies of the LDP and national Planning policies and guidance in the first place. This policy lists a series of criteria that relate to making the best use of land, incorporating amenity space, including provision for storing, recycling and managing waste, and including provision for effectively treating and eradicating invasive species.
- 5.19 In terms of the criterion for making the best use of land, it states the following:
- Make the most efficient use of land, including achieving densities of a minimum of 30 housing units per hectare for residential development (unless there are local circumstances or restrictions on the site that determine a lower density).

- 5.20 From measuring the site layout, it appears that the application site which contains the proposed dwelling, its residential curtilage including a garden, a parking and turning space and an area for the public footpath, measures approximately 900m square, which equates to roughly 0.09 ha. A site of this size would usually be expected to provide around 3 living units as the expectation is to provide new housing on a scale of 30 living units per hectare. We note that the applicant's agent has confirmed that there is no intention to build more houses on this site and that the site is similar

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in size to neighbouring properties. We note that the proposal in question is for an affordable dwelling, whereas the property referred to is traditional with outbuildings in the form of a traditional farm. The size of this site is substantial when considering this normal standard, and there are no local circumstances or restrictions on the site that justify such a low density on the site, therefore the proposal is contrary to this criterion.

5.21 Criterion 7 of policy PCYFF 2 states that proposals will be refused if they have a significantly adverse impact on:

- the health, safety or amenities of the occupiers of local properties, land uses or other properties or the features of the local area through increased activities, disturbance, vibration, noise, dust, fumes, litter, drainage, light pollution or other forms of pollution or disturbance.

It is not considered that the proposal is likely to adversely affect the amenities of the properties that are located either side of the site in this case. The property is a substantial single-storey dwelling of a contemporary design, located within an agricultural field on the outskirts of the village. There is a row of two-storey houses located on one side of the proposal, and in terms of design, it is considered that it would suit the area and the site. We note that this does not outweigh the objection to the principle of the proposal as had already been noted.

5.22 The proposal does not include a landscaping scheme, but should landscaping be capable of alleviating any potential visual impact, we do consider that it would be possible to impose a planning condition for agreeing a landscaping scheme later on. Therefore it is not considered that the proposal is contrary to the requirements of policy PCYFF 4 of the LDP.

Biodiversity Matters

5.23 The proposal lies on improved pasture and there is no Biodiversity designation on the site. The Biodiversity Unit confirms that there is no objection to the proposal, but there is a need to provide nesting and bat boxes on the new building should it be approved.

5.24 A planning condition could be imposed to ensure the installation of nesting and bat boxes; therefore, we consider that the proposal complies with the requirements of policy PS19 of the LDP that safeguards internationally, nationally and locally protected species.

Language Matters

5.25 The proposal does not reach the thresholds set within policy PS1: The Welsh Language and Culture for the provision of new housing.

5.26 As this is a Committee application, the SPG for 'Maintaining and Creating Distinctive and Sustainable Communities' requires consideration to the language. The proposal before you is to erect a dwelling-house in a location that lies outside the village development boundary, which is contrary to the Plan, as already noted. No statement relating to the language was submitted as part of the application, and because it is contrary to the policies noted above, officers have not requested any additional information in relation to the language.

5.27 Nevertheless, it is noted that the proposal is an affordable dwelling for a local individual who is in need of an affordable house (although the specific need in terms of the size of the dwelling etc. is

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not known), and despite the objection to the proposal in respect of its location and size, we do not consider that it would have an adverse impact on the language in this case.

5.28 Despite this, and based on the above, it is not considered that the proposal would be contrary to the specific requirements of policy PS1 of the LDP or the requirements of the SPG.

6. Conclusions:

6.1 Therefore, based on the above assessment, it is considered that the proposal for erecting one affordable dwelling on the outskirts of the village of Penygroes is unacceptable, and is contrary to the requirements of policies PCYFF 1, TAI 15, TAI 16, the SPG Affordable Housing and TAN 6 in respect of the site's eligibility as an exception site and the need for a new house in open countryside, the size of the curtilage, together with the lack of confirmation of the number of bedrooms that would satisfy the need/size of the property; and criteria 1, 2 and 3 of policy PCYFF 2 in terms of compliance with local and national policies and development density.

7. Recommendation:

To refuse

Reasons:

1. The proposal is not appropriate as a logical extension to the settlement because of its location and the current boundaries that separate the settlement from the countryside in this location. The development is therefore contrary to the requirements of policies PCYFF 1, TAI 15 and 16 of the Gwynedd and Anglesey Joint Local Development Plan 2011-2026 and the Supplementary Planning Guidance: Affordable Housing which ensure suitable affordable housing developments as an exception on the peripheries of development boundaries.
2. The size of the proposed property and curtilage is too large to enable the property to be affordable in the future and comply with the scale of development density. Furthermore, no evidence has been submitted to confirm the size/number of bedrooms that would satisfy the identified need. The development is therefore contrary to the requirements of policies TAI 15 and PCYFF 2 of the Gwynedd and Anglesey Joint Local Development Plan 2011-2026 and the Supplementary Planning Guidance: Affordable Housing which ensure development of an acceptable scale which would be affordable in future.
3. The development is tantamount to erecting a new house in open countryside without any justification, and is contrary to the requirements of policies PCYFF 1 and paragraph 6.4.36 of the Gwynedd and Anglesey Joint Local Development Plan 2011-2026 and Technical Advice Note 6: Planning for sustainable rural communities.