

<b>PLANNING COMMITTEE</b>	<b>DATE: 13/06/2022</b>
<b>REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER</b>	

**Number: 5**

**Application Number: C21/1183/09/LL**

**Date Registered: 09/12/2021**

**Application Type: Full Application**

**Community: Tywyn**

**Ward: Tywyn**

**Proposal: Construction of one dwelling**

**Location: Land near Môr Awelon, Tywyn, LL36 9HG**

**Summary of the Recommendation: TO REFUSE**

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**1. Description:**

- 1.1 This is a full application to construct a (three bedroom) dwelling house on land near Môr Awelon, Brynhyfryd Road, Tywyn. The proposal would primarily be a house of two-storey design but a garden store would be included underneath a section of the proposed house which would extend the section in question to three-storeys. The proposed house would include a kitchen/dining room, living room, study, store, office, utility room, toilet, entrance hall and garage on the ground floor and then three bedrooms (one of which would be en-suite) and bathroom on the first floor. The house would be finished with a slate hip roof and walls would be a combination of traditional stone and render. The house would measure approximately 16.2 metres by 11.7 metres. A new vehicular access would be created to gain access to the plot with an access track of approximately 53 metres long leading from the access towards the proposed house. It is intended to landscape around the boundaries of the site using a mixture of native species including Elder, Hawthorn, Blackthorn, Dog-rose, Guelder rose, Holly and Hazel. It is currently an agricultural field on a gradual slope where a public footpath runs through the site.
- 1.2 As part of the application, a Welsh Language Statement, Design and Access Assessment, Planning Statement, a letter of additional justification for a dwelling on the site and an Initial Ecological Assessment were submitted.
- 1.3 The site is located in the countryside but directly adjacent to the development boundary of Tywyn. The site lies within the Dysynni Valley Landscape of Outstanding Historic Interest. The first class road of the A493 runs towards the north of the site. There are mainly gorse hedges and a few trees on the boundary with the A493. On the other side of the A493, Tywyn Hospital is located which is a Grade II listed building. There is a dwelling house to the west of the site. There is a field towards the south and the east.
- 1.4 The application is submitted to the 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
  - PS 2 - Infrastructure and developer contributions
  - ISA 1 - Infrastructure provision

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PS 4 - Sustainable transport, development and accessibility

TRA 2 – Parking standards

TRA 4 – Managing transport impacts

PS 5 – Sustainable developments

PS 6 - Mitigating the effects of climate change and adapting to them

PCYFF 1 – Development boundaries

PCYFF 2 – Development criteria

PCYFF 3 – Design and place shaping

PCYFF 4 - Design and landscaping

PCYFF 5 - Carbon management

PCYFF 6 - Water conservation

PS 16 - Housing provision

PS 17 - Settlement strategy

TAI 8 - An appropriate mix of housing

TAI 16 - Exception sites

PS 19 - Conserving and where appropriate enhancing the natural environment

AMG 5 - Local biodiversity conservation

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 - Maintaining and Creating Distinctive and Sustainable Communities

Supplementary Planning Guidance - Housing Mix (October 2018)

Supplementary Planning Guidance – Affordable Housing (April 2019)

Supplementary Planning Guidance – Planning Obligations

## 2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales, Edition 11, February 2021.

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Technical Advice Note 2 - Planning and affordable housing

Technical Advice Note 12: Design

Technical Advice Note 18 – Transport

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

- 3.1 Pre-application enquiry Y21/0353. The site is located in the countryside and not required as a rural enterprise house, therefore, it does not comply with relevant policies in terms of constructing a house in the countryside. Reference was also made to Policy TAI 16 about houses that are 100% affordable on sites that are directly adjacent to the development boundary. At the time, the site was in the middle of the field and only abutted the boundary on the side of the class 1 road and, therefore, it was deemed that it would not form a reasonable extension. No justification of a need for an affordable home was submitted and they were referred to the Supplementary Planning Guidance: Affordable Housing and the size of affordable housing. A copy of the Joint Planning Policy Unit's observations was provided, which referred to details about housing figures in Tywyn.
- 3.2 It should be noted that the site that is the subject of the current application has been amended since pre-application advice was provided, and the house has now been moved closer to Môr Awelon towards the west.

### **4. Consultations:**

Town/Community Council: The Tywyn Town Council Planning Committee met on 28 March 2022 when it was resolved to object to the application as it was outside the Tywyn development boundary and not an affordable development. The diversion of the footpath and the size of the development was also considered as grounds for objection.

Transportation Unit: I refer to the above application and wish to raise concerns regarding the visibility splays along the A493 from the proposed access point. We believe that achieving the required visibility splays as defined in Technical Advice Note 18 in the south-east direction could be problematic and request further details regarding the matter.

Welsh Water: Recommend a no surface water / land drainage condition to connect with the public sewer.

Provided advice for the developer.

Rights of Way Unit: Public footpath number 1 Tywyn must be protected during and after this development.

The definitive map shows a public right of way leading directly through the development site. The plans note that they wish to divert the public right of way to ensure that the path does not cross the

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development site. The route of a public right of way should not be moved unless the amendment has first been authorised by a legal Order, known as a Diversion Order. The applicant should contact the Council's Rights of Way Unit before submitting a formal application to divert the path under section 257 of the Town and Country Planning Act 1990.

Water and Environment Unit  
YGC:

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 will need to be provided to the SuDS Approval Body for approval before construction work commences. It appears that the developer intends to drain the site in a suitable sustainable manner; however, until an application is made to the SAB, there is no certainty that the site plan would enable compliance with the full suite of national SuDS standards. A consultation with the SuDS is recommended.

Language Unit:

Not received.

Biodiversity Unit:

An Initial Ecological Assessment report by Cambrian Ecology dated 22/02/2022 was submitted. The habitat within the footprint of the development has been described as improved grassland and the development is assessed as one that would not have a negative impact on biodiversity.

Reasonable precautionary measures have been included to prevent impact on nesting birds, bats and hedgehogs which should be included as planning conditions.

As part of the Senedd's commitment to include biodiversity net gains in new developments, and following the guidelines prepared by the Chartered Institute of Ecology and Environmental Management, a hedge of native species should be planted on the boundary with the A493 including Elder, Hawthorn, Blackthorn, Dog-rose, Guelder rose, Holly and Hazel. This should be included as a planning

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condition.

In addition, there are opportunities to enable access by swallows to the lower ground garden store and for bats under slates and tiles that are on the southern and northern elevations. These should also be stipulated.

Public Consultation:

A notice was posted on the site and neighbouring residents were informed. The advertisement period ended and an objection was received on the following grounds:

- The application provided substantial information that mainly appeared as an attempt to legalise the development on policy grounds; however, it set out the wishes of 99% of the population to be able to construct a large house in open countryside.
- Through their agent, the applicants sought to meet an exceptional threshold included in Policy TAI 16 through the fact that they cannot secure an 'affordable' home as a result of increasing house prices and that the reason was second home ownership.
- The site is not located within the development boundary and has therefore been designated as open countryside.
- The applicant has attempted to create a link between the site and the development boundary to create a connection to policy TAI 16 but it is clear that such localisation means that access to the site is far from the property, which is different to what other properties have on Brynhyfryd Road.
- The access appears to be adjacent to a current cross-over point which has been formed between the public footpath and the pedestrian access to the hospital / health centre and this is not suitable or safe.
- No dimensions have been noted on the floor plans, which makes calculating the floor area less transparent.
- No lower ground floor plan to show the scale of the garden store.
- No dimensions to set out the location of the proposal in relation to boundaries.
- The floor plan is arbitrary and does not relate to the site plan in order to assess height on a defined location.
- It appears that the proposed dwelling has an internal floor area of approximately 336 square metres and it is noted that appendix 5 of the SPG relating to affordable housing recommend that a three-bedroom dwelling for 5 people has a floor area of 94 square metres.
- In considering current construction costs, we have been advised that construction costs for a dwelling of the deemed size and specification level would be between £450,000 and £650,000. It is accepted that this is a broad scale that derives from many assumptions, which include a site on a slope with higher structural costs, inclusion of lower ground and tank, remote access from the property requiring additional work,

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the need to divert a right of way, landscaping as the site area would increase due to the need to connect to the development boundary.

- In our opinion, the justification submitted that the applicants have been priced out of the local market is inconsistent with the situation submitted that applicants are seeking to fund the proposed house and associated costs at retirement age.
- Having examined house prices in Tywyn on the Zoopla website, it appears that property prices in Tywyn are substantially lower than the expected investment needed for the proposed new dwelling. Whilst accepting that the prices of large detached houses in desirable locations such as Brynhyfryd Road are higher, such a property is usually occupied by the owner and is not a second home. Many people desire this type of property but this does not mean that it should be mixed or linked with the social problems of local people who genuinely need affordable homes.
- Question the applicants' eligibility whether or not they are genuinely in need of an affordable home. Need to go through the Tai Teg assessment procedure to ensure that applicants prove the need as is required by everyone.
- As part of any evidence about the need and alleged failure of the applicants to be able to afford an open market property within the development boundary, transparency is expected in terms of the business interests of the applicants, including those mentioned in the application along with others that have not been named.

## **5. Assessment of the material planning considerations:**

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

- 5.1 The site is located in open countryside. The development boundaries were identified for all types of settlements in the Plan apart from clusters. The LDP notes that development boundaries, amongst other things, prohibit inappropriate developments from being located in the countryside, provide firm guidance and clarity in terms of where exceptions may be supported e.g. rural exception policy, prohibit settlements from joining together and prohibit a fragmented development pattern, identify locations where developments can be approved and promote effective and appropriate use of land and buildings. It is therefore considered that the remainder of the Plan area is subject to more control which is mostly limited to developments which require a countryside location or that meet a local rural need, support rural diversification or sustainability. The second clause of Policy PCYFF 1 states that proposals located outside the development boundaries will be refused unless they are in accordance with specific policies in the Local Plan or national planning policies or that the proposal shows that its location in the countryside is essential.
- 5.2 The LDP proposals maps for Tywyn show that the site lies outside the development boundary of the local service centre and it is considered that this is tantamount to erecting a new house in the countryside. Strategic Policy PS 17 - Settlement Strategy concerns the distribution of housing. In terms of a site in the countryside, only housing development that comply with Planning Policy Wales and TAN 6 will be permitted in the Open Countryside. In accordance with TAN 6, one of the few circumstances in which a new residential development in the open countryside can be justified is when accommodation is required to enable a rural enterprise worker to live at, or close

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- to, his workplace. The current application is not an application for a rural enterprise dwelling and therefore it is considered that it is contrary to Strategic Policy PS 17 and Policy PCYFF 1, together with Planning Policy Wales and TAN 6.
- 5.3 The site is located directly adjacent to the development boundary of Tywyn. Therefore, consideration can be given to the construction of a house on the site under policy TAI 16. As an exception, policy TAI 16 can support proposals for housing schemes that are 100% affordable on sites that are directly adjacent to a development boundary and which form a reasonable extension to the settlement. Such a development must be able to show that there is a proven local need for affordable housing that cannot be delivered within a reasonable timescale on a market site within the development boundary that includes a requirement for affordable housing.
- 5.4 From the information submitted, it is understood that the applicants are local to Tywyn and that they run a family business operating four caravan and camping sites in the Tywyn area, which include the Faenol Caravan Park in Tywyn and the Woodlands Caravan Park in Brynchrug. They have been running the Woodlands Caravan Park for over 28 years and they intend to retire from the business on this site. It is understood that the applicants currently live in a dwelling on the Woodlands caravan site and, therefore, as they intend to retire from the business, this property will not be available for them. The Faenol Caravan Park is not far from the application site and a house on the site in question would enable the applicants to assist with the running of the caravan and camping site and to respond rapidly to any urgent matters and reduce their dependence on a car. In addition, it is understood from the information submitted that the applicants own a two-bedroom property with a box room in Tywyn, which is currently being rented out to a local family from Tywyn but there was an intention to put this property up for sale. The applicants deem this property as a first-time buyer house that is unsuitable for them, who are in their 50s and that they require a home for life.
- 5.5 Firstly, Policy TAI 16 requires that a proven local need has been demonstrated for affordable housing (as defined in the List of Terms) that cannot be delivered within a reasonable timescale on a market site within the development boundary that includes a requirement for affordable housing. In accordance with the list of terms included in the LDP, affordable housing is split into two sub-categories, namely social rented housing provided by local authorities and registered social landlords and intermediate housing where prices or rents are higher than social housing rents but lower than the prices or rents on the open market. In the Planning Statement that was received as part of the application, in paragraph 6.2.1 it is noted that the proposed dwelling would not be a social rented house or an intermediate house as it would be purpose-built for the applicants and their family and, therefore, the proposed development would not meet the criteria set by the Council for an exception site policy. The information submitted as part of the application seeks to justify the construction of a house on the site in question through the fact that Tywyn is a coastal tourism destination and where the percentage of second homes and holiday accommodation mean that house prices are higher and, therefore, that the applicants cannot afford to buy a house in Tywyn.
- 5.6 Information was received about the indicative housing figures for Tywyn from the Joint Planning Policy Unit. It is noted that the indicative housing provision for Tywyn over the Plan period is 103 units (which includes a 10% 'slippage allowance', i.e. the method of calculating the figure has taken into account potential unforeseen circumstances that could influence the provision of housing, e.g. land ownership matters, infrastructure restrictions, etc.). During the period between 2011 and 2021, a total of 87 units were completed in Tywyn (19 units on designations and 68 units on windfall sites). The windfall land bank, i.e. sites with extant planning permission, in April 2021,



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was 52 units (18 units on designations and 34 units on windfall sites). This means that Tywyn will achieve its indicative growth level by developing the current land bank.

- 5.7 In addition, the Joint Planning Policy Unit noted that the Plan's Monitoring Framework will consider the number of units that are completed annually in order to determine if the Plan is delivering the housing requirement. Annual monitoring will also enable the Councils to determine what type of sites will supply housing i.e. designations or windfall sites. The focus will be on the completed units rather than permissions. As well as this, the Monitoring Framework will try to assess if the Plan's Settlement Strategy is being achieved. This indicator looks at housing consents. Policy PS 17 in the Plan states that 22% of the Plan's housing growth will be located within the Local Service Centres. The indicative growth level for Local Service Centres (including a slippage allowance of 10%) is 1754 units. 859 units were completed between 2011 and 2021 in each Local Service Centre and 493 were in the land bank. This means that there is a deficit of 402 units. Based on the completion rates to date within the Local Service Centre category, the observations received from the Joint Planning Policy Unit note that this proposal is acceptable.
- 5.8 It is recognised that the presence of second homes and units in a tourism destination such as Tywyn can mean that house prices are higher and, therefore, affordability matters could arise in terms of local people's ability to buy houses. In addition, although Tywyn itself has reached its indicative growth level by developing the current land bank, there is an ability to further develop in Tywyn as the completion rate in the Local Service Centre category has not been met. Therefore, it can be accepted that there is a local need for affordable housing in Tywyn but as this site is outside the development boundary and is deemed an exception site, it must be ensured that any proposed house on the site complies with the requirements of Policy TAI 16, which is for development schemes that are 100% affordable on sites that are directly adjacent to the development boundaries and which form a reasonable extension to the settlement.
- 5.9 The documents submitted by the agent to support the application refer to affordability but they do not suggest that the dwelling itself would represent an 'affordable' dwelling in accordance with TAI 16. The agent alleges that the proposed dwelling would be deemed affordable in principle as it would meet the accommodation needs of the applicants for a price that is affordable for them. They also noted that the applicants would be willing to sign a 106 agreement restricting a future sale to an affordable price and, therefore, ensure the affordability of the dwelling in future.
- 5.10 Since the application was received, it was recommended that the applicants were assessed by Tai Teg to find out whether they are in need of an affordable home. However, the applicants have not been assessed and from the responses received, it is not considered that they intend to be assessed. Therefore, no need for an affordable home has been proven for the proposal.
- 5.11 The size of the house has been reduced since the application was originally submitted. However, the proposed dwelling house continues to have an internal floor surface area of approximately 206 square metres, a garage that is approximately 21 square metres and a garden store of approximately 9 square metres. In the Supplementary Planning Guidance: Affordable Housing, the internal floor area of a three-bedroom affordable home for 5 people is noted as 94 square metres. Therefore, it can be seen that the size of the property in question is substantially larger than the size noted in the Supplementary Planning Guidance: Affordable Housing. The agent's attention was drawn to the fact that the property continues to be substantially larger than the size of an affordable home as noted in the Supplementary Planning Guidance: Affordable Housing and a response was received stating that reducing the size to this degree would not be acceptable by the applicants or meet their need for a lifelong home.

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- 5.12 The agent was also asked to submit an open market valuation of the proposed house but no such valuation was received. Such a valuation is a way of assessing the open market value of the property and whether or not it is likely to be an affordable home for the first and future occupiers. There is concern about house 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 should a 106 agreement be signed that an application may be submitted to lift the 106 agreement. It is noted that the Local Development Plan only supports proposals for affordable units where it can be ensured that they remain affordable in perpetuity. In the absence of an open market valuation of the proposed dwelling and given the type of dwelling proposed, its size and location, it cannot be certain that the house would continue to be affordable in future.
- 5.13 In terms of the location itself, the site is located directly adjacent to the development boundary and appears to be reasonable extension to the settlement.
- 5.14 Therefore, given the above, it can be seen that the applicants have not been assessed as applicants in need of an affordable home, the size of the property is substantially larger than an affordable home and as there is no open market valuation of the property, it cannot be certain that the property would have an affordable price or continue to be affordable in future. Therefore, it is not considered that the proposal in question would provide an affordable home on the site and that the proposal is therefore contrary to the requirements of policy TAI 16 that only allows proposals for schemes that are 100% affordable homes. It is also contrary to the requirements of the Supplementary Planning Guidance: Affordable Housing.

### **Language Matters**

- 5.15 Policy PS1 of the LDP states that the Councils will promote and support the use of the Welsh language in the Plan area and this will be achieved by asking for a Welsh Language Statement for some developments. One of the situations when it is a requirement to ask for such information is when the development provides more than the indicative provision for the settlement in question (Tywyn in this case). To this end, a Welsh Language Statement was submitted with the application. The statement concludes that approving the proposal would not have a negative impact on the Welsh language. The Language Statement notes that the proposal in question has been specifically designed for the applicants who already live locally to Tywyn and that the proposal will not lead to inward migration to the area with one of the applicants a fluent Welsh speaker. In addition, the proposal would therefore not change the balance in the community between Welsh speakers and non-Welsh speakers. Also, as the applicants already live locally, it is not considered that the proposal would affect facilities and services in the area. As the property would be occupied by the applicants, the proposed property would not be put on the market for sale. It is noted that it is intended to give a Welsh name to the proposed dwelling. The Welsh Language Unit was consulted but no response was received. However, given that the proposal has been submitted as a house to meet the lifelong accommodation needs of the applicants, it is not considered that the proposal in question would have a detrimental negative impact on the Welsh language and that the proposal is acceptable in terms of Policy PS 1 of the LDP along with Supplementary Planning Guidance: Maintaining and Creating Unique and Sustainable Communities.

### **Visual amenities**

- 5.16 Policy PCYFF3 states that proposals will only be permitted provided they conform to a number of criteria, including that the proposal complements and enhances the character of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment; that it respects

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the context of the site and its place within the local landscape; that it utilises materials appropriate to its surroundings and incorporates soft landscaping; it enhances a safe and integrated transport and communications network; that it limits surface water run-off and flood risk and preventing pollution; that it achieves inclusive design allowing access by all and it helps to create healthy and active environments, and considers the health and well-being of future users.

- 5.17 On the whole, the houses near the site on Brynhyfyd Road are detached houses that have been positioned within their own gardens, where there is direct access to the A493. The proposal in question would appear as a continuation of this development on Brynhyfyd Road with the proposal providing one detached house positioned in its own garden. As a result of matters relating to road safety, a driveway of approximately 53 metres would be required from the proposed access towards the dwelling house. Having such a driveway is inconsistent with the nearby houses but it can be seen that it is intended to landscape around the driveway and the boundaries of the application site using a mixture of native species including Elder, Hawthorn, Blackthorn, Dog-rose, Guelder rose, Holly and Hazel, which would reduce its visual impact. The property would mainly be two-storey with a slate hip roof and the external walls would be a combination of stone and off-white render. See examples of a hip roof in the vicinity and the materials, which are slate, stone and render, are suitable for the location. The main views towards the site are from the direction of the south and east and from those directions, the proposal would appear as an extension to the existing built form of Tywyn, with the location directly adjacent to the houses on Brynhyfyd Road. It is considered that the proposal would not cause significant harm in terms of the visual amenities of the area and it would be possible to stipulate the landscaping work that has been submitted. The proposal is considered acceptable in terms of Policies PCYFF 3 and PCYFF 4 of the LDP.

#### **General and residential amenities**

- 5.18 The main elevations of the proposed property would be north-facing where the A493 is situated and the south would overlook a field. A field lies to the east of the site. The closest property to the site is located to the west of the site on Brynhyfyd Road. There is a first floor window on the western side of the proposed property, which is a window on the landing. There is approximately 16 metres between this window and the boundary of the application site. It is considered that this distance to the boundary is reasonable and that it would not cause significant harm in terms of loss of privacy / overlooking the nearby property. During the construction period mainly, it is likely that the proposal may cause some disturbance to the occupants of neighbouring houses; however, it is not considered that the proposal would have a permanent, substantial, detrimental impact on the occupants of neighbouring houses and that the proposal is acceptable in terms of criterion 7 of Policy PCYFF 2 of the LDP.

#### **Transport and access matters**

- 5.19 The proposal involves creating a new vehicular access to the A493. The observations of the Transportation Unit on the application were received and they stated that they believe that achieving the required visibility splays as defined in Technical Advice Note 18 in the south-east direction could be problematic and that they requested further details regarding the matter. The agent is aware of the observations received and will provide additional information to this end. However, the information had not been received at the time of writing the report. Consequently, it is considered that there is insufficient information at hand to fully assess the proposal's impact on road safety and the requirements of Policy TRA 4 of the LDP.

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- 5.20 It is considered that a sufficient parking and turning space is available within the curtilage to serve the property and that the proposal is acceptable in relation to Policy TRA 2 of the LDP.
- 5.21 A public footpath runs through the application site. The information submitted as part of the application shows that it is intended to divert this footpath so that it runs from the new access to the site across the field. The observations of the Rights of Way Unit were received regarding the proposal. These observations refer to the proposed diversion and state that the route of a public right of way should not be moved unless the amendment has first been authorised by a legal Order, known as a Diversion Order. In order to do so, a formal application to divert the path under section 257 of the Town and Country Planning Act 1990 would need to be submitted to the Council's Rights of Way Unit. The applicants are aware of the need to divert the public footpath but they will need to ensure this diversion via a legal order as noted above. Should the application be approved, a condition would need to be included in the permission that the footpath would be diverted before work commences on the development.

### **Sustainability**

- 5.22 Policy PS 5 states that developments will be supported where it can be demonstrated that they are consistent with the principles of sustainable development. The site in question is located directly adjacent to the Tywyn development boundary and is within walking distance of the centre of the settlement where facilities and services are located. A bus stop is available within walking distance of the site and there is a train station further towards the centre of the settlement. Therefore, the site in question is accessible by a number of various travel modes and it would not be dependent on a car in terms of its location. Therefore, it is believed that it can be defined as a sustainable site in terms of its location and proximity to the existing established built form. As it would be a new property, it would be constructed in accordance with current building standards that include sustainable requirements. It is also proposed to dispose of surface water, water from hard-standings and rainwater via deviation to an underground tank. The proposal therefore provides for a sustainable water disposal method but an application would need to be submitted to the relevant body in terms of the sustainable drainage methods to ensure that they comply with sustainable drainage system requirements. Overall, it is considered that the proposal in question is on a sustainable site, which would use modern methods of dealing with sustainability.
- 5.23 In their statements, the agent deems that the proposal corresponds with point 2 of Policy PS 5 which states that priority is given to effective use of land and infrastructure, prioritizing the reuse of previously developed land and buildings wherever possible within the development boundaries of the Sub-regional Centre, the Urban and Local Service Centres, Villages or in the most appropriate places outside of them, in accordance with Strategic Policies PS 17, PS 13 and PS 14. This clause relates to the development of previously used land and buildings that were initially located within a development boundary, and if this is not possible, then previously developed land or buildings that are in the most appropriate places outside the development boundaries. The site in question forms part of an agricultural field and it is not previously developed land and no buildings are currently on the land. As already noted, the proposal is contrary to Policy PS17 and policies PS 13 and PS 14 are irrelevant to the application in question. It is not therefore considered that the proposal is deemed as a proposal that should be considered under criterion 2 of Policy PS 5 of the LDP as it does not relate to previously developed land.

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### **Biodiversity Matters**

- 5.24 As a part of the application, an Initial Ecological Assessment was submitted by Cambrian Ecology, which describes the application site as improved grassland. The assessment concludes that the development would not have a negative impact on biodiversity. The Biodiversity Unit's observations on the proposal were received. The Biodiversity Unit had no objection to the proposal although they did note that a number of conditions would have to be imposed on any planning permission. These conditions include reasonable precautionary measures in terms of preventing impact on nesting birds, bats and hedgehogs, stipulating the landscaping plan and the intention to ensure access to swallows and bats to the proposed property. In doing so, it is not considered that the proposal would have a detrimental impact on biodiversity and that the proposal is acceptable in terms of Policy AMG 5 of the LDP.

### **Conservation and Archaeology Matters**

- 5.25 The site lies within the Dysynni Valley Landscape of Outstanding Historic Interest. The proposal involves the construction of a dwelling house directly adjacent to existing dwelling houses on Brynhyfryd Road. It is considered that the impact of the proposal would be local and would not have a wider impact on the historic landscape.
- 5.26 Tywyn Hospital is located towards the north-east of the site, which is a Grade II listed building. However, given the location of the development in relation to the Hospital, it is not considered that the proposal would affect the setting of the Hospital.
- 5.27 It is considered that the proposal is acceptable in terms of Policies PS 20 and AT 1 of the LDP.

## **6. Conclusions:**

- 6.1 The site lies in open countryside but the proposal is not for the provision of a rural enterprise dwelling and, therefore, it is considered that the proposal is contrary to Strategic Policy PS 17 and Policy PCYFF 1 of the LDP, together with the requirements of Planning Policy Wales and Technical Advice Note 6.
- 6.2 The applicants have not been assessed as applicants in need of an affordable home, the size of the property is substantially larger than an affordable home as defined in the Supplementary Planning Guidance: Affordable Housing; and as there is no open market valuation of the property, it cannot be certain that the property would have an affordable price or continue to be affordable in future. Therefore, the proposal would not provide an affordable home on the site and it is therefore contrary to the requirements of Policy TAI 16 of the LDP and the contents of the Supplementary Planning Guidance: Affordable Housing.
- 6.3 The proposal involves the creation of a new vehicular access to the A493 but insufficient information was submitted to assess whether or not there is sufficient visibility from the access and, therefore, it is not possible to fully assess the impact of the proposal on road safety and the requirements of Policy TRA 4 of the LDP and Technical Advice Note 18 - Transport.

## **7. Recommendation:**

- 7.1 To refuse:

<b>PLANNING COMMITTEE</b>	<b>DATE: 13/06/2022</b>
<b>REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER</b>	

1. The site lies in open countryside and the proposal is not an application for a rural enterprise dwelling and therefore it is considered that the proposal is contrary to Strategic Policy PS 17 and Policy PCYFF 1 of the Anglesey and Gwynedd Joint Local Development Plan, together with Planning Policy Wales and Technical Advice Note 6: planning for sustainable rural communities.
2. The applicants have not been assessed as applicants in need of an affordable home, the size of the property is substantially larger than an affordable home as defined in the Supplementary Planning Guidance: Affordable Housing; and as there is no open market valuation of the property, it cannot be certain that the property would have an affordable price or continue to be affordable in future. Therefore, it is not considered that the proposal in question would provide an affordable home on the site and that the proposal is therefore contrary to the requirements of policy TAI 16 of the Anglesey and Gwynedd Joint Local Development Plan that only allows proposals for schemes that are 100% affordable homes. It is also contrary to the contents of the Supplementary Planning Guidance: Affordable Housing.
3. The proposal involves the creation of a new vehicular access to the A493 but insufficient information was submitted to assess whether or not there is sufficient visibility from the access to ensure that the proposal would not affect road safety, and to fully assess the proposal in terms of the requirements of Policy TRA 4 of the Local Development Plan and Technical Advice Note 18 - Transport.