PLANNING MANAGER	DATE: 13/12/2021
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

Number: 5

Application Number:	**C21/0668/43/LL**
Date Registered:	**09/07/2021**
Application Type:	**Full**
Community:	**Pistyll**
Ward:	**Llanaelhaearn**
Proposal:	**Construction of affordable dwelling**
Location:	**Land near Uwch Y Don, Bwlch Gwynt, Pistyll, Pwllheli, LL53 6LP**
Summary of the Recommendation:	**TO REFUSE**

1. Description:

1.1 This is a full application to construct an affordable home (four bedrooms) on land near Uwch y Don, Pistyll. It is designed as a two-storey dormer dwelling including a kitchen/diner, living room, utility room/toilet and one bedroom on the ground floor and three bedrooms, an office and a bath-room on the first floor. The house would be finished with slate roofing, solar panels and rendered walls. It is intended to amend an agricultural access gate to gain access to the plot, with a parking and turning space within the site. Externally, the house would measure approximately 13 metres long by 11 metres wide and approximately 8 metres to the roof ridge. It is currently an agricultural field on a gradual slope with a gorse clawdd on the front boundary.

1.2 Pistyll is a Cluster Village in the Local Development Plan Inset Maps and the site is located adjacent to the Uwch y Don dormer property that is marked red on the maps. The site is served by a steep unclassified county road which leads from the centre of the village. The site is located within the Llŷn Area of Outstanding Natural Beauty and the Llŷn and Ynys Enlli Landscape of Outstanding Historical Interest. The land has been identified as the Pistyll Meadows Local Wildlife Site.

1.3 The application is submitted to the Planning Committee at the request of the Local Member.

2. Relevant Policies:

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

2.2 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017**

PS 1: The Welsh Language and Culture

TRA 2 – Parking standards

TRA 4 – Managing transport impacts

PCYFF 1 – Development boundaries

PCYFF 2 – Development criteria

PCYFF 3 – Design and place shaping

PCYFF 4 - Design and landscaping

PCYFF 6 - Water conservation

PS 17 - Settlement Strategy

TAI 6 - Housing Clusters

PS 18 – Affordable housing

TAI 15 - Threshold of Affordable Housing and their Distribution

PS 19 - Conserving and where appropriate enhancing the natural environment

AMG 1 - Areas of Outstanding Natural Beauty Management Plans

AMG 5 – Local Biodiversity Conservation

AMG 6: Protection Sites of Local or Regional Significance

PS 20 - Conserving and where appropriate enhancing cultural assets

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

Supplementary Planning Guidance: Affordable Housing (April 2019)

Supplementary Planning Guidance – New Houses in Rural Villages

2.4 **National Policies:**

Planning Policy Wales (Edition 11, February 2021).

Future Wales: The National Plan 2040

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

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

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

3. Relevant Planning History:

3.1 No previous planning history.

4. Consultations:

Town/Community Council	Pistyll Community Council members wish to extend their support in relation to the above planning application that will be submitted to the Planning Committee on 22 November, 2021. During their meeting on 12 October the members welcomed the information that a local family were proposing to construct an affordable home on their family's land in Pistyll. The applicants are very eager to move back to their family, but we understand that they are not eligible for an affordable home through the Tai Teg scheme as they already have a house.

	We appeal to you to consider that approving this application will increase the stock of affordable homes within the area of Pistyll and Nefyn as their existing house in Nant y Felin will be sold with a Section 157 on it, namely that it will only be available to Gwynedd residents, and also with an affordable element on it for local people to be able to purchase a four bedroom house for an affordable price and enable other young families to stay in their areas. We also understand that the Council is considering buying the existing house back into Council stock.
Transportation Unit:	Not received.
Biodiversity Unit:	The site of the proposed development lies within the Pistyll Meadows Wildlife Site. As a result, the applicant will need to provide a Preliminary Ecological Assessment.
AONB Unit:	The site in question is located on the peripheries of the village of Pistyll and in the Area of Outstanding Natural Beauty (AONB). The site is currently agricultural land and the site is relatively prominent on the side of a rural road that leads from Pistyll to the direction of Pentreuchaf. There is another dwelling nearby, namely Uwch y Don. Policy CP 6 in the AONB's Management Plan supports the provision of affordable homes to meet genuine local need where plans, designs and materials are in-keeping with the AONB's environment. The proposal in question is for a dormer house of a relatively simple design, similar to other recent houses in the Pistyll area. Some minor changes would help the development blend with its location in the AONB and contribute to maintaining local wildlife. The suggested changes are to retain the existing soil clawdd as a boundary between the site and the road, create a new access that is suitable to a rural location (stone wall or clawdd) and erect a small clawdd and introduce landscaping along the boundaries.
Land Drainage Unit (Gwynedd Consultancy):	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 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 SuDS Approval Body is recommended.

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

Strategic Housing Unit: Not received.

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

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

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

Condition No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. **Reason:** To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Natural Resources Wales: Not received.

Public Consultation:

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

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

5. Assessment of the material planning considerations:

The principle of the development

5.1 Pistyll has been designated a Cluster Village in the Gwynedd and Anglesey Local Development Plan, therefore the relevant housing policy in this case is Policy TAI 6 *Housing Clusters*. Only affordable homes can be approved in cluster villages and on suitable sites located adjacent to buildings that are coloured red on the Inset Maps and subject to complying with all of the policy's criteria.

5.2 **Criterion 1 - The need for an affordable home for local community need (in accordance with the list of terms) has been proven.**

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

A Personal Statement was submitted as part of the application which provides details of the applicants' family situation. They are a young local couple with three children 9, 5 and 3 years old and are therefore asking for a four bedroom house. It has been given to understand that the couple own a former Council house in Nefyn. It is expressed that the house is small for the family's current needs and that it is no longer suitable given that the applicant needs space to work from home permanently. They are therefore asking to build a house in the applicant's native area in Pistyll on farmland owned by the applicant's family. He also wishes to be nearer to the family farm to be able to help his father who is approaching retirement age with farm work. It must be stated clearly that this is not an application for an agricultural dwelling, and that no agricultural need has been proven.

5.3 In terms of compliance with criterion 1, whilst there is no doubt that the applicant complies in terms of being a local person there is a question as to whether the applicant is in genuine need of an affordable home as they already own a house. No evidence has been received to demonstrate that it is not possible to extend the existing house to meet their needs. Additionally, it is not clear as to exactly how much equity would be released by selling the existing house and consequently, Tai Teg is not in a situation to assess whether the applicants have a genuine need for an affordable home. It must also be borne in mind that new housing in the countryside can only be approved as an exception to policy, and can only be approved as the last resort. We must therefore be convinced that there is a genuine need for an affordable home. Whilst appreciating the applicant's situation, based on the information to hand, the application does not meet the requirements of criterion 1 of the policy.

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

The plot in question is located adjacent to a building that is marked red on the Inset Maps and is close to the centre of the Pistyll village cluster. It is believed that the site is suitable for the development and therefore meets with the requirements of criterion 2.

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

The indicative housing supply for every cluster within Gwynedd-Dwyfor during the period of the Plan (2011-26) is 40 units. During the period 2011-20, a total of eight units were completed in each cluster identified within Gwynedd-Dwyfor. The windfall land bank for all these settlements, i.e. sites with extant planning permission, was four units in April 202. This means that there is currently capacity within the indicative provision for the Clusters in Gwynedd-Dwyfor. Given these figures, it would be reasonable to accept that a development of one dwelling on a scale that is consistent with the character of the settlement is acceptable with regard to criterion 3. Additionally, the design is a dormer house, which is consistent with the design of the adjacent house and the other houses in the vicinity.

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

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

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

As already noted, this is a family of five namely a young couple with a 9 year old son, a 5 year old daughter and a 3 year old son. They are therefore asking for a four bedroom dwelling with a bedroom for each of the children and also an office for the applicant. The Probable Floor Space table included in Supplementary Planning Guidance - Affordable Housing (April 2019) does not note a specific size for a 5 person, 4 bedroom unit, but a 6 person, 4 bedroom unit is expected to have approximately 110m^2 of internal floor space. From the plans that were submitted it was estimated that the internal surface area of the ground floor is approximately 120m^2 and the first floor approximately 74m^2 which is a total of 194m^2. The size of the dwellings is therefore approximately 84m^2 larger than that expected for a 4 bedroom house. It is noted that an office is also included in the plan, as the applicant works as an Information Technology Programmer / Analyst for Gwynedd Council and works from home on a permanent basis. His Manager has submitted observations in support noting that the applicant needs to have work space that meets health and safety and standards and a workplace that meets with confidentiality and data protection requirements. There may be justification for a house that is slightly larger than 110m^2 due to his personal work needs, however the proposed unit is substantially larger than the expected size. Likewise, it is also considered that the size of the plot itself is large for an affordable unit that is in an elevated position with coastal views that could influence the value of the house in future. Therefore, it is considered that the sizes of the property and the plot do not meet the size requirements for affordable homes and there is no assurance that the house would remain affordable in future. The applicant was not asked to incur costs by submitting a valuation for the house because, in its current form, the house does not meet the expected size requirements. Therefore, the proposal does not meet the requirements of criterion 5.

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

The existing front boundary is formed by a soil clawdd and gorse which runs along the road. The southern boundary is not as well-defined with gorse shrubbery here and there. The Site Plan indicates a proposal to demolish the front clawdd and to replace it with a boundary wall such as the one in the Uwch y Don property and to erect fencing along the remaining boundaries. It is noted that the ONB Officer has suggested changes to the boundaries, including retaining the existing soil clawdd as a boundary between the site and the road, creating an access that is suitable for a rural location (stone wall or clawdd) and erecting a small clawdd and introducing landscaping along the boundaries. Based on the criteria and the observations of the AONB Officer, the proposal, in its current form, does not retain or utilise the site's existing natural features. It is considered that changing the boundaries is reasonable to retain the site's rural character as it is in an elevated and sensitive location within the AONB, however, we did not ask the applicant to make changes to the plans as the application fails to meet other criteria. This is an element that could be changed should an amended application be resubmitted and could be included as conditions.

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

If all matters were acceptable, it would be possible to bind the proposed dwelling as an affordable home through a 106 agreement. However, policy TAI 6 along with Policies PS 17 and TAI 15 promote affordable housing only within clusters such as Pistyll. The houses should not only be affordable for the applicants (first owners), but they should also be houses that continue to be affordable for any future prospective buyers. As already noted, we did not ask the applicant to incur costs in providing the house's expected value in this case as the size of the house is beyond the expected size of an affordable four bedroom house and they have not been assessed as eligible for an affordable house.

5.10 Therefore, in light of the above, it can be seen that this proposal does not meet many criteria of Policy TAI 6, and that it is also contrary to the requirements of Policies PS 17 and TAI 15 as the proposal would not provide an affordable home.

Visual amenities

5.11 This is a two-storey dormer dwelling with a slate roof, solar panels and rendered walls. It is a relatively simple design and is similar in design to other dormer dwellings in the vicinity of the site. The main elevation of the house, with the front door would face south and the gable-end of the house and the first floor window would face the road, the same layout as the Uwch y Don property. The field is on a slope therefore the property would be on higher ground than Uwch y Don. As already mentioned, the sizes of the house and the plot are greater than what is considered acceptable for an affordable home and it would be required to amend the plan and the design to consider it acceptable. There may be an opportunity to propose more features to the elevation of the house that faces the road and to try to retain the boundary clawdd where possible and introduce a landscaped clawdd for the remainder of the boundaries, should an application be resubmitted for a smaller house and plot in future. With these changes, it is considered that a house could be acceptable on the site without causing significant harm to the area's visual amenities or having an impact on the character of the AONB and the broader Landscape of Outstanding Historical Interest. It is believed that it would be possible to comply with the requirements of policies PCYFF 3, AMG 1 and AT1 in this case.

General and residential amenities

5.12 There is a dwelling on lower ground to the north of the site, namely Uwch y Don and another house that is higher up and on the opposite side of the road to the south-west, namely Yr Hen Ysgol. Yr Hen Ysgol is set approximately 30 metres away and is therefore far enough away and across the road to mean that their amenities would not be affected to a significant extent. The proposed house would be set on land that is higher than Uwch y Don and the curtilage would abut its boundary. The plans indicate two ground floor windows and one roof light (office) on the northern side of the house that would face this property, with a distance of approximately 18m shown in the Site Plan from the proposed wall to the rear wall of Uwch y Don. The submitted cross-section plan does not indicate how the levels of the proposed house relate to the levels of Uwch y Don to appreciate the true impact on their amenities. There is a potential, due to the differing levels that the windows of the kitchen, the living room and the office could intrude on the neighbours' amenities, however introducing a clawdd and landscaping the boundary could alleviate and overcome those concerns

to satisfy the requirements of policy PCYFF 2 of the LDP. Nevertheless, this does not do away with the fact that the proposal does not meet the requirements of the housing policies that require a need for an affordable home, the size of the house and the plot to be reduces along with the suggestions to change the boundaries. Should it be determined that the applicant does need an affordable home then it is likely that the design, layout and house boundary treatment would have to be revised, along with the need to move closer to Uwch y Don. An amended cross-section plan would be useful to show the relationship of both properties to assess the real impact.

Transport and access matters

5.13 The site is served by a steep unclassified county road that leads upwards from the centre of the village in the direction of the plot. The proposal shows that it is expected to alter the existing agricultural access to serve the dwelling that is located in the highest corner of the field. The road in this part is straight and steep and it is considered that it would be possible to provide a suitable access with satisfactory visibility splays in both directions. A parking area has been shown within the plot as well as turning space to enable a vehicle to exit in forward gear. No response was received from the Transportation Unit to the consultation. It is considered that the proposal is acceptable in terms of Policy TRA 2 and TRA 4 of the LDP. Nevertheless, this does not overcome the remainder of our concerns about the proposal. We must reiterate that should the application be amended, and the plot size reduced there is a possibility that the access would need to be relocated and it is suggested that efforts should be made to retain or amend the existing natural clawdd to the front and clear the gorse shrubbery to provide the necessary visibility splays.

Biodiversity matters

5.14 The site of the proposed development lies within the Pistyll Meadows Wildlife Site. Consequently, the Biodiversity Unit states that a Preliminary Ecological Assessment should be submitted for the proposal. As the proposal is contrary to the principles of policy TAI 6 we did not ask the applicant to incur costs in submitting this ecological assessment. Not enough information is available on the application to assess whether there is justification for losing a Wildlife Site, or whether approving the application would pose a harmful impact on the designation. In the absence of an assessment, that would likely include mitigation measures to improve and protect biodiversity it is not possible to assess whether the proposal would have a detrimental impact on species or habitats, therefore the application must be considered contrary to policy AMG6 of the LDP.

6. Conclusions:

6.1 Having weighed up the proposal against the relevant policies and after considering the response to the consultations and the letters of support, it is concluded that the proposal in essence is contrary to the requirements of policy TAI of the LDP. The applicants have not proven they need a house due to their situation of owning an existing suitable home, along with the fact that the sizes of the house and the plot are too large to comply with the expected size of an affordable home. Neither does the development propose to retain the site's natural features in the best way possible for such a rural location and they have not submitted enough information to assess the impact of the house that would be located in a Wildlife Site designation. Whilst acknowledging that the site is suitable in a Cluster village located adjacent to a house that is marked red, the proposal does not meet with all the criteria in policy TAI 6. The applicant has stated that he would be open to negotiate the size of the house and plot and boundary treatment, but we did not ask for new plans given that he has not been assessed eligible for an affordable home. Given the current situation there is no choice other than to refuse the application for the following reasons.

7. Recommendation:

To refuse – reasons

1. The applicants have not proven a real need for a local need affordable home in full. The proposal is, therefore, contrary to criterion 1 of Policy TAI 6 of the Gwynedd and Anglesey Joint Local Development Plan and the requirements of the Supplementary Planning Guidance: Affordable Housing (2019).

2. The size of the house and plot do not reflect the size of an affordable house as noted in the Supplementary Planning Guidance and no evidence was submitted to show that the property will be affordable. It does not retain the natural features of the site in the best way possible, therefore the proposal is considered contrary to the requirements of criteria 5, 6 and 7 of Policy TAI 6 of the Gwynedd and Anglesey Joint Local Development Plan and the requirements of the Supplementary Planning Guidance: Affordable Housing (2019).

3. The applicants have not submitted enough information on the application to assess the impact of the proposal on the Pistyll Meadows Wildlife Site. The proposal, therefore, is contrary to the requirements of policy AMG 6 of the Gwynedd and Anglesey Joint Local Development Plan (2011 - 2026) which relates to protecting significant sites.