

PLANNING COMMITTEE	DATE: 15/01/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 3

Application Number: C22/0585/22/LL

Date Registered: 13/02/23

Application Type: Full

Community: Llanllyfni

Ward: Llanllyfni

Proposal: Application for the erection of an affordable dwelling with access and parking and associated landscaping (amended plan).

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

Summary of the Recommendation: TO REFUSE

PLANNING COMMITTEE	DATE: 15/01/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

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. A public footpath runs between the field that is the subject of the application and the last house in the village (Glaslyn).
- 1.3 The proposal is for the construction of a single-storey dwelling and provision of a new access from the road and provision of parking spaces within the site. The proposed dwelling measures approximately 13m by 11.5m, and approximately 6m high to the roof ridge and 2.5m to the eaves. It provides two bedrooms. The applicant states that the interior of the house would measure 104 square metres. 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 C21/0430/22/LL and previously C20/0853/22/LL. It is noted that the proposal submitted includes an e-mail from the agent, dated 15.07.2022, attaching a Tai Teg letter dated 28 November 2019, stating as follows: "Your application has been approved. You can now proceed to search for a property on the Tai Teg website and to apply should you find a suitable property. Please note:- it is important that you read the following in order to understand what needs to be completed should you apply for the property." It does not appear that the applicant has been assessed in detail for constructing his own affordable house.
- 1.5 The application is submitted to Planning Committee at the Local Member's request.
- 1.6 The following information has been submitted as a part of this application:
- A property valuation
 - Preliminary Ecological Assessment
- 1.7 The Council sought further evidence of the applicant's need for a self-build affordable dwelling with the application. No response was received during the application's lifespan, and it is noted that these discussions date back to March 2023.

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.

PLANNING COMMITTEE	DATE: 15/01/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

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

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)

Letter of the Welsh Government's Minister for Climate Change, dated 11 October 2023 announcing an update to chapter 6 of Planning Policy Wales with immediate effect.

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

PLANNING COMMITTEE	DATE: 15/01/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

C21/0430/22/LL - Application to erect an affordable dwelling with access and parking and associated landscaping - REFUSED - Committee 13-12-2021

4. Consultations:

Community/Town Council: Following a meeting of the Community Council on 8 November 2022, where this planning application was discussed, the councillors did not have any objection.

Transportation Unit: I have no objection in principle; however, I ask the applicant to confirm the following: Is there an intention to change the boundary wall? What will be the height of this wall? What is the specification for the surface of the "new access and turning area" on the road side of the gate?

Welsh Water: Welsh Water conditions

Footpaths Unit: It does not appear that there are any recorded Rights of Way that will be affected by this proposal.

Strategic Housing Unit: No response

Biodiversity Unit

Site data

- Glynllifon SSSI and SAC is 800 metres to the north of the site, designated for its population of lesser horseshoe bats. The closest bat record was 171 metres to the north east.
- Species recorded within 1km include common pipistrelle, soprano pipistrelle, brown long-eared and natterers.
- Application form states no trees or hedges on, or adjacent to, the development site.
- Badger records 320 m south-west
- Hedgehog records 170 m west
- Polecat recorded 769 m south-west
- Otter recorded 995 m south-east
- Water vole recorded 880 m north-east
- Himalayan balsam was recorded 175 metres to the south-east of the site. Japanese knotweed was recorded 180 metres to the south-east.

Ecological Reports

PLANNING COMMITTEE	DATE: 15/01/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Preliminary Ecological Assessment Report, Land Adjacent to Oxton Villa, Penygroes, Proposed New Dwelling, 26th January 2023 produced by Cambrian Ecology

Key Messages:

1. The only habitat which will be impacted is heavily grazed, improved grassland of negligible ecological or Biodiversity value, along with a short section of wall. There will therefore be no negative impact as a result of habitat loss.
2. Precautionary measures have been recommended for the early ground-works phase of the proposed development to avoid any impacts on badgers and hedgehogs, see Section 9.2.1.
3. Recommendations are provided for any exterior lighting in order to prevent a negative impact on bats species through habitat fragmentation, see Section 9.2.2.
4. Some reasonable avoidance measures (RAMS) are provided to avoid any negative impact on nesting birds and herpetofauna, see Section 9.2.4. & 9.2.5.
5. Biodiversity enhancements will be achieved through new native species hedge planting within the proposed landscaping scheme, and the inclusion of two bat tubes in the fabric of the new building, see Section 10.

Comment

The ecology report has been carried out to a good standard and surveys. The survey found the habitats to be a grazed field with stone walls and hedges.

Biodiversity Impacts & Considerations

Loss of agricultural grassland will result in a low impact on biodiversity.

Biodiversity Enhancement

Ecology report recommends for biodiversity enhancement:

1. *Hedgerow Planting.*
2. *Bat Tubes. Bat tubes are to be incorporated in to the building fabric of the new dwelling*

However, I would recommend that these enhancements such as hedgerow planting.

Summary & Recommendations

- Amended plans showing two hedgerows planting of native species: hawthorn, hazel, blackthorn, oak, willow, elder, honeysuckle, rowan. The plans should also show specifications for the hedges with fencing, width of 1.7m with 6 trees planted per meter square.
- Low level external lighting is essential to avoid impact to lesser horseshoe bats, this should be detailed in the plans.
- Bat boxes and birds boxes should be shown on the plans.

PLANNING COMMITTEE	DATE: 15/01/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

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 permission.
- 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) do not touch the development boundary. There is a gap between the site and the development boundary (which appears as 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 submitted includes a copy of an e-mail from the applicant's agent, attaching a letter from Tai Teg where the first part states as follows "Your application has been approved. You can now proceed to search for a property on the Tai Teg website and to apply should you find a suitable property. Please note:- it is important that you read the following in order to understand what needs to be completed should you apply for the property." It does not appear that the applicant has been assessed in detail for constructing his own affordable house. The Local Planning Authority has been seeking further information and confirmation about the applicant's need for a self-build affordable house as well as confirmation that they are eligible to proceed to build a property since March 2023 and nothing further has been received. It must be noted that the Tai Teg letter does not express agreement for the applicant to construct a new house, since there is a need to complete the

PLANNING COMMITTEE	DATE: 15/01/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

appropriate form which asks for the applicant's personal financial details before they proceed to build their own affordable house. It appears that these details have not been submitted or received. The internal floor area of the 2 bedroom, single-storey dwelling is approximately 104m square which is 46m 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 additional floor above part of the dwelling in future.

- 5.8 A red book valuation has been submitted for the property, which states an open market price of £225,000. This valuation is £25,000 less than the valuation for the proposal in the previous application, and since the property that is the subject of this application has been slightly reduced in its size, it is considered that this is the justification for the lower valuation. 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. Please note that there is 1 additional unit noted from the previous valuation in terms of comparison, which gives a total of 3 units: Two bungalows with a considerably lower price - although it is noted that they require refurbishment, as well as one 4-bedroom bungalow at a substantial price at the time when house prices were high. Only one of these units has 2 bedrooms.
- 5.9 House prices have increased substantially since the previous application and at that time, the Housing Strategic Unit confirmed that a discount of 45% would be required in order to make the property affordable. It is noted that a 45% discount on the £225,000 price would bring the price down to £123,750, and this can be considered reasonable for a new, single intermediate property. Nevertheless, there are concerns about increasing house prices, and the price of the property / land could increase substantially in the future to a level where it could be argued that the property would not be affordable, regardless of the discount, and an application to lift the 106 agreement could be received. 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.
- 5.10 It is also noted that the application site (including the proposed house and its curtilage) is very large, and there is concern that providing a curtilage of this size would be likely to ultimately increase the value of the property, meaning that the house will not be affordable in terms of its 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 the floor area shown.

Transport and access matters

- 5.11 The proposal includes creating an access to the site off the unclassified road running past the site, thus creating a new access. The Transportation Unit does not have an objection to the proposal in principle, subject to the discussion of details such as the height of a wall and parking spaces / turning area. Such matters could be dealt with by imposing an appropriate condition on any permission. Further details were not sought since this would not change the views of the Department that the development is unacceptable on the grounds of planning policy.
- 5.12 The Footpaths Unit has confirmed that the proposal would not disrupt any nearby public footpath, but a note can be included on any permission to safeguard this situation.
- 5.13 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.

PLANNING COMMITTEE	DATE: 15/01/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Visual, residential and general amenities

- 5.14 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.
- 5.15 The current site forms part of an existing agricultural field that borders with the town 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.
- 5.16 In terms of the criterion for making the best use of land, it states:
- 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).
- 5.17 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 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.
- 5.18 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.
- 5.19 The proposal does not include a landscaping plan, 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. It is not considered that the proposal is contrary to the requirements of policy PCYFF 4 of the LDP.

PLANNING COMMITTEE	DATE: 15/01/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Biodiversity Matters

- 5.20 The proposal lies on improved pasture and there is no Biodiversity designation on the site. The Biodiversity Unit agrees with the content of the ecological report received as a part of the application and 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, and for a hedge to be planted along the western boundary of the site.
- 5.21 It would be possible to impose a planning condition to ensure the installation of nesting boxes, bat boxes and a landscaping plan and therefore it is considered that the proposal complies with the requirements of policy PS19 of the LDP which safeguards internationally, nationally and locally protected species, as well as the Letter of the Minister for Climate Change, Welsh Government, dated 11 October 2023, which published an update to chapter 6 of Planning Policy Wales, relating to the green infrastructure and the phased approach.

Language Matters

- 5.22 The proposal does not reach the thresholds set within policy PS1: The Welsh Language and Culture for the provision of new housing.
- 5.23 As this is a Committee application, the SPG for 'Maintaining and Creating Distinctive and Sustainable Communities' requires consideration to the language. The proposal submitted is to erect a dwelling-house in a location that lies outside the village development boundary, which is contrary to the principle of 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.
- 5.24 Nevertheless, it is noted that the proposal is an affordable house for a local individual, and despite the objection to the proposal in terms of its location and size, it is not considered that it would have a detrimental impact on the language in this case.
- 5.25 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

PLANNING COMMITTEE	DATE: 15/01/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

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. In addition, the applicant needs a two-bedroom property, and the surface area proposed is excessive for this 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.