

<b>PLANNING COMMITTEE</b>	<b>DATE: 22/04/2024</b>
<b>REPORT OF THE ASSISTANT HEAD OF DEPARTMENT</b>	

**Number: 4**

**Application Number: C24/0011/30/AM**

**Date Registered: 23/01/2024**

**Application Type: Outline**

**Community: Aberdaron**

**Ward: Pen draw Llŷn**

**Proposal: Outline application, with some reserved matters (appearance, landscaping) to create five self-build plots for affordable housing**

**Location: Bodernabwy, Aberdaron, Pwllheli, Gwynedd, LL53 8BH**

**Summary of the Recommendation: TO REFUSE**

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## 1. Description:

- 1.1 This is an outline application, with some reserved matters to create five self-build plots to construct affordable housing.
- 1.2 For clarity, here are further details regarding the application as submitted:
- Create a vehicular entrance approximately 12m wide with an access road approximately 5m wide into the site with a parking area on part of the site near the entrance.
  - Building five detached two-storey houses within individual plots with front and rear gardens which would include an internal floor area of approximately 94m<sup>2</sup>
- 1.3 This application has been submitted in the form of an outline application and, therefore, not all details of the development in terms of detailed plans to show the appearance/design and landscaping have been included as would be the norm with a full application. That is, apart from the principle of the proposal itself, details of the entrance, siting and scale that permission is sought for are only included as part of this outline application and permission is not sought for appearance and landscaping of the proposed development. Should the current application succeed, these details would be subject to a further application. Nevertheless, as required with outline applications now, the minimum and maximum height of buildings to be erected on the site have been recorded.
- 1.4 In terms of the details that have been submitted as part of the application, the following are noted:
- "The individual houses are intended as two-storey, to avoid the attributes of 'bungalow' single-storey dwellings, and it is anticipated that the houses will measure between 6.8m and 7.2m wide (which includes the thickness of the outer walls either side) and between 7.60m and 8.00m long.
  - The height to the ridge will be approximately 7.40m above slab level (lower floor). There should be allowance for some variation in the steepness of the roof, which suggests a ridge between 7.20m and 7.80m.
  - Should applicants wish to seek permission for a single-storey building, that would give a height of approximately 4.65m, for a traditional roof as above - with a range of around 50cm more or less – but the length of the house would most likely be around 14.40m, with a range of 50cm more or less".
- 1.5 The site of the proposed development is currently open agricultural land with surrounding boundaries in a mix of natural hedgerows, earth banks and post and wire fencing.
- 1.6 The entire site is outside the current development boundary of the village of Aberdaron and is therefore in open countryside. Parts of the southern boundary of the proposed site partly touch the development boundary. The busy B4413 road is situated parallel to the front of the site with a public footpath running along the western boundary of the land. The site is within the Llŷn AONB and the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest designations.
- 1.7 As part of the application, the following information was submitted:
- Planning Statement
  - Porosity Report

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- Initial Ecological Assessment
- Details (confidential) regarding the financial and residential background of 5 individuals/family

## 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 7 well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### 2.3 Anglesey and Gwynedd Joint Local Development Plan 2011-26, adopted 31 July 2017

PS 1: The Welsh Language and Culture

ISA 1: Infrastructure provision

PS 4: Sustainable transport, development and accessibility

TRA 2: Parking standards

TRA 4: Managing transport impacts

PS 5: Sustainable development

PS 6: Alleviating and adapting to the effects of climate change

PCYFF 1: Development Boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

PS 16: Housing Provision

PS 17: Settlement strategy

TAI 5: Local market housing

TAI 8: An appropriate mix of housing

PS 18: Affordable housing

TAI 16: Exception Sites

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PS 19: Conserving and where appropriate enhancing the natural environment

AMG 1: Areas of Outstanding Natural Beauty Management Plans

AMG 5: Local biodiversity conservation

PS 20: Preserving and where appropriate enhancing heritage assets

AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens.

Supplementary Planning Guidance (SPG):

SPG: Maintaining and Creating Distinctive and Sustainable Communities

SPG: Housing Mix

SPG: Affordable housing

SPG: Character of the landscape

SPG: Planning obligations

SPG: Building new dwellings in the countryside

#### 2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 12 – February 2024)

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

TAN 5: Planning and nature conservation

TAN 6: Planning for sustainable rural communities

TAN 12: Design

TAN 18: Transportation

TAN 20: Planning and the Welsh Language

TAN 24: The historic environment

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

3.1 It appears that there is no relevant Planning history involving this land specifically.

3.2 A pre-application enquiry was submitted for the construction of five houses on a site adjacent to the main road under reference Y23/0265, not the site that is subject to this current application. It

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was noted that there was concern about a new residential development such as this as it would extend the development pattern of the village into open countryside and therefore would not be appropriate. It was also noted that local need for such housing must be proven. There was no opportunity to comment further on any revised proposal.

#### 4. Consultations:

Community/Town Council: No objection to the outline application. If the site is developed, the County Council will be asked to consider installing paving between the development and the main road.

Transportation Unit: Not received

Natural Resources Wales: We have concerns regarding the application as submitted. However, we are satisfied that these concerns can be overcome if the document set out below is included in the condition relating to approved plans and documents on the notice of decision: Approved Document: Richardson, L., October 2023, Land Near Bodernabwy, Preliminary Ecological Assessment, Cambrian Ecology Ltd.

##### Protected Species

We note that the ecology report submitted in support of the above application (Richardson, L., October 2023, Land Near Bodernabwy, Preliminary Ecological Assessment, Cambrian Ecology Ltd) noted that although there were no potential bat roosts within the application boundary, there was a high potential for bats to commute and forage across the site. Section 9.2.1 of the report provides recommendations regarding new lighting and that a lighting scheme must be formulated to indicate that the recommendations will be delivered. Therefore, we advise that a lighting scheme is submitted to support any subsequent Reserved Matters applications relating to this outline application for five dwellings.

##### Designated Sites

##### Special Area of Conservation (SAC)

The development site is approximately 150m from a watercourse, hydrologically linked to Pen Llŷn and Sarnau SAC and West Wales Marine SAC. We have concerns that harm to the SAC from the proposed development cannot be ruled out and have identified pollution as a potential impact on the site's features. This is due to the

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location of the application site in relation to the nearby Cyllyfelin river. To ensure appropriate mitigation measures, we advise that the document listed below be included in the conditions of the approved plans and in the notice of decision. Provided that the measures set out in those documents are implemented as prescribed, we consider that the proposed development would not adversely affect the Special Area of Conservation.

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), your authority must, before deciding to give consent for a project which is likely to have a significant effect on a Special Area of Conservation, either alone or in combination with other plans or projects, make an appropriate assessment of the implications of the project for that site in view of its conservation objectives. You must, for the purposes of the assessment, consult NRW and consider any comments we make within the reasonable period you indicate. In the absence of that assessment, NRW cannot advise that the proposals would not result in an adverse effect on the Special Area of Conservation.

#### Designated Landscape

The development is located within the Llŷn Area of Outstanding Natural Beauty (AONB). We note that there is no information regarding landscape assessments with the application. If your Authority considers that the proposal is likely to affect the AONB then we advise that appropriate landscape assessments are submitted. We advise you to seek the advice of your Authority's AONB Officer. If you need further advice, then please re-consult us.

#### Welsh Water:

A public sewerage main crosses the site and no building, structure, SuDs facilities or timber resources may be erected within the pipe protection zone.

There is existing capacity to connect a sewer system to the public system and it is suggested to include a condition to agree on the details of a drainage plan for the site.

#### Public Protection Unit:

Not received

#### Land Drainage Unit:

Standard response regarding the need to include a surface water treatment system or SUDS

#### Rights of Way Unit:

I confirm that footpath 17 in the community of Aberdaron runs

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across the western boundary of the application site. It is not currently possible to walk this path as it is blocked at its southern end near the property known as Noddfa'r Enfys. There does not appear to have been any consultation or discussion with the applicant regarding this prior to the submission of this planning application.

We realise that this is an outline planning application under consideration and the Service is keen to ensure that the path receives full consideration in the hope that it can be re-opened to the public. It is believed that this can be achieved by following one of two steps:

1. Continue with the existing footpath line erecting a boundary fence to separate the path from the proposed housing estate. The developer would have the responsibility to provide a fence and gate at the southern boundary with Noddfa'r Enfys as part of this development. The path would be required to be at least 2 meters wide from the bottom of the existing field boundary earth bank (clawdd) to any proposed estate boundary fence. It would be the responsibility of the owner of the 'clawdd' to maintain it thereafter without narrowing the footpath;

2. Divert the entire footpath to run parallel with the housing estate road and then adjust plots 1 and 2 to receive the new path route. I confirm that there is a process under section 257 of the Town and Country Planning Act 1990 (as amended) which allows routes to be diverted/removed where necessary to enable developments to take place. Granting this planning application would not give permission to the diversion referred to on the plans submitted with the application.

Should the planning application be approved, the applicant must formally submit a separate application to the Council to divert the path under the above provision, and the normal procedure of diverting the route (i.e. discussing with the applicant, consulting, making an Order, advertising an Order) would have to be followed. The costs of diverting the path will fall squarely on the applicant (namely the administrative costs, advertising costs, and the cost of setting up the new path on the ground). I would recommend that the applicant has a discussion with us in this Unit before submitting a request for a diversion to ensure that any prospective diversion is suitable. To this end I would be grateful if consideration was given to include the following condition should the Planning Authority wish to grant planning permission for the development:

1. Prior to commencing any development work, details for the improvement and/or diversion of public right of way footpath number 17 in the community of Aberdaron under section 257 of the Town and Country Planning Act 1990 (as amended) must be submitted for approval in writing by the Local Planning Authority. The approved details will be in place and operational prior to the occupation of the

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development.

It is likely that the path will need to be closed during the development phase and as such may need to be closed temporarily. The developer is informed that orders would be required to close the paths affected by the development under the Road Transport Management Act 1984 Section 14 as Amended by the Road Transport (Temporary Restrictions) Act 1991. The developer is requested to contact us with any request to temporarily close the paths at least 6-8 weeks prior to the start date of any development. Should the application be approved it is recommended that a note be included on any decision to this effect:

The applicant is advised that Aberdaron Public Footpath No. 17 crosses the application site and it is an offence to obstruct or divert any right of way unless it is done in accordance with the appropriate legislation. Prior to commencing any development permitted hereby the developer is likely to need to submit and receive approval for the temporary closure of a path for this footpath under the provisions of Section 14(1) of the Road Traffic Management Act 1984 (as amended) by Cyngor Gwynedd namely the Local Highways Authority. Before undertaking any development work, it is advisable for the applicant to contact the Public Rights of Way Team of the Highways Authority namely Cyngor Gwynedd.

AONB Unit:

The site in question is on the outskirts of the village of Aberdaron and in the Area of Outstanding Natural Beauty (AONB). The site is not within the village Conservation Area.

Guidance on affordable housing developments is given in Policy CP6 of the Management Plan: "Promote new affordable homes to meet proven local need, as long as schemes, designs and materials are in-keeping with the AONB's environment."

The site is currently part of an agricultural field near two recently built houses. A residential development at this location would be visible from some public spaces but it does not appear that the development would intrude on the landscape. Aberdaron public footpath number 17 runs along the boundary of the site and the path would need to be protected and given adequate space. The intention to plant trees is noted and this would benefit screening the development and contributing to biodiversity. A condition is suggested to agree an effective landscaping scheme before the start of the development as well as a lighting scheme to limit lighting to what is really necessary.



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Biodiversity Unit:

The ecological report has been completed to a good standard. The ecologist has provided a draft Green Infrastructure Statement but the expectation would be for the applicant to provide such a statement and not an external consultant. However, it is not believed that it would be reasonable to ask the applicant for additional information at this time.

NRW in their response have identified the need to carry out a Habitat Assessment given the size of the development and its location near a Special Area of Conservation. It would be normal for the applicant to provide this information to carry out the assessment (in the form of a report from a qualified ecologist).

Language Unit:

In order for the Unit to be able to offer a fair and balanced view of the application, we encourage the applicant to use the latest data now available from the 2021 Census and include a more detailed analysis. For example, by age groups for the study area. Consideration should be given to resubmitting the updated statement before submitting the application to Committee.

Gwynedd Archaeological Service:

Although there is general potential for undiscovered archaeological remains within the local area, there are no clear signs of ancient occupation at the site and therefore there is no recommendation in this case.

Housing Strategic Unit:

Information about need:

The following indicates the number of applicants who wish to live in the area:-

6 options on the Tai Teg register for intermediate properties 28 applicants from the common housing waiting list for social property.

Suitability of the Plan: Based on the above information, it appears that the Plan partly addresses the need in the area.

Schemes are expected to include 100% affordable housing as it is on exempted land. The application does not elaborate on the sizes of the dwellings, and so it is difficult to confirm if the development would address a need in the area. I see no evidence that it is the applicants who have been approved by Tai Teg who are in line to purchase the houses.

It is not possible to submit comments on the affordability of the affordable units as no open market valuation has been submitted. I

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would be more than happy to revisit the application once a formal valuation has been received.

Public Consultation:

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

- The proximity of the development to existing housing creates over-looking and loss of privacy.
- Ribbon development without evidence why it should be considered as an exception site for housing.
- No reference or consideration for the location of the site within the AONB.
- The siting and context of listed buildings will be affected by the development.
- The development would extend the clear and assumed boundary of the village without any justification.
- There is no evidence of a need for housing whether local to Aberdaron or other parts of Llŷn.
- There is no evidence of financial viability.
- There is no visual impact assessment with the application.
- Although appearance is a reserved matter, the site is clearly within the open countryside and no design code has been submitted to support the decision, which is particularly relevant as these are self-build houses.
- The height of the houses will be detrimental to the special character of the area's landscape.
- The indicative siting suggests an urban siting that is inappropriate in terms of policies and design. The siting does not respect the quality and character of the historic settlement
- No evidence has been submitted regarding other suitable sites
- There is no justification for the loss of agricultural land.
- The proposal to build large, detached houses in the open countryside without any justified link to the need for local housing and the Welsh language.
- Historic landscape features would not be protected or enhanced with the application.

**5. Assessment of the relevant planning considerations:**

**The principle of the development**

- 5.1 Policy PCYFF 1 of the Anglesey and Gwynedd Joint Local Development Plan (LDP) notes that the plan itself identifies development boundaries for a range of settlements within the county and that proposals within development boundaries will be approved in accordance with the requirements of other relevant policies in the Plan. It also notes *"outside the development boundaries, proposals will be resisted unless they are in accordance with specific policies in this Plan or national planning policies or that the proposal demonstrates that its location in the countryside is essential"*.

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- 5.2 In this case, the proposal has been submitted as an application for development on an exception site and therefore consideration is mainly given to policies PS 17 and TAI 16 in such cases.
- 5.3 It is seen that Aberdaron village is defined as a rural / coastal village in the LDP with approximately 95 houses and a few facilities within the current development boundary. According to the latest information received from the Planning Policy Unit, an indicative supply level of housing for Aberdaron over the Plan period is 13 units (which includes a 'slippage allowance' of 10%, meaning that the method of calculating the figure has taken into account potential unforeseen circumstances that could influence the provision of housing e.g., land ownership issues, infrastructure constraints etc.). In the period 2011 to 2023, a total of 6 units have been completed in Aberdaron all at windfall sites. The windfall land bank i.e., sites with extant planning permission in April 2023 was 0 (zero) units (dismissing the units identified in the Joint LDP as unlikely to be completed). This means that there is capacity within Aberdaron's indicative supply for development of this scale.
- 5.4 Policy TAI 5 is relevant to locations within the development boundary but in this case, the proposal's boundary only partially touches the boundary and therefore must be regarded as an exception site outside the development boundary and therefore the relevant policy in this case would be policy TAI 16 which states:
- "Where it is demonstrated that there is a proven local need for affordable housing (as defined in the Glossary of Terms) that cannot reasonably be delivered within a reasonable timescale on a market site inside the development boundary that includes a requirement for affordable housing, as an exception, proposals for 100% affordable housing schemes on sites immediately adjacent to development boundaries that form a reasonable extension to the settlement will be granted. Proposals must be for a small-scale development, which are proportionate to the size of the settlement, unless it can be clearly demonstrated that there is a demonstrable requirement for a larger site, with priority, where it is appropriate, given to suitable previously developed land".*
- 5.5 It was noted in the formal response given to the pre-application enquiry that, as a development on a proposed exception site, evidence in the form of a Housing Statement would be required to include an assessment of the need of qualified applicants for affordable housing. Information has been submitted in the form of a completed questionnaire about the local connection of 5 people/couples. This information as well as a chapter within the Planning Statement is the justification for the need for these 5 houses, and while there is also a reference that these individuals are registered with Tai Teg, no evidence has been presented in the form of an assessment to prove these individuals' real need for affordable housing and the type of housing they need. It is essential that applicants for affordable housing are fully assessed for their needs, and 'desire' is not a sufficient reason for the need for an affordable house. It has been confirmed by Tai Teg that the 6 on its register for intermediate properties have not been fully assessed for a self-build scheme. Consequently, the need has not been proven.
- 5.6 Policy TAI 8 promotes proposals that contribute to improving housing balance and meeting needs identified in the whole community. It is therefore necessary to consider if the mix of units and tenure proposed here is suitable to promote a sustainable mixed community. It is therefore important to consider the contents of the 'Housing Mix' SPG when establishing if what is proposed here is suitable.
- 5.7 The Housing Mix SPG states that every applicant submitting a planning application for a C3 Use Class development, that includes 5 or more housing units, will be expected to submit a Housing

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Statement to support the planning application. No housing mix information has been submitted as part of the application.

- 5.8 The application does not provide information to justify the mix and type of housing provided and their affordable price nor how the proposal will meet the needs of the local community. For example, the number of bedrooms in each affordable property should match the needs of the individual. An independent valuation of the value of the proposed house on the open market (including outline applications) is also expected to be submitted. This will be based on the plans created and should be in line with the overall floor area outlined in the relevant guidelines. The valuation needs to be approved by a qualified and independent chartered surveyor i.e., who is impartial with no vested interest in the application, who knows enough about the local area and the type of house and its particular market to make the valuation eligible and should be sent with the application.
- 5.9 It is acknowledged that some information has been submitted but it is not hard evidence that forms part of any formal assessment about the requirements of the prospective buyers or the value of the houses themselves. The need for evidence of this nature is essential for carrying out a full assessment, and a fundamental ask with this type of application. Despite what is known in terms of demand for affordable housing in an area such as Aberdaron, there can be no departure from the requirements of the Authority's adopted policies and therefore to that end this proposal does not fully comply with the requirements of policies TAI 8, TAI 15 and TAI 16 of the Local Plan as well as the relevant advice in the Supplementary Planning Guidance and national guidance in Planning Policy Wales and the Technical Advice Notes.

### **Visual amenities**

- 5.10 In this case, as it is an outline application with matters regarding appearance and landscaping withheld, not all the information is available. However, the minimum size provided suggests that 5 two-storey houses within an open area of this type in the countryside would be extremely prominent. It is recognised that existing houses nearby are a mixture of two-storey, single-storey, dormer buildings etc. However, the siting of the proposed houses within an existing open field would be away from the existing built pattern and would therefore stand out and the impact would significantly alter the visual appearance of the site. Criterion 1 of policy PCYFF 3 notes that proposals will only be granted if ...

*"...it complements and enhances the character and appearance of the site, the building or the area in terms of siting, appearance, scale, height, massing and elevation treatment".*

In the same manner, paragraph 7.8.3 of the SPG Affordable Housing states that:

*"The exception site needs to be immediately adjacent to the development boundary and form a reasonable extension to the settlement. "Immediately adjacent" means that the proposed exception site should be in contact with the development boundary in the vicinity of the site. In relation to whether or not the proposal would be considered as a reasonable extension to the settlement, regard will be given towards whether the proposal is a rounding off of the built form or whether it would form an unacceptable intrusion into the open countryside. The impact of the proposed site on the landscape will be an important consideration in judging its suitability".*

This site is not thought to be acceptable as it would create an unacceptable extension into the countryside creating a fragmented pattern of development within its local context.

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The site would be fully visible within the AONB and from places beyond the site due to the nature of the land elevating from the application site, in particular in a north and northeast direction. The AONB is just as important in terms of conservation value as the National Parks and are designated under the same act with responsibility on relevant Local Authorities to take: "every action that will help, as they see it, to conserve and enhance the natural beauty of the AONB or the part of it that is in their area."

- 5.11 This does not necessarily mean that the proposal would have a wholly detrimental effect on the AONB but due to the lack of evidence or consideration of the impact through a landscape and visual impact assessment it cannot be fully considered what the impact of a development of this magnitude would be on these designated areas. It can be seen from the representations of Natural Resources Wales;

*"The development is located within the Llŷn Area of Outstanding Natural Beauty (AONB). We note that there is no information regarding landscape assessments with the application. If your Authority considers that the proposal is likely to affect the AONB then we advise that appropriate landscape assessments are submitted".* Therefore, there are clear concerns that the development would not suit its location as there would be a harmful visual impact on the AONB. However, no visual assessment was requested in this case as this would not make the proposal acceptable.

- 5.12 It is stated in the planning statement submitted with the application that the current proposal has been amended due to concerns highlighted as demonstrated in the pre-application advice enquiry. It is true to say that an opinion has been given that the form of the previous proposal was unacceptable because it would have further spread the built-up pattern of the village into open countryside by creating a 'ribbon development' so that it would disrupt the local landscape. To be acceptable, any proposal would need to take the form of a logical extension to the existing built pattern and form. It is not thought that the change made between the past and present proposal is an improvement and is in fact, a proposal that would further affect local visual amenities by spreading beyond an existing built-in pattern into open lands. The resulting visual impact would be significant. Although this is an outline application, the proposal is not thought to be acceptable on the grounds of non-compliance with the relevant requirements of policies PS 5, PCYFF 3 and TAI 16.

### **General and residential amenities**

- 5.13 It is inevitable that there would be an increased impact on the general amenities of the local area and nearby residents from what is present, as the site is open agricultural land as it stands.
- 5.14 However, it must be considered that this is an outline application where all the proposal's final details are currently unknown. For example, agreeing on the details of suitable boundary treatment and landscaping for the site could provide some protection to the residential amenities of nearby houses. It is acknowledged that the site plan submitted suggests that the house on plot 5 would be relatively close to the site's boundary with nearby dwellings and concern has been highlighted about the impact of the development as a whole on the amenities of the residents of these dwellings in terms of loss of privacy and overlooking. However, appearance is a reserved matter and so there would be an opportunity to consider the true impact of any proposal when discussing further details. It is considered possible to design a house (in terms of shape, size, location of windows, doors etc) that will protect the residential amenities of neighbours' dwellings and therefore the proposal is not considered entirely unacceptable based on all the relevant requirements of policy PCYFF 2.

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### **Consideration of the Welsh language**

- 5.15 Criterion (2) of Policy PS 1 states that a Welsh Language Impact Assessment would be required for a proposed development on an unexpected windfall site for a large-scale housing development. The fact that this is an exception site outside the development boundary therefore means it is an unexpected windfall site. Large-scale is defined in Diagram 7 of the Supplementary Planning Guidance 'Maintaining and Creating Distinctive and Sustainable Communities' as five or more units in a Rural/Coastal Village such as Aberdaron.
- 5.16 The application has been accompanied by a Planning Statement, although it is not in the form of an impact assessment as referred to in the comment of the Policy Unit. It is also noted that the Language Unit has stated that information should be included based on the 2021 Census rather than 2011 as given in the statement as submitted. Normally, this matter would have been referred to the agent and it would be expected that a competent assessment was prepared. However, in this case, accepting such an assessment would not make the remainder of the development acceptable and it would be unfair to expect the applicant to incur additional costs when knowing that this information would not in itself ensure compliance with all relevant policy requirements. However, no evidence has been received indicating that the development would be likely to be detrimental to the language and as the proposal here is for 5 affordable houses, where the occupation would be restricted to local people only, the proposal is not considered to be strictly contrary to policy PS 1.

### **Transport and access matters**

- 5.17 The Transport Unit's response had not been received at the time of writing. However, access together with details of the estate road and parking spaces are part of the proposal and therefore consideration will be given to the form and location of these elements in terms of the relevant requirements of policies TRA 2 and TRA 4. Parking spaces appear to be offered on part of the site and within the individual plots. In that regard, it is believed that the proposal would be acceptable in terms of current parking requirements and therefore in accordance with policy TRA 2. The proposed entrance appears standard width for serving a site of this type and is located on a section of the road, albeit a busy road, which is relatively straight with relatively clear visibility in both directions. Subject to receiving favourable representations from the Transport Unit, with appropriate conditions, it is believed that the entrance could also be acceptable and thereby in accordance with the relevant requirements of policy TRA 4.

### **Biodiversity matters**

- 5.18 The Biodiversity Unit has confirmed that the ecological report submitted with the application has been made to a good standard. However, they note the need to submit further information to ensure that requirements relating to conducting a full assessment of the impact of the proposal on the designation of the Special Area of Conservation are met. NRW also in their comments state that Cyngor Gwynedd should;

*"As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), your authority must, before deciding to give consent for a project which is likely to have a significant effect on a Special Area of Conservation, either alone or in combination with other plans or projects, make an appropriate assessment of the implications of the project for that site in view of its conservation objectives. You must, for the purposes of the assessment, consult NRW and consider any comments we make within the reasonable period you indicate. In the absence of that assessment, NRW cannot advise that the proposals would not*

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*result in an adverse effect on the Special Area of Conservation. In the absence of that assessment, NRW cannot advise that the proposals would not result in an adverse effect upon the Special Area of Conservation site”.*

5.19 The lack of information here means that the proposal cannot be fully assessed as to its impact on the Special Area of Conservation which is itself a reason for refusing such a proposal. The implications, whether significant or not, are matters that cannot be fully considered as it stands and because of that, it fails to meet the fundamental requirements of policies PS 19 and AMG 5.

5.20 In accordance with recent legislative changes to Planning Policy Wales (PCC) and the need to introduce a Green Infrastructure Statement, a statement has been submitted and for the purpose of satisfying PPW in terms of this particular aspect, it is believed that this has been done in this case.

### **Archaeological Matters**

5.21 As can be seen from the comments of the Archaeological Service, although there is a general potential for undiscovered archaeological remains within the local area, they had no recommendation in this case such as carrying out exploration of the site. It is therefore believed that the proposal is acceptable based on this particular element and is in accordance with the relevant requirements of policy PS 20.

### **Educational Contribution**

5.22 The proposal is to construct 5 houses but the number of bedrooms does not appear to have been confirmed. Should the proposal be for 5, 3-bedroom houses, from the information in the SPG 'Planning Obligations' it is stated that an additional 2 primary age pupils will result from this proposal:  $5 \times 0.4 = 2$  pupils

5.23 As there is existing capacity within the local primary school, it would not be relevant to consider an educational contribution in this case for the additional pupils resulting from the proposed development.

### **Any other considerations**

5.24 Following the response to the pre-application enquiry, no further discussion took place as to the proposal. No rationale or explanation has been presented as to why this proposal was chosen for the site following the concerns raised with the original siting.

5.25 A proposal of this size would have benefited from a discussion to ascertain what would be needed to facilitate the decision-making process. Although this would not necessarily have made the application acceptable, it would have at least provided an opportunity to voice opinions and provide advice before the applicant decided to proceed to submit an application. It is noted that the report refers to a lack of information in relation to several material planning considerations. Usually, it would be possible to ask for additional information to undertake a full assessment. However, this in itself would not make the application acceptable due to fundamental policy concerns about the proposal and, therefore, it may be argued that it would be unreasonable for the applicant to incur additional costs of providing this information as this would not make the application acceptable.

### **Response to the public consultation**

5.26 It is acknowledged that objections have been received to this proposal and it is considered that all relevant planning matters have been given appropriate consideration as part of the above

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assessment. A decision is made based on a full consideration of all the relevant planning considerations and all the comments received during the public consultation and that no one was let down when considering this application.

## **6. Conclusions:**

- 6.1 The current housing situation in the village of Aberdaron village is well known in terms of how difficult it is to find a house at an affordable price. The principle of new residential development that would contribute towards meeting the need locally is therefore fully supported. However, this does not mean that any proposal submitted is permissible and proposals must comply completely with the relevant requirements of policies that protect a highly sensitive area such as here from unacceptable new development.
- 6.2 Having considered the above and all the relevant planning matters including local and national policies and guidance, as well as all the observations received, it is believed that this proposal is unacceptable in the form submitted, as it fails to satisfy the requirements of the relevant policies and guidance as noted above.

## **7. Recommendation:**

### **7.1 To refuse – reasons**

1. This development would have a detrimental effect on the local landscape causing urban encroachment onto a greenfield site in open countryside. It is not considered that the proposal would complement or enhance the character and appearance of the site nor integrate with its surroundings. The proposal is therefore contrary to the requirements of Policies PCYFF 3, PS 5 and TAI 16 of the Anglesey and Gwynedd Joint Local Development Plan and part 2.6 of Technical Advice Note 12: Design which states that design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.
2. Insufficient information has been included as part of the planning application to enable the Local Planning Authority to fully assess all necessary material planning considerations. To enable a complete assessment of the proposal under the relevant policies of the Anglesey and Gwynedd Joint Local Development Plan 2011-2026, further information would be required on the following issues:
  - i. Evidence in the form of a formal assessment proving the need for an affordable dwelling (Policy TAI 16)
  - ii. Evidence regarding the suitability of the housing mix and a valuation of the units (Policies TAI 8 and TAI 15).

The application as presented is therefore contrary to the relevant requirements of policies TAI 16, TAI 8 and TAI 15.

3. Insufficient information has been submitted as part of the planning application to enable the Local Planning Authority as the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), to make an appropriate assessment of the implications of the project on the Pen Llŷn and Sarnau Special Conservation Area. The proposal therefore does not show that the proposal would protect or improve the natural environment and therefore the application is contrary to the requirements of Policy PS 19 and AMG 5 of the Anglesey and Gwynedd Joint Local Development Plan 2011-2026.