

PLANNING COMMITTEE	DATE: 13/03/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

Number: 1

Application Number: C16/0367/18/LL

Date Registered: 06/04/2016

Application Type: Full - Planning

Community: Llanddeiniolen

Ward: Deiniolen

Proposal: Full application to construct 12 houses and create an entrance and estate road

Location: Land near Capel Maes y Dref, Clwt y Bont, Deiniolen, Caernarfon, Gwynedd, LL55 3DG

Summary of the Recommendation: TO DELEGATE POWERS TO APPROVE SUBJECT TO COMPLETING A SECTION 106 AGREEMENT.

PLANNING COMMITTEE	DATE: 13/03/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

1. Description:

- 1.1 This is a full application for the construction of 12 houses on a parcel of land located to the south-west of the village of Deiniolen and within a development boundary along with the creation of a new entrance off the nearby class III county road. The proposal will also involve the creation of a pedestrian entrance along the eastern boundary of the site which links with public footpath number 102 Llanddeiniolen, along with the protection of a ditch that runs adjacent to the southern boundary of the site. The site is allocated in the Unitary Development Plan for a residential development (general need and open market housing) and a Development Brief has been prepared for the entire site to coincide with the allocation. The site is also within an area that is included on the Register of Landscapes of Outstanding Historic Interest in Wales.
- 1.2 The site measures 0.4 ha (which means a density of 34 houses for each hectare in this context), and agricultural land is located to the north, residential dwellings and public footpath number 102 Llanddeiniolen are located to the east, a class III county road is located to the south with residential dwellings further afield and a residential dwelling (which has replaced the former chapel on the site - Capel Maes y Dref) is located to the west. The site is currently used for agricultural purposes (grazing land) and slopes down towards the south where a water course/open ditch is located.
- 1.3 The application involves the erection of four three-bedroom houses (affordable houses), four two-bedroom houses (open market), along with four three-bedroom houses (open market). This mixture of housing is based on information gathered by the Council's Housing Strategic Unit Team which confirms the substantial need for 2-3 bedroom houses within the local community and offering this type of housing equates to the provision of starter homes for local families. The estate's design is in the form of a *cul-de-sac* with a private amenity area belonging to each house and parking spaces off the estate road. The design of the houses is different in order to create visual variety; however, the external materials will be consistent throughout the estate with natural slates for the roofs, smooth painted render on the walls along with white UPV-c windows and doors.
- 1.4 As part of the application, a Design and Access Statement, a Linguistic and Community Statement, along with information regarding open spaces of recreational value and educational contribution (including a financial viability assessment for this particular site) were submitted.

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 Unitary Development Plan.
- 2.2 The Well-being of Future Generations Act (Wales) 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 set out below, 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: 13/03/2017
REOPRT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

2.3 Gwynedd Unitary Development Plan (GUDP) 2009:

POLICY A2 – PROTECTING THE SOCIAL, LINGUISTIC AND CULTURAL FABRIC OF COMMUNITIES

Safeguard the social, linguistic or cultural cohesion of communities against significant harm due to the size, scale or location of proposals.

POLICY B20 – SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT

Refuse proposals that are likely to cause unacceptable disturbance or harm to protected species and their habitats unless they can conform to a series of criteria aimed at safeguarding the recognised features of the site.

POLICY B22 - BUILDING DESIGN

Promote good building design by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and character of the local landscape and environment.

POLICY B23 - AMENITIES

Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

POLICY B25 – BUILDING MATERIALS

Safeguard the visual character of the Plan area by ensuring that only natural Welsh slates or slates that are similar in terms of their appearance, colour and weathering properties are permitted, other than in circumstances in which the type of building or its particular setting, or the sustainability benefits, are such that another material would be appropriate. In respect of other parts of the building, development will be required to use high quality building materials that complement the character and appearance of the local area. Proposals that introduce substandard or intrusive materials will be refused.

POLICY B27 – LANDSCAPING PLANS

Ensure that permitted proposals incorporate high quality soft/hard landscaping which is appropriate to the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

POLICY C1 - LOCATING NEW DEVELOPMENT

Land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

POLICY C3 - RE-USING PREVIOUSLY DEVELOPED SITES

Proposals will be approved that prioritise re-using land and buildings previously developed and located within or around development boundaries, provided that the site or the building and the use are suitable.

POLICY C7 – BUILDING IN A SUSTAINABLE MANNER

Proposals for new developments or for the adaptation and change of use of land or buildings will be refused where consideration has not been given to specific environmental matters. Proposals must conform to specific criteria relating to building in a sustainable manner, unless it can be demonstrated that it is impractical to do so.

POLICY CH1 – NEW HOUSES ON ALLOCATED SITES

Proposals to build houses on allocated sites will be approved subject to criteria relating to the specific features of the development.

PLANNING COMMITTEE	DATE: 13/03/2017
REOPRT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

POLICY CH6 – AFFORDABLE HOUSING ON ALL ALLOCATED SITES IN THE PLAN AREA AND ON SITES THAT BECOME AVAILABLE AND ARE UNALLOCATED WITHIN THE DEVELOPMENT BOUNDARIES OF THE SUB-REGIONAL CENTRE AND THE URBAN CENTRES

Approve proposals for housing developments on sites allocated for housing or on random sites for five or more units within the development boundaries of the sub-regional centre and the urban centres, which provide an appropriate element of affordable housing.

POLICY CH18 – AVAILABILITY OF INFRASTRUCTURE

Development proposals will be refused if there is no adequate provision of necessary infrastructure for the development, unless they can conform to one of two specific criteria which require that appropriate arrangements are made to ensure adequate provision, or that the development is carried out in phases in order to conform to any proposed scheme for the provision of infrastructure.

POLICY CH29 – SAFEGUARDING AND IMPROVING LINKS FOR PEDESTRIANS

Proposals within Centres and Villages will be refused unless they provide safe, attractive and direct footpaths for pedestrians across and out of the site where there is a clear opportunity to make such a provision.

POLICY CH30 – ACCESS FOR ALL

Proposals for residential/business/commercial units or buildings/facilities for public use will be refused unless it can be shown that full consideration has been given to the provision of appropriate access for the widest possible range of individuals.

POLICY CH31 – PROVIDING FOR CYCLISTS

Development proposals that do not provide specific facilities for cycling where there are obvious opportunities for doing so will be refused.

POLICY CH33 – SAFETY ON ROADS AND STREETS.

Development proposals will be approved provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

POLICY CH36 - PRIVATE CAR PARKING FACILITIES

Proposals for new developments, extensions to existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council's current parking guidelines, and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

POLICY CH43 – PROVISION OF OPEN SPACES OF RECREATIONAL VALUE IN NEW HOUSING DEVELOPMENTS

Expect that new housing developments of 10 or more dwellings, in areas where the existing open spaces provision cannot meet the needs of the development, provide suitable open spaces of recreational value as an integral part of the development.

Supplementary Planning Guidance (SPG): Affordable Housing.

SPG: Planning and the Welsh Language.

SPG: Housing developments and Educational Provision.

SPG: Housing Developments and Open Spaces of Recreational Value.

PLANNING COMMITTEE	DATE: 13/03/2017
REOPRT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

SPG: Planning Obligations.

SPG: Development briefs

Gwynedd Design Guidance (2003).

2.4 Gwynedd and Anglesey Joint Local Development Plan (LDP)

Policy PS1 - The Welsh Language and Culture

Policy PS2 - Infrastructure and Developer Contributions

Policy ISA1 - Infrastructure Provision

Policy ISA5 - Provision of open spaces in new housing developments

Policy TRA2 - Parking standards

Policy TRA4 - Managing transport impacts

Policy PCYFF1 - Development criteria

Policy PCYFF2 - Design and place shaping

Policy PCYFF3 - Design and landscaping

Policy PCYFF4 - Carbon Management

Policy PCYFF5 - Water conservation

Policy TAI16 - Housing in Service Villages

Policy TAI1 - An Appropriate Mix of Housing

Policy TAI9 - Threshold of Affordable Housing and their Distribution

Policy TAI 10 - Exception sites

2.5 National Policies:

Planning Policy Wales, Edition 9, (2016).

Technical Advice Note (TAN) 2 - Planning and Affordable Homes (2006).

TAN 12 Design (2016).

TAN 20 Planning and the Welsh Language (2013).

3. Relevant Planning History:

3.1 Application number 3/18/304 - industrial development (light engineering) withdrawn in October, 1978.

PLANNING COMMITTEE	DATE: 13/03/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

4. Consultations:

Community/Town Council:	Object on the grounds that the application is unnecessary considering that similar houses continue to be for sale in the village.
Transportation Unit:	After receiving amended plans in relation to the design of the main entrance to the site and keeping a ditch that runs adjacent to the southern boundary of the site open, the Transportation Unit does not have concerns regarding the proposal subject to the inclusion of appropriate conditions.
Biodiversity Unit:	The water course should not be closed in a culvert and a condition will need to be imposed should the development be approved so that the developer submits a method statement explaining what measures will be taken to ensure that no material is washed into the water course during the construction work.
Housing Strategic Unit:	The proposal is acceptable on the grounds that there is a need for affordable housing (two and three bedroom houses) in the area and the evidence submitted by the applicant and by this Unit confirms this element of the planning application.
Natural Resources Wales:	NRW concludes that the proposal in its current form would be unlikely to have a detrimental impact on surface water or on the historic landscape subject to the inclusion of a condition relating to the submission of a water management plan for the site.
Welsh Water:	Condition regarding the submission of a drainage plan for the site.
Public Protection Unit:	No response.
Flood Risk and Coastal Erosion Management Unit:	Standard response in relation to the need to safeguard the water course that runs through the site.

PLANNING COMMITTEE	DATE: 13/03/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

Public Consultation:

A notice was posted on the site and nearby residents were notified. The advertising period has ended and a number of letters and a petition were received from local neighbours objecting on the following grounds:

- The proposal does not respect the local infrastructure, nature or the important historic pattern of the area based on the scale of the houses.
- Proposal is out of character with the area.
- The number of affordable houses being proposed here and on other sites is low compared with the local need for them.
- Many properties already for sale in the area have not been sold; therefore, there is no need for such an application. The real need in Deiniolen is for houses for the elderly and social housing.
- Approving the proposal would involve a substantial increase in traffic using the local roads which are sub-standard due to their condition and lack of pavements.
- A number of houses in Clwt y Bont and Deiniolen have experienced flooding in the past and there is concern regarding further flooding should this application be approved.
- The proposal would have a detrimental impact on the amenities of local residents based on noise nuisance and busyness.
- Some of the proposed houses would affect the privacy of a nearby dwelling on the grounds of overlooking and would be contrary to the requirements of the Human Rights Act.

After re-advertising the application as a result of receiving amended plans, other objections were received on the following grounds:-

- Continuing concern regarding flood risk with the area surrounding the site at regular risk of flooding. The Council is already aware of the seriousness of this situation and the culvert cannot cope with more water. A solution to the problem is to install a drain through the site in question.
- Approving 12 new houses in Deiniolen cannot be justified as other applications have already been approved for houses near Rhiw Goch and opposite Victoria Terrace, along with eight houses near the primary school.
- Difficult to believe that the primary school would be able to cope with a substantial increase in the number of children that would attend the school.
- The content of the original objection letters is also relevant to this amended application.

PLANNING COMMITTEE	DATE: 13/03/2017
REOPRT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 It is required to make a decision about planning applications in accordance with the adopted development plan, unless other material considerations note otherwise. The Gwynedd Unitary Development Plan (2001-2016) is the current 'Development Plan' and the Joint Local Development Plan for Gwynedd and Anglesey (JLDP) replaces the UDP as the 'development plan' once it is adopted. The hope is that the JLDP will be adopted during July 2017.
- 5.2 When dealing with any planning application the statutory test should be your first consideration at all times, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other relevant considerations state otherwise. The JLDP is now a material planning consideration for the purposes of development control - see paragraph 3.1.3 Planning Policy Wales that states:
- "Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies ...".
- 5.3 Although many policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not know for certain what the contents of the Plan will be until the Inspector submits his binding report.
- 5.4 Paragraph 2.14.1 of Planning Policy Wales states:
- "...thus in considering what weight to give to the specific policies in an emerging Joint LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances."
- 5.5 The principle of developing this site for residential dwellings is based on Policies C1, CH1 and CH6 of the GUDP. Policy C1 states that land within town and village development boundaries and the developed form of rural villages will be the main focus for new developments. Policy CH1 approves proposals to build houses on sites designated for housing use provided that the development is one that shows quality in terms of type, size and affordability of the houses and in terms of quality, design and form in accordance with the relevant development brief.
- 5.6 Policy CH6 states that proposals to develop houses on designated sites in the Plan area and on sites that become available unexpectedly in Bangor, Blaenau Ffestiniog, Caernarfon, Porthmadog or Pwllheli that may in their entirety accommodate five or more housing units, will be refused unless a percentage (that will vary from site to site) of the units provided as part of the scheme satisfies a local need for affordable housing. The information submitted by the applicant states that four of the units will be affordable and eight of the units will be open market units. To this end, it is believed that the provision for affordable housing (33%), along with the density of 30 units per hectare, is acceptable on this particular site and that, therefore, suitable use is made of the site itself which complies with the relevant requirements of the Development Brief. To this end, the size of the four affordable houses will equate to the size of an affordable house under the relevant SPG requirements and there will be a 25% reduction in their open market price of £141,950 which brings the price down to approximately £106,652 which makes it affordable for local people.

PLANNING COMMITTEE	DATE: 13/03/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

5.7 Given the above assessment and subject to the proposal's compliance with the other policies referred to below and taking into account the observations of the Council's Housing Strategic Unit which confirms that the type of houses proposed as part of this application addresses the needs of applicants on the Council's common housing register (17 applicants) and on the Tai Teg register (15 applicants), it is believed that the application as submitted is acceptable in principle and in accordance with policies CH1 and CH6 of the GUDP and the SPG, subject to ensuring that four of the units are affordable housing for local need. The proposal of providing an element of affordable housing along with the provision of different houses on this site and ties in with the objectives of Policy TAI 16 and TAI 1 of the LDP which state that it is important to have a combination of open market housing and local need affordable housing along with the need to provide as many affordable housing as possible across the area.

Visual amenities

5.8 The site is located on the south-western outskirts of Deiniolen with established houses of various form, design, plan and size with various external materials located nearby. The site is on a gradient towards the south and is located in a prominent place on the outskirts of the village and can be easily seen from the nearby right of way. Residential dwellings are located to the east, south and west and open agricultural land is located to the north.

5.9 Existing external materials will be used on the houses including natural slate roofs, smooth painted render on the walls and white coloured UPV-c openings. The elevations of the houses will include architectural features including roof lights, porches and horizontal slates. The layout of the houses within the site has been determined by the site's topography, the location of the ditch, the layout of the nearby dwellings and the design of the estate road to the Council's adopted standard and despite this, it is not believed that the development as a whole will create a discordant development in the street scene. The ridge of the roofs of the two houses closest to the road will be slightly lower than the ridges of the other houses on the site in order to reduce their scale and presence in this part of the street scene.

5.10 Although the site and the extended area are included in the register of Landscapes of Outstanding Historic Interest in Wales, it is believed, considering the scale, design and density of the development, that it will not undermine this designation. On the above grounds, it is therefore considered that with appropriate conditions that the proposal complies with the requirements of policies B22, B23 and B25 of the GUDP.

General and residential amenities

5.11 The dwellings located closest to the site are located 6m away (from the front of plot 9 to the gable end of Crud y Gwynt) and 30m away (from the eastern gable end of the house on plot 8 to the front of Bryn Clegyr to the east of the application site) and 11m away (from the back of the house on plot 2 to the eastern gable end of Awelon) to the west of the site. Houses are also located to the south of the site on the other side of the county road with the front of the house on plot 12 located 18m to the north of the gable end of Number 1 Stad Hafod. Although objections have been received from the occupants of Awelon, 1 Stad Hafod, Crud y Gwynt and Bryn Clegyr (along with the occupiers of other houses located further away from the site) based on residential amenities (creation of oppressive structure leading to loss of light, loss of privacy and overlooking), it is believed in this case that the proposal, which has been amended to take these objections into account, is now acceptable on the grounds of residential

PLANNING COMMITTEE	DATE: 13/03/2017
REOPRT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

amenities. Communal overlooking already exists between the houses in the planning application's catchment area and although an element of additional overlooking will be inevitable, it is not believed that this will be of a scale that is substantially more than the existing.

- 5.12 The houses on plots 9 and 10 have been located more into the site in order to reduce overlooking into the front garden of Crud y Gwynt and in order to reduce any oppressive impact (and loss of light) on the occupants of this house. It is believed that there is sufficient space (which also includes vegetation and is located on higher ground) between Bryn Clegyr and the gable ends of plots number 8 and 9 that would not cause substantial direct overlooking into the Bryn Clegyr property itself. There will be an element of overlooking as well from the rear of plots number 1-4 to the gable end and front curtilage of Awelon (to the west of the application site) of the windows on the ground floor however this will be at eye level only. It is not believed that there will be overlooking from the windows on the first floor down towards the curtilage of Awelon as these will be windows with opaque glass for the bathrooms. The front of the houses on plots 9-12 that face the county road and the northern gable end of 1 Stad Hafod (and the northern gable end of Plas Eryri to a degree), however it is not believed that any overlooking will be substantial considering the space between the houses themselves and the fact that a relatively busy road is located between them. It is acknowledged that an element of disturbance will derive from the development during the construction work although this will only be temporarily. To this end, it is not considered that the proposal is contrary to the requirements of Policy B23 of the GUDP.
- 5.13 The occupants of Crud y Nant state that approving the application would be contrary to the Human Rights Act, Protocol 1, Articles 1 and 8 that relate to safeguarding and protecting the individual's right to privacy and to enjoy their property in peace. Taking local planning policies along with relevant national planning advice in the context of privacy and amenities, it is believed that the development is acceptable based on these amenities and that this is not contrary to the requirements of the Human Rights Act.

Transport and access matters

- 5.14 It is proposed to construct a new entrance to the development along the nearby class III county road along with the creation of a pedestrian entrance only in the eastern boundary of the site and adjacent to the Bryn Clegyr property. In accordance with the requirements of the Transportation Unit, the original plans were amended for the entrance and ditch and the proposal is now acceptable subject to the inclusion of appropriate conditions. It is therefore considered that the proposal is acceptable in terms of the requirements of Policy CH31, CH33 and CH36 of the GUDP.

Biodiversity matters

- 5.15 Observations were received from the Biodiversity Unit which state that in order to compensate for the current grazing land, the developer must leave a 2m buffer along the water course/ditch that runs along the southern boundary of the site. The water course should not be closed in a culvert. The developer must submit a method statement explaining what measures will be taken to ensure that no material is washed into the water course during the construction work and this can be ensured by including a relevant condition on any planning permission. It is therefore believed that the proposal conforms to the requirements of Policy B20 of the GUDP.

PLANNING COMMITTEE	DATE: 13/03/2017
REOPRT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

Flooding matters

- 5.16 Although there is a past history of flooding in the catchment area of the site and that Natural Resources Wales has concerns about the development, the application can be approved subject to the inclusion of a condition relating to the submission of a water management plan in order to avoid further flood risk within and outside the application site. Consideration must also be given to the fact that this flooding was as a result of the shortcomings of the public system and land drainage to cope with the additional surface water from the high land to the north of Deiniolen and it is not believed that developing this particular site for residential use will worsen this situation considering its location below the main village. Therefore, taking the above into account, and subject to the inclusion of such condition, it is believed that the proposal is acceptable based on the requirements of Policy CH18 of the GUDP.

Language and Community Matters

- 5.17 Policy A2 of the GUDP states that proposals which would cause significant harm to the social, linguistic or cultural cohesion of communities, due to their size, scale or location, will be refused. The SPG: Planning and the Welsh Language states that there will be a need to look carefully at how new developments will affect the current pattern of the fabric of society and that developments are required to comply with the requirements of linguistic and community policies.
- 5.18 For this purpose, the applicant has submitted a Linguistic and Community Statement to support the proposal and the Joint Planning Policy Unit has reached the following conclusions:-
- The proposed affordable dwellings will be very attractive to residents and are likely to satisfy local housing needs.
 - The development will give local people more choice within the local housing market.
 - Considering the size and location of the proposed houses, it is not expected for prices to rise out of the reach of local residents and are likely to retain the local population in the community and could contribute towards a positive impact on the Welsh language.
 - It is likely that the development will be very attractive to young families in the area.
 - The development could have a positive impact on the local primary school by increasing the number of pupils attending; however, it must be considered whether or not the development could place excessive pressure on Ysgol Gwaun Gynfi. However, it is noted that the development would mean that the number of pupils at the school would continue to be lower than the capacity.
 - On the whole, it is not believed that the nature or scale of the proposed development is likely to have a detrimental impact on the Welsh language.
- 5.19 Given this assessment and the abovementioned observations of the Joint Planning Policy Unit, it is believed that the proposal is in accordance with Policy A2 of the GUDP in addition to SPG: Planning and the Welsh Language.

Educational matters and open spaces of recreational value

- 5.20 Policy CH37 along with the document SPG: Housing Developments and Educational Provision states that when a new residential development is approved which means that the educational needs of children living in the new houses cannot be satisfied in the existing school... planning conditions or obligations will be used ... in order to satisfy those needs or which contribute towards them. According to the formula included in the above-mentioned SPG, it is anticipated that an additional five pupils

PLANNING COMMITTEE	DATE: 13/03/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

will derive from this development. There are sufficient empty places available in the local primary school to accommodate these additional pupils.

5.21 However, this information must be considered jointly with the situation in terms of the other two developments with extant planning permission in Deiniolen - land near Victoria Terrace (27 houses) and Rhiwgoch (17 houses). Together, this would mean that the number of pupils attending Ysgol Gwaun Gynfi would exceed its capacity and; therefore, in accordance with the requirements of Policy CH37 of the relevant SPG, it is expected for the applicant to contribute £61,285.00 towards the primary school.

5.22 In accordance with the requirements of Policy CH43 of the GUDP, along with SPG: Housing Developments and Open Spaces of Recreational Value, it is expected for new housing developments that include more than 10 houses and in areas where the existing open spaces would not meet the needs of the proposed housing development, to provide suitable open spaces of recreational value as an essential part of the development. In exceptional circumstances where play areas cannot be provided on the site, the developer must offer suitable off-site provision that is accessible or make a financial contribution towards new or improved facilities in another area.

5.23 In response to these requirements, the applicant has submitted a viability assessment which states that the development would not be viable should these contributions be required. This information has been assessed by the Joint Planning Policy Unit and the Unit comes to the following conclusions:-

- **Open space** - a provision of 672m² of open land will be required in relation to this proposal for adults and youths in the Caernarfon catchment dependency area in accordance with the requirements of SPG: Housing Developments and Open Spaces of Recreational Value.
- The applicant notes that the provision of formal open spaces for children's use are proposed in the developments at Rhiw Goch and the site near Victoria Terrace, along with a number of open spaces within the village that are within a safe walking distance of the application site (the original plans have been amended in order to create a pedestrian entrance to the rear of the site to a public footpath which then links to the local footpath network).
- It must be considered whether or not there are safe links for pedestrians between the two above-mentioned sites and this current application site, along with the distance from the application site to existing open spaces within the village.
- **Education** - as referred to above, it is anticipated that five primary school pupils will derive from this development and whilst there is sufficient capacity in the primary school to accommodate these pupils, considering the developments that have been approved near Victoria Terrace and Rhiw Goch, the number of pupils attending the school would be above capacity. However, it should be noted here that neither of these two developments have been commenced as they have only been granted outline permission.
- **Viability** - when considering the viability assessment submitted with the application, the following points are noted:-
- The size of the units noted in the assessment coincides with the information in the plans submitted as part of the planning application.
- An assessment was submitted by the applicant based on the market value of the units as noted by the Housing Strategic Unit and also based on information deriving from the Affordable Housing Viability Study (2016).
- Assessments formulated based on various latest construction costs, in accordance with information provided by the Council's Property Unit, were also submitted.

PLANNING COMMITTEE	DATE: 13/03/2017
REOPRT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

- 5.24 Based on an assessment of this information by the Joint Planning Policy Unit, it is clear that the development would not be viable if a contribution would be needed to provide an open space within the site, along with an educational contribution for the local school. Paragraph 18 of the SPG: Planning Obligations, state that the Council is eager not to endanger the viability of development plans by aiming for too many contributions from developers and Welsh Government is of the opinion, provided that the infrastructure required for realising the development is protected, the provision of affordable housing should be given priority. This principle of being flexible and fair with the applicant/developer when using planning obligations is also expressed in Planning Policy Wales (2016), Chapter 3, Development Control.
- 5.25 Therefore, based on the above it is considered reasonable to provide four affordable houses and omit contributions towards open spaces and educational provision in this particular case to ensure the viability of the development. In this context, it is considered that the proposal is acceptable and complies with the requirements of policy CH27 and CH43 of the GUDP.

Section 106 agreement matters

- 5.26 As referred to above, four of the 12 proposed dwellings will be affordable housing for general local need and taking this into account, it will be required for the applicant/developer to sign a Section 106 agreement in order to bind the four houses for general local need now and in perpetuity.

6. Conclusions:

- 6.1 Having considered the above and all the relevant matters including the local and national policies and guidance, as well as all the observations/objections received, it is believed that this proposal is acceptable and satisfies the requirements of the relevant policies as noted above.

7. Recommendation:

- 7.1 To delegate powers to the Senior Planning Manager to approve the application, subject to the applicant completing a legal agreement under Section 106 in order to ensure that four out of a total of 12 houses are affordable initially and in perpetuity and to relevant conditions relating to:-
1. Five years.
 2. In accordance with the amended plans.
 3. Natural slate.
 4. External materials.
 5. A drainage/water management plan to be submitted to be agreed upon with the Local Planning Authority.
 6. A method statement needs to be submitted explaining what measures will be taken to ensure that no material is washed into the water course / ditch during the building work.
 7. Relevant highway conditions.
 8. Removal of permitted delegated rights from the four affordable houses.
 9. Ensure that the new entrance to the public footpath is available prior to the occupation of the houses.
 10. A condition to safeguard the water course.
 11. A condition to submit and agree upon site boundary details.