

Number: 5

Application Number: C16/0564/35/LL

Date Registered: 31/08/2017

Application Type: Full - Planning

Community: Cricieth

Ward: Cricieth

Proposal: Application to erect 10 affordable units

Location: Waen Helyg Vacant land, Waun Helyg, Cricieth

Summary of the Recommendation: TO REFUSE

1. Description:

- 1.1 This application is a full application to erect 10 social rent houses. It is submitted by Cartrefi Cymunedol Gwynedd on land that in its ownership.
- 1.2 The existing site is part of closed off land on the outskirts of an existing housing estate (Waun Helyg). The site is located within the Cricieth development boundary and the whole site has been designated as a protected play area/playing field.
- 1.3 The proposal entails erecting 10 two-storey semi-detached houses (six houses with two bedrooms and four houses with three bedrooms) together with an estate road and parking areas in front of the houses and a garden shed each at the rear. It is intended to finish the houses with pebble-dash or render and a blue/grey faced brick and grey stone with a slate roof.
- 1.4 The following documents have been submitted as part of the application:
 - Planning Statement
 - Affordable Housing Statement
 - Ecological Report
 - Design and Access Statement
 - Community and Language Statement
 - Flood Consequence Assessment

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.

Under the Well-being of Future Generations (Wales) Act 2015 the Council not only has a duty to carry out sustainable development, but to also take every reasonable step 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. 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.

2.2 Anglesey and Gwynedd Joint Local Development Plan 2017:

PS1: The Welsh Language and Culture

PS2: Infrastructure and developer contributions

ISA 1: Infrastructure provision

ISA 4: Safeguarding existing open spaces

ISA 5: Provision of open spaces in new housing developments

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

TAI 2: Housing in Local Service Centres

TAI 8: Appropriate Housing Mix

PS 18: Affordable Housing

TAI 15: Affordable Housing Threshold and Distribution

PS19: Conserving and where appropriate enhancing the natural environment

Supplementary Planning Guidance: Affordable Housing 2009

Supplementary Planning Guidance: Housing Developments and Open Spaces of Recreational Value 2009

Supplementary Planning Guidance: Housing Developments and Educational Provision 2009

Supplementary Planning Guidance: Planning Obligations 2009

Supplementary Planning Guidance: Planning and the Welsh language 2009

2.3 National Policies:

Planning Policy Wales, Edition 9, (2016).

Technical Advice Note (TAN 2) 'Planning and Affordable Homes' (June, 2006).

Technical Advice Note (TAN 12) "Design" (2016)

Technical Advice Note (TAN 15) 'Development and Flood Risk' (2004)

Technical Advice Note (TAN 16) "Sports, Leisure and Open Spaces" (2009)

Technical Advice Note (TAN 20) "Planning and the Welsh Language" (2013)

3. Relevant Planning History:

None

4. Consultations:

Community/Town
Council:

Response 14.06.2016

No objection to building the affordable units, however, the members wish to emphasise that an area should be set aside as a play area for children within the development. Without a specific area the children will have to cross a busy and dangerous road to reach the play area at Ty'n Rhos.

Response 13.09.2016

The members are disappointed that there is no intention to include a new play area as part of this development or to extend the nearby provision, although there will evidently be more demand for such a provision having built the new houses.

As obvious concerns stem from the fact that children from Waun Helyg and the new development will have to continue to cross a busy road to reach the existing play area, members have major concerns regarding the safety plans submitted and therefore I would like to stress that we will only be able to support the application on condition that CCG can amend these plans.

The current situation whereby children are expected to cross the main road in order to reach the local play area, is very dangerous and Cricieth Town Council does not feel that the safety plans noted on the plan are acceptable as they stand. Members wish to emphasise that it is essential that the developer submits better plans to slow down the traffic in the area in question and to ensure that there is a much safer crossing for the children.

Response 21.02.2017

No objection to building the affordable units, however, there are concerns that no area had been earmarked for a children's play area. This is important as children would have to cross a dangerous/busy road to reach the play area at Ty'n Rhos. It should be emphasised that a play area is required as part of the development.

Transportation Unit:

I refer to the above application, and confirm that I have no objection to the proposal. As well as the development of a new estate the proposal includes the provision of a crossing on the B4411, however, it does not include a path to link this section of the site with the proposed crossing. I therefore recommend that as well as the conditions/notes below, that the applicant should provide this link path as part of the development.

Estate road conditions, street lighting, kerbs, parking area.

Natural Resources
Wales:

Response 30.06.2017

We have significant concerns regarding the development as submitted. As the site includes a water course and there is potential for it to block, it will be necessary to submit a Flooding Consequences Assessment. Propose a condition that ensures that preventative, mitigating and compensation measures including those described in the ecological report are included in a method statement and submitted to the satisfaction of the Planning Authority.

Response 09.02.2017

We continue to have significant concerns regarding the development as submitted:

- The hydrology and modelling should be updated and then the Flooding Consequences Assessment (FCA) should be updated

Propose a condition that ensures that preventative, mitigating and compensation measures including those described in the ecological report are included in a method statement and submitted to the satisfaction of the Planning Authority.

Response 28.04.2017

We continue to have significant concerns regarding the development as submitted:

- The applicant needs to provide a copy of the hydrology model that supports the revised FCA to NRA.

Propose a condition that ensures that preventative, mitigating and compensation measures including those described in the ecological report are included in a method statement and submitted to the satisfaction of the Planning Authority.

Response 08.06.2017

We continue to have significant concerns regarding the development as submitted. We ask the applicant to update the FCA to resolve the concerns regarding the gardens of the proposed houses and the finished floor levels. Propose a condition that ensures that preventative, mitigating and compensation measures including those described in the ecological report are included in a method statement and submitted to the satisfaction of the Planning Authority.

Response 22.09.2017

We have significant concerns regarding the development as submitted.

- The FCA needs to be updated to include an assessment of the 1% AEP + CC flooding incident with the blocked culvert
- The 1818/100D plan needs to be updated to include the type of boundary treatment recommended in the FCA

If the above is achieved, it will be necessary to attach a planning condition to ensure mitigation and compensation measures for bats to be agreed beforehand with the Local Planning Authority.

Response 29.09.2017

Further to more information received to support the application, the maintenance schedule will not be sufficient to reduce our concerns - the screen may be cleared and then it could be blocked again immediately. There is a need to update the FCA to assess the likely depth range of

the 1% + nh incident and the blocked culvert. This would set suitable floor levels for the development.

Response 26.10.2017

Following the receipt of a revised Flooding Consequences Assessment, there is no objection to the application as long as conditions are imposed on the planning permission that deal with the floor levels of the units, type of fence around the site and to agree on mitigation and compensation measures for bats to be agreed beforehand with the Local Planning Authority.

Welsh Water:	Drainage plan condition
Biodiversity Unit:	The ecology report submitted as part of the application is acceptable. The development is acceptable subject to landscaping conditions, protection of reptiles, disposal of Japanese Knotweed and agree to the disposal of trees,
Affordable Housing:	Waun Helyg scheme receives social housing grant money in 2017/2018. This development must comply with the requirements of the WG (DQR) standards.
Land Drainage Unit:	No objection
Public Consultation:	A notice was posted on the site and nearby residents were informed. The advertising period expired and one letter / correspondence was received making observations on the proposal on the following grounds: <ul style="list-style-type: none">• A play area with equipment is required with the houses as there is no play area on this side of the highway.• Road danger for children having to cross to get to the play area.• Highways matters• Not enough variety of housing• Japanese Knotweed is present on the site.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The site subject of this application is located within the development boundary of Cricieth and near an existing residential housing estate (Waun Helyg). There is an existing vehicular entrance from the B4411 into Waun Helyg estate, and this site would have access from this estate road. The proposal entails erecting 10 two-storey semi-detached houses (six houses with two bedrooms and four houses with three bedrooms) that will be provided and rented by Cartrefi Cymunedol Gwynedd. Based on this, and the observations of the Affordable Housing Unit, the proposal complies with the requirements of policies PCYFF 1, TAI 2, TAI 8, PS18 and TAI 15 which ensure developments within development boundaries, and a reasonable development within service centres that offer a specific number of affordable housing.

5.2 Although the principle of the development is confirmed under these policies, there are several other material matters that arise with this application that are discussed below.

Open spaces of recreational value

5.3 Please note that the application site is located on an protected Open Site / Play Area in the JLDP and Policy ISA 4 is relevant to this. This policy states the following:

5.4 Proposals that will lead to the loss of existing open space including any associated facilities which has significant recreational, amenity or wildlife value will be refused unless they conform to the following criteria:

1. There is an overall surplus of provision in the community;
2. The long term requirement for the facility has ceased;
3. Alternative provision of the same standard can be offered in an area equally accessible to the local community in question;
4. The redevelopment of only a small part of the site would allow the retention and enhancement of the facility as a recreational resource.

5.5 Observations were received on the matter of development on a protected Open Site / Play Area by the agent in September 2016. Although these observations were based on the Unitary Development Plan, it is the same principles that are relevant now.

5.6 It is vitally important to consider the merits of the site and what is noted by the applicant against the specific criteria as noted in Policy ISA 4 above.

- Criterion 1 - It is believed that background information based on the 'Fields in Trust' standards indicates that there is no overall surplus of provision within the community.
- Criterion 2 - It is noted that the applicant argues that a lack of historical use has been made of the site as a play area. However, it is understood that informal use has been made of the site as a play area. It is understood that the applicant (Cartrefi Cymunedol Gwynedd) has offered this site to the LDP for housing development, however it was not designated within the plan as the site was protected as an open space. No objection was received from CCG to the fact that the site was protected as an open space/ play area during the consultation period for the Joint Local Development Plan deposit version.
- Criterion 3 - This criterion is a matter that may be considered side by side with the requirements of Policy ISA 5 (Provision of open spaces in new housing developments). As 10 units are proposed, consideration needs to be given to the amenity provision as part of the development.
- Criterion 4 - the proposal is not for the re-development of part of the site in order to retain and enhance the facility as a recreational resource.

5.7 It is noted that information from 'Fields in Trust' note that there is an overall lack of provision of open spaces / play areas in Cricieth. This information was used as the background basis when preparing the JLDP. The JLDP refers to the figures of 'Fields in Trust' and 'areas where existing open space cannot meet the needs of the proposed housing development'. Whilst the same calculation is used to establish the need that stems from the development (Policy ISA 5) (352 m² for the Needs of Playing pitches and 176 m² for children's playing space), the JLDP considers the provision across Cricieth.

5.8 In considering the whole population (including the addition of this development), it is seen that there is a deficiency in Cricieth for this type of provision.

- 5.9 As the site is already protected as an open/play space and bearing in mind the nature of the development before us (Social Housing) and also considering that it is possible for these adults/children to use additional open spaces such as beaches etc; it is considered that there is a real need for an open/play space for children (176 m²) as a result of this development and to this end it is deemed that such a place needs to be provided within the proposed development. It is possible to give a matching financial contribution; but this option is an exception where specific and unusual circumstances justify why it cannot be provided on the site.
- 5.10 The Local Planning Authority has highlighted this to the agent and the applicant, but no response has been received. The proposal entails developing a protected open space/play area where there is a general lack of these types of spaces. The proposal does not offer any provision for a play area as part of the development, and bearing in mind that the development means the loss of an open space/play area as well as creating the need for an additional space; it is considered that the proposal is contrary to the requirements of policy ISA 4 and ISA 5 of the LDP and also criterion 3 of policy PS5 of the LDP that promotes sustainable development.

Educational Facilities

- 5.11 Policies PS2 and ISA 1 of the LDP confirm that where a proposal generates a directly related need for new or improved infrastructure, a financial contribution may be sought to secure improvements in order to make the proposal acceptable. In this case, it is necessary to consider if this proposal would have a detrimental impact on the educational situation in Cricieth, specifically at Ysgol Treferthyr, and also bearing in mind the proposed units designated for housing in Cricieth jointly with this proposal when establishing if it is suitable to secure an educational contribution. Previously (using September 2015 figures) it was calculated that the development in question would increase the number of pupils at Ysgol Treferthyr to its full capacity; this was without considering the impact of the development of the site designated for housing in Cricieth.
- 5.12 The Education Unit has not confirmed the current figures in order to calculate the current situation. The Local Planning Authority therefore continues to wait for confirmation of the figures, and it cannot be confirmed if this development together with the designated site for housing would take the School over its capacity and therefore it cannot be confirmed if an educational contribution is required to improve the situation.

Linguistic Matters

- 5.13 A Language and Community Statement was submitted as part of the application, and the LPA has no argument with its contents. By now, this development does not reach the threshold to submit a Language and Community Statement as it will not provide more than the indicative housing provision set for Cricieth, and it is considered that it gets to grips with evidence of need and demand for housing in the area. Therefore, to this end policy PS1 of the LDP is not relevant in this case.

Transport and access matters

- 5.14 The proposal involves gaining access to the site via the existing estate road near the access to the estate from the B4411; and the development provides sufficient parking spaces for the units. The Transportation Unit has no objection to this part of the proposal.

- 5.15 The proposal also offers a pedestrian crossing provision to cross the B4411 to facilitate access to the play area situated over the road to the development. The original observations of the Transportation Unit to the application confirm that an amended plan will need to be submitted indicating the footpath / pavement between the site of the development in question and the proposed crossing. This was highlighted in a letter to the agent dated 20.07.2016 and no plan has been submitted.
- 5.16 Therefore, on this basis it is considered that the proposal conforms with the requirements of TRA 2, that ensures sufficient parking standards; but the proposal does not conform with the requirements of policy TRA 4 in terms of the lack of attention to the group of users specifically pedestrians including persons with prams and/or young children.

Flooding Matters

- 5.17 During the original consultation period, Natural Resources Wales confirmed that they had significant concerns regarding the development as submitted. It was confirmed that the site included a water course and there was the potential for it to block, and it would be necessary to submit a Flooding Consequences Assessment. Since then, several Assessments have been submitted to satisfy the requirements of Natural Resources Wales. By the end of October 2017 and having received several responses from NRA objecting, the officers of NRA confirmed that they were now satisfied with Flooding Consequences Assessment version 6; subject to conditions that will ensure the height of the finished floor levels of the proposed houses and the type of fence to be erected within the site.
- 5.18 It is noted that the watercourse had been culverted near the site access and work would be required on the culvert in order to provide an appropriate access to the site. The Local Planning Authority has consulted the Council's Land Drainage Unit and confirmation has been received stating that they do not object to the proposal.
- 5.19 On these grounds it is considered that the development can comply with the requirements of policy PS6 and Technical Advice Note 15 'Development and Flood Risk' by imposing appropriate conditions.

Visual and General Amenities

- 5.20 Policies PCYFF 2, PCYFF 3 and PCYFF 4 of the LDP are relevant to this application and involve design, finishes, elevations, landscaping and visual and general amenities.
- 5.21 The site is located on the outskirts of the existing Waun Helyg estate and behind Antipodes terrace. Recent planning permission was approved under reference number C16/0798/35/LL to erect two, two-storey houses within the curtilage of number 1 Antipodes terrace. The application site is substantially higher than Antipodes terrace houses, and it is not considered that the general development would have any impact on the terrace due to the plan of the site and the location of the houses. Houses on plots 7 and 8 would be nearest to the boundary with curtilage of Number 1 Antipodes Terrace (approximately 1m). The elevation plans show that there would be no windows on the gable-end of plot 7 looking over the two proposed houses within the curtilage of number 1. The two proposed houses include first floor windows on the rear elevation that would be approximately the same level as the garden level of plot 7. There is potential for overlooking from the garden to the first floor windows here; but it is considered that installing a fence up to a height of 2m would overcome this.

- 5.22 It is intended to finish the houses with pebble-dash or render and a blue/grey faced brick and grey stone with a slate roof. There are simple landscaping details around the site, but it is considered that more details would be required regarding the type of planting proposed on the site. Therefore, it is considered that the proposal in its current form is acceptable in terms of design, finishes, elevations, landscaping and visual and general amenities subject to landscaping and fence installation conditions. Therefore, it is considered that the proposal complies with the requirements of policies PCYFF 2, 3 and 4,

Biodiversity Matters

- 5.23 An ecology report has been submitted as part of the application and the Biodiversity Unit considers its contents to be acceptable subject to the inclusion of landscaping conditions, protection of reptiles, disposal of Japanese Knotweed and agree to the disposal of trees. Therefore, it is considered that the proposal complies with the requirements of policy PS19 of the LDP.

Response to the public consultation

- 5.24 Following a period of public consultation, observations were received relating to play area, road danger, variety of housing and Japanese knotweed issues on the site. It is considered that these issues have received due consideration in the above report, and the observations do not change the recommendation.

6. Conclusions:

- 6.1 Having weighed up the proposed development and considered all the material planning matters, including local and national policies and guidance as well as the objection received, it is considered that the application to construct 10 semi-detached houses for social rent on this site, is contrary to the requirements of policies ISA 4 and ISA 5 and criterion number 3 of Policy PS5 in terms of sustainable development, loss of protected open/play area and provision of an open area as a result of residential development. It is considered that the proposal is contrary to the requirements of policy TRA 4 in terms of attention to the range of users specifically pedestrians including persons with prams and/or young children. It is recognised that the development would meet with the clear need for social rent housing in the area, however, this in itself does not outweigh the objection in terms of highway matters and protected open/play area, and the need to provide this.

7. Recommendation:

- 7.1 To refuse the application on the grounds that it is contrary to the requirements of policies ISA 4 and ISA 5 and criterion number 3 of Policy PS5 in terms of sustainable development, loss of protected open/play area and provision of an open area as a result of residential development. It is considered that the proposal is also contrary to the requirements of policy TRA 4 in terms of attention to the range of users specifically pedestrians including persons with prams and/or young children.