

PLANNING COMMITTEE	DATE: 26/02/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	DOLGELLAU

Number: 5

Application Number: C17/0846/18/LL

Date Registered: 30/08/2017

Application Type: Full - Planning

Community: Llanddeiniolen

Ward: Penisarwaun

Proposal: Residential development to include five affordable homes for local need along with associated accesses and parking

Location: Land at Bro Rhiwen, RHIWLAS, LL57 4EL

Summary of the Recommendation: TO APPROVE SUBJECT TO COMPLETING A SECTION 106 AGREEMENT FOR THE PROVISION OF AFFORDABLE HOMES AND TO RELEVANT CONDITIONS

PLANNING COMMITTEE	DATE: 26/02/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	DOLGELLAU

1. Description:

- 1.1 This is a full application to erect five affordable homes for local need and provide associated accesses and parking spaces on a site on the northern outskirts of the village of Rhiwlas. The application can be split into the different elements which include:-
- Erecting 4 three bedroom semi-detached houses and erecting 1 three bedroom detached house in a row.
 - Provision of separate accesses for each house along with private driveways for off-road parking.
 - Landscaping scheme that includes plants, shrubs, fencing and trees.
 - Culvers approximately 26m from the ditch that runs through the eastern corner of the site.
- 1.2 As part of the application, the following information was submitted:
- Linguistic and Community Assessment.
 - Design and Access Statement.
 - Part One Extended Species Survey
 - Affordable Housing Statement,
- 1.3 The five houses will be two-storey high and will consist of natural slate roofs, white rendered walls with grey coloured banding around some of the windows, openings of grey coloured aluminium and grey coloured aluminium rain goods. The combination of these materials reflects the construction materials surrounding the site.
- 1.4 The houses will provide a living room, a bathroom, kitchen/dining room on the ground floor with two bedrooms, bedroom/office and bathroom to the first floor. They would comply with Welsh Government requirements in relation to providing sustainable housing and would measure 5.8m wide, 10.6m deep and 8m high. The surface area of the houses would be 108m² and the design and provision of facilities meet the requirements of the Wales Development Quality Requirements Booklet for affordable/social housing.
- 1.5 The site is located in a level hollow in the landscape opposite and parallel to well established residential dwellings to the south, east and west; and agricultural land/marshland pasture and an open ditch are located to the north and to the rear of the site itself. The site is located outside the development boundary as contained in the Gwynedd and Anglesey Joint Local Development Plan, 2007 (LDP) but it directly abuts the boundary and could therefore be considered an exemption site.
- 1.6 The site is served from an unclassified county highway; the class III county road leads to the south before reaching the site of this application. There is a footpath parallel to the application site and the site's boundary wall runs directly opposite the unclassified county road carriageway.

PLANNING COMMITTEE	DATE: 26/02/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	DOLGELLAU

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

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

Policy ISA1 - infrastructure provision

Policy PS1 - The Welsh Language and Culture

Policy TRA2 - parking standards.

Policy TRA4 - managing transport impacts.

Policy PS5 - sustainable development

Strategic Policy PS19 - conserving and enhancing the natural environment

Policy PS20 - safeguard and enhance heritage assets.

Policy PCYFF1 – development boundaries.

Policy PCYFF2 - development criteria.

Policy PCYFF3 - design and place shaping.

Policy PCYFF4 - Design and Landscaping.

Policy AMG5 - local biodiversity conservation.

Policy TAI8 - appropriate mix of housing.

Policy TAI15 - threshold of affordable housing and their distribution.

Policy TAI16 - Exception Sites

Supplementary Planning Guidance (SPG): Planning and the Welsh Language.

SPG: Planning Obligations.

SPG: Affordable Housing.

PLANNING COMMITTEE	DATE: 26/02/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	DOLGELLAU

SPG: Housing Developments and Educational Provision.

2.4 National Policies:

Planning Policy Wales, Edition 9, (2016).

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

TAN: Design (2016).

TAN 20: Planning and the Welsh Language (2013).

TAN22: Sustainable Buildings (2010).

3. Relevant Planning History:

- 3.1 Application no. C17/0098/18/LL - application to construct nine affordable homes, creation of vehicular access, estate road, parking spaces and provision of play area was withdrawn by the applicant in July 2017 on grounds of the Local Planning Authority's concerns regarding policy, numbers, biodiversity and transport.

4. Consultations:

Community/Town Council: Object on grounds of over development, increase in traffic, sewerage problems and protected plants and animals

Transportation Unit: No objection subject to including relevant conditions.

Natural Resources Wales: No objection.

Welsh Water: Condition regarding the disposal of surface/land water from the site.

Public Protection Unit: No response.

Biodiversity Unit: Satisfied with the amended plans that show that most of the small ditch will not be covered and that the development, by now, is much smaller than the original application. Nevertheless, some habitat will be lost and to this end, therefore, a landscaping condition should be included with any planning permission to mitigate the loss of the wet habitat. Accept the mitigation measures included in the Part One Extended Species Survey.

Housing Strategic Unit: There are 46 applicants on the Tai Teg register and on the Gwynedd Council Common Housing Register who wish to live in the area. Based on the above information it seems that the proposal addresses the need in the area for affordable housing. A 30% discount of the market value price should be required for the detached house, and a 25% discount for the semi-detached houses. This would then bring their prices down to the area's affordability level.

PLANNING COMMITTEE	DATE: 26/02/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	DOLGELLAU

Tai Teg: Approve affordable units in Gwynedd and if the applicant is working with a partner, a housing association, it would be favourable for the units to reach the standards of the DWR Booklet.

Gwynedd Consultancy (Land Drainage Unit): Need to comply with the requirements of Section 23(1) Land Drainage Act, 1991 along with Schedule 2 of the Water and Flooding Act 2010.

Gwynedd Archaeological Planning Service: Confirm that the site could contain archaeological remains and to this end there will be a need to include a planning condition in any planning permission that states the need to submit an archaeological work programme before any building work commences on site.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has expired and correspondence was received objecting on the following grounds:

- The site is located outside the development boundary - need to keep new developments within the boundaries to safeguard the welfare and character of local villages.
- Permitting the proposal would set a dangerous precedent for other applications in future that would equate to the over development of similar sites.
- The proposal would mean losing green space.
- Disturbance during hours of work on the site.
- Lack of valid evidence of local need.
- Impact on the Welsh language.
- Weakness of any conditions relating to affordable homes - there is no recognised definition of what is affordable.
- The proposal would have a detrimental impact on the village infrastructure such as land drainage and the sewerage system.

As well as the above objections, objections were received that were not material planning objections and these included:

- Loss of views towards Anglesey.
- The proposal is a means of making money.
- Affordable houses do not sell in the village.

5. Assessment of the material planning considerations:

The principle of the development

PLANNING COMMITTEE	DATE: 26/02/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	DOLGELLAU

- 5.1 The principle of constructing affordable houses on this particular site is based on Policy TAI16 of the LDP (exception sites). The Policy states that a development immediately adjacent to development boundaries must be for 100% affordable housing if it can be shown that a local need has been proven for affordable housing that cannot be addressed within a reasonable timescale on a market site within the development boundary which includes a requirement for affordable housing. As an exception, proposals for housing schemes that are 100% affordable on sites that are directly adjacent to a development boundary and which form a reasonable extension to the village boundary will be approved. Proposals must be for small developments which are commensurate to the size of the settlement, unless it can be shown clearly that there is a clear need for a larger site.
- 5.2 The LDP explains how a village such as Rhiwlas can contribute towards the 25% of the Plan's growth level expected within the Villages and Clusters Tier which reflects the situation in Rhiwlas as it was in 2015 compared with the indicative supply which includes a 10% slippage allowance. The indicative supply level for Rhiwlas over the lifetime of the Plan is nine units and in the period between 2011 and 2016 a total of two units have been completed within the village and in April, 2016 the figure for housing bank within the village was zero. Given the above information, it is believed in this particular context that approving the application on this site will be supported against the indicative supply level. In addition, the Housing Strategic Unit has submitted information which confirms that there are 46 applicants on the Tai Teg housing list and on the Council's housing list who wish to live in the area.
- 5.3 Policy TAI 8 states that all new residential developments should contribute to improving the balance of housing and meet the identified needs of the whole community. The Linguistic and Community Assessment states that the type of housing proposed with this application complies with the need for the type of housing within the Penisarwaun Ward.
- 5.4 Policy PCYFF1 states that outside the development boundaries proposals will be refused unless they are in accordance with specific policies in the LDP or national planning policies or that the proposal demonstrates that its location in the countryside is essential. The explanation accompanying this policy states that the development boundaries prohibit inappropriate developments from being located in the countryside and promote the efficient and appropriate use of land and buildings. However, in this particular case, it is considered that the proposed development is supported by other policies in the LDP together with national policies and advice regarding the provision of affordable housing on exception sites which are directly adjacent to development boundaries and which form a logical extension to the settlement.
- 5.5 Given the above assessment and, subject to the proposal complying with the other policies referred to below, along with taking into consideration the observations of the Council's Housing Strategic Unit that confirm that the type of housing proposed as part of this application addresses local need for affordable housing, it is considered that the application is acceptable in principle. It should be noted here that the applicant is currently in discussions with Grŵp Cynefin regarding the possibility of taking the houses over in the future.

Visual amenities

- 5.6 The site lies on the northern outskirts of the village of Rhiwlas on a plot of level hollow land in the local landscape. Agricultural land lies to the north together with residential

PLANNING COMMITTEE	DATE: 26/02/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	DOLGELLAU

dwellings to the east, south and west. The nearby houses are of various design, plan and size with a variety of external materials. The layout of the proposed development intentionally follows the ribbon pattern of this part of the village and though the houses will appear contemporary, the external materials reflect the external materials of similar houses nearby. The size, form and density of the proposed housing reflects the nature and form of the built residential area in the application area. Given the above, it is believed that the proposal will not create a development which will impact the local townscape and to this end, therefore, it is believed that it is acceptable on the basis of the requirements of Policy PCYFF2, PCYFF3, PCYFF4 and TAI16 of the LDP.

General and residential amenities

- 5.7 Established dwellings are located parallel with and adjacent to the application site. The proposed houses will face those houses which are parallel with the county road (Caeau Gleision) with a void between them varying from 19m up to 20m. The gable-end of the nearest house, which is located to the west of the site (number 35 Bro Rhiwen), is located 24m away from the gable of the first dwelling with a garden and vegetation located between them. Considering the distance and the void between the front elevations of the proposed houses and the front of the existing dwellings, it is not considered that any substantial or significant overlooking would be created as a result of approving this application. An objection was received on the grounds that disturbance would emanate from the construction work which would affect the amenities of local residents. However, although it is acknowledged that an element of disturbance will derive from the development during the construction work this will only be temporary. To this end, therefore, it is believed that the proposal is acceptable based on the requirements of Policy PCYFF2 of the LDP.

Transport and access matters

- 5.8 The proposal involves creating accesses off the unclassified county road nearby in order to serve the five houses together with creating private drives for parking. This arrangement is acceptable to the Transportation Unit subject to imposing relevant conditions. It is therefore believed that the proposal is acceptable based on the requirements of Policy TRA2 and TRA4 of the LDP.

Biodiversity matters

- 5.9 The landscape to the rear and to the north of the site is known as Porfa Rhos and is included on List 7 of the Environment (Wales) Act 2016. A Part 1 Extended Habitat Survey was submitted with the application which includes the application site itself together with land which is directly to the north of it including the open ditch and the wet pasture. The Survey refers to a number of recommendations in order to safeguard protected species. Following receipt of additional information from the applicant confirming that 26m of the ditch will be closed up/culverted together with the erection of a temporary fence to safeguard the ditch and the wet pasture to the north of it and subject to imposing a landscaping condition on any planning application (in order to compensate for part of the wet habitat) and complying with the Habitat Survey recommendations, the Biodiversity Unit has no objection to the application. It is therefore deemed that the proposal is acceptable on the grounds of the requirements of Policy AMG5 and PS19 of the LDP.

Archaeological Matters

PLANNING COMMITTEE	DATE: 26/02/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	DOLGELLAU

- 5.10 Observations were received from the Gwynedd Archaeological Planning Service stating that the site could contain archaeological remains and to this end there will be a need to include a planning condition in any planning permission that states the need to submit an archaeological work programme before any building work commences on site. Therefore, the proposal is acceptable on the basis of the requirements of Policy PS20 of the LDP.

Educational matters

- 5.11 The Education Department Information Officer has confirmed that there is adequate capacity in the local primary school to cope with the number of pupils which could derive from this development and to this end, therefore, it is not anticipated that an educational contribution will be required in this case. It is believed that the proposal is acceptable based on the requirements of Policy ISA1 of the LDP.

Section 106 agreement matters

- 5.12 As referred to in the above assessment, the proposal will include 100% affordable housing for local need and to this end, the applicant must sign a Section 106 legal agreement in order to bind the five houses to affordable housing local need. The applicant is currently in discussions with Grŵp Cynefin regarding the possibility of the Registered Social Housing Association taking ownership of the houses in future. Should Grŵp Cynefin confirm its interest in the site affordability may be secured by signing an Agreement under Section 106 in order to transfer the houses to the housing association.

6. Conclusions:

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

7. Recommendation:

- 7.1 To delegate the right to the Senior Planning Manager to approve the application subject to the applicant signing a Section 106 Agreement to ensure that the five houses proposed are affordable houses for local need and to relevant conditions relating to:
1. Five years.
 2. In accordance with the plans.
 3. Natural slate.
 4. Landscaping.
 5. Highways.
 6. Archaeology.
 7. Withdrawal of permitted development rights.
 8. Biodiversity.
 9. Welsh Water condition regarding the disposal of surface water/run-off from the site.