

PLANNING COMMITTEE	DATE: 11/02/2019
REPORT OF THE PLANNING AND PUBLIC PROTECTION SERVICE SENIOR MANAGER	CAERNARFON

Number: 9

Application Number: C18/1055/41/LL

Date Registered: 15/11/2018

Application Type: Full - Planning

Community: Llanystumdwy

Ward: Llanystumdwy

Proposal: Variation of condition 2 of C14/0113/41/AM to extend the time allowed to submit reserved matters

Location: Bryn Hyfryd, Chwilog, Pwllheli, LL53 6SF

Summary of the Recommendation: TO APPROVE SUBJECT TO CONDITIONS AND THE EXTANT 106 AGREEMENT

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1. Description:

- 1.1 This is an application to vary a condition in order to extend the time period to submit reserved matters on an outline application to construct 21 houses (including 7 affordable houses) on a site on the outskirts of Chwilog village. The majority of the site is located within the development boundary of the village as defined in the Local Development Plan, and has been designated for housing.
- 1.2 The existing site is a parcel of comparatively flat green land on the outskirts of the village, part of which forms a section of a farm yard near the existing entrance. There are a variety of two-storey houses located opposite the site.
- 1.3 The indicative plans submitted with the original application showed the layout of the 21 properties (8 semi-detached houses and 13 detached houses), the proposed entrance and the estate road. It was proposed that the affordable houses should be located close to the entrance, on the part of the site outside the development boundary.

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

PS1: The Welsh Language and Culture

ISA1: Infrastructure Provision

ISA 5: Provision of Open Spaces in New Housing Developments

TRA 2 – parking standards

TRA 4 – managing transport impacts

PS 5 - Sustainable Developments

PS 6 – Mitigating the Effects of Climate Change and Adapting to Them

PCYFF 1 – Development Boundaries

PCYFF 2 - Development Criteria

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PCYFF 3 - Design and Place Shaping

PCYFF 4 - Design and Landscaping

TAI 3: Housing in Service Villages

TAI 15: Affordable Housing Threshold and Distribution

TAI 16: Exception Sites

PS 19: Conserving and Where Appropriate Enhancing the Natural Environment

Local Supplementary Planning Guidelines:

Affordable Housing

Planning Obligations

Housing Developments and Open Spaces of Recreational Value

Housing Developments and Educational Provision

Housing Mixture

2.4 **National Policies:**

Planning Policy Wales, Edition 10, 2018

Technical Advice Note 2: Planning and Affordable Housing

Technical Advice Note 16: Sports, Leisure and Open Spaces

Technical Advice Note 18: Transportation

3. **Relevant Planning History:**

- 3.1 C14/0113/41/AM – Outline application for the erection of 21 houses (including 7 affordable houses) with all other matters reserved (amended plan)

4. **Consultations:**

Community/Town Council: Not received

Transportation Unit: No objection

Welsh Water: No objection on the grounds that the relevant conditions would be transferred to the new permission

Biodiversity Unit: No observations to offer

Natural Resources Wales: No observations to offer

Affordable Housing: Not received

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Archaeological Trust: No observations to offer

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period ended on 17.12.18, no letters/correspondence objecting to the proposal had been received at the time of writing the report.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 This is an application to vary condition 2 of outline planning permission C14/0113/41/AM in order to extend the time granted to submit reserved matters, therefore there is no change to the plan, or to the previously approved plan. The principle of this proposal has already been accepted and established by the Council in the outline planning permission. This is a material planning consideration. It is therefore important to consider whether the circumstances or the planning policy situation have changed since the application was originally approved.
- 5.2 Although condition 2, which specifically relates to the period for submitting reserved matters, is the only subject of this application, in order to be able to consider extending the period, it is important to assess and confirm whether or not the situation remains the same in terms of compliance with Planning Policies. The proposal can be considered differently only if there is evidence of a substantial change in circumstances in the context of these policies.
- 5.3 In light of local policies, the Local Planning Authority determined the outline application based on the policies of the Gwynedd Unitary Development Plan. By now, the Unitary Development Plan has been adopted by Gwynedd Council, and there has therefore been a material change in the policies since the previous application was determined.
- 5.4 Policies PCYFF 1, TAI 3, TAI 15 and TAI 16 are relevant to this application. Policy PCYFF 1 identifies development boundaries for centres and villages within the County, and confirms that proposals will be approved within development boundaries in accordance with the other policies and proposals in the plan, national planning policies and other material planning considerations. Policy TAI 3 identifies the application site as one that has been designated for 21 houses (reference T64). Policy TAI 15 identifies the threshold for the affordability contribution as two or more housing units for developments within Service Villages, and that 10% of the offer should be for affordable need. Policy TAI 16 states that all houses on exception sites should meet affordable needs. The development offers seven affordable units out of a total of 21, which equates to around 30% of the units. The two units shown on the part which is outside the development boundary are affordable, and form a reasonable extension to the village, and the total number of units proposed is acceptable in considering that TAI 3 provides for an expected 20 units on the site. Therefore, it is considered that this development continues to comply with current housing policies.
- 5.5 A Linguistic Statement was submitted for the original application, which concluded that the development would help protect the language locally by providing local people with an opportunity to move up the property ladder and thus stay in the local area to live and support the village's facilities and community activities. The Joint Planning Policy Unit confirmed at the time that the mixture of houses

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proposed made the development attractive to the local population, in particular to families with children. It is not considered that the situation has changed since 2017, and policy PS1 of the LDP confirms that there is no need for a Welsh Language Statement for residential developments that address evidence of need and demand for housing. On these grounds it is, therefore, considered that there is no need for a Welsh Language Statement in this case as the proposal complies with the requirements of policy PS 1. The exact location and the provision within the proposed number will be dealt with under the reserved matters application.

Visual, general and residential amenities

- 5.6 As the submitted application was an outline application, no details were received about the design of the proposed houses, apart from their indicative size and height. A plan was received which showed the indicative layout of the site, including the location of the houses and the arrangement for transport. Although the site is on green land, its use for housing has been accepted in principle by the adoption of the Unitary Development Plan, therefore no consideration will be given to the loss of green land here. The proposed development will be considered on its own merits, and it is considered that the density of the development is acceptable, that the sizes of the houses are suitable in terms of maximum scale, and that it is possible, through conditions and by considering an application(s) containing full details, to manage the remaining details of the development. Matters relating to direct impacts on neighbours will be addressed under the reserved matters application. Based on the information submitted with the application, it is considered that the proposal continues to meet the requirements of policies PCYFF 2, PCYFF 3 and PCYFF 4 of the LDP and it can be ensured that the further details are acceptable when assessing the reserved matters application.

Transport and access matters

- 5.7 The Transportation Unit has confirmed that there is no objection to the proposal to extend the time period, and that it is considered that the proposal continues to conform with policies TRA 2 and TRA 4 in relation to parking standards and managing transport impacts, on the grounds that the relevant conditions from the original permission extend to the new permission.

Biodiversity/Trees Issues

- 5.8 No protected sites or species would be directly affected by the development and the Biodiversity Unit has confirmed that it has no observations on the proposal to extend the time for this application. Therefore, based on the same conditions as the original permission, it is not considered that the proposal is contrary to the requirements of policy PS19 in the LDP.

Flooding Matters

- 5.9 Following a period of consultation on the original application, a response was received from Natural Resources Wales, requesting a condition to ensure that the development cannot be commenced until a water drainage plan for the site, which is acceptable to the Local Planning Authority, has been submitted. At the time it was considered that imposing such a condition would ensure that the development would not add unreasonably to the flow of surface water. Based on the size and scale of the development, it is considered that this condition would continue to be relevant and that it would ensure that the proposal is acceptable in relation to policies PS5 and PS6 of the LDP.

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- 5.10 Welsh Water has confirmed that it is satisfied with the proposed time extension on the grounds that all the drainage conditions included in the original permission remain. Therefore, on these grounds, the proposal is deemed to be acceptable in relation to drainage.

Open spaces of recreational value

- 5.11 Policy ISA 5 requires new housing proposals for 10 or more houses in areas where existing open spaces cannot satisfy the needs of the proposed housing development to provide a suitable provision of open spaces.
- 5.12 An Assessment of Open Spaces for Recreational Value, submitted by the applicant as part of the original application, considered the current provision in the village, and concluded that no new provision was needed for this site. At the time, this information was assessed by the Joint Planning Policy Unit, which concluded that the play facilities for children within a convenient distance to the planning application site were insufficient, that there was a general lack of provision in the village of Chwilog, and that the provision would be exacerbated as other sites designated for housing were developed. As shortcomings were noted in the existing provision, appropriate provision was secured to meet the needs of the families, by means of a planning condition. At the time, in considering the indicative internal arrangement it was considered, by reforming that arrangement, that there was sufficient demand on the site to ensure an appropriate provision. It is considered that this planning condition remains appropriate and that the definite need can be assessed when the reserved matters application is submitted so that this condition can be suitably discharged. On these grounds, it is considered that the proposal complies with the requirements of policy ISA 5.

Educational Facilities

- 5.13 Policy ISA 1 aims to ensure that existing schools will be able to cope with any increase in pupil numbers as a result of a new residential development. During the UDP period, three designated sites were located in Chwilog, and when these applications (including the original application for this site) were dealt with, information was prepared by the Joint Planning Policy Unit which assessed the impact of developing this site, and other sites that had been designated for housing in Chwilog in the UDP, on Ysgol Gynradd Chwilog. In this respect, it was crucial to consider how all the planning applications submitted for these sites that were designated for housing were dealt with.
- 5.14 Having consulted with the Education Department regarding these sites at the time of assessing the application on land behind the Madryn Public House (namely the first application submitted of the three sites designated in Chwilog), it was decided to consider the three sites designated in the UDP in Chwilog based on the number of residential units noted for them in the UDP. It was noted that this meant that 55 residential units were relevant to consider for the three sites, based on the numbers of houses referred to in the relevant Briefs. Any educational contribution would be based on the proportion of houses designated for the individual sites as part of the figure for Chwilog in its entirety, i.e. 55 units. By using the information in the SPG, it is noted that 22 primary school pupils would derive from the three sites designated for housing in Chwilog. It is noted that it was required to base the contribution in this way because there was no way of knowing when the applications for the remainder of the designated sites would be submitted, or the number of units involved. In addition, the applications that had been submitted for the three designated sites to date were outline applications and therefore, the number or type of units could not be guaranteed.

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- 5.15 The 2013-2014 educational year was used as the basis for assessing the need for an educational contribution as this was the period of assessing the application of the site near Madryn; and these figures would need to be adhered to in order to ensure consistency. It was noted that there were 20 surplus places at the school that year, meaning that a contribution would be needed in order to create additional capacity for two extra pupils. (An additional assessment was undertaken for the 2014-2015 financial year and it was noted that the school would continue to operate over capacity on the basis of developing the three sites).
- 5.16 In accordance with the content of the SPG, it was noted that an educational contribution of £24,514 was needed between the three sites (£12,257 x 2 pupils). Based on the Education Department's previous observations, the expected contribution from each site is based on the proportion of houses noted for them in the UDP as part of their total for the three sites collectively. This has meant that an educational contribution of £6,240 has been secured in relation to the permission for the site near the Madryn (i.e. $14/55 \times 24,514$).
- 5.17 When undertaking the calculations for this site, an educational contribution of £8,914 ($20/55 \times 24,514$) would be expected in relation to this development.
- 5.18 It is noted that the reserved matters were submitted and received approval for the site behind the Madryn, and although the Cae Bodlondeb site is now outside the development boundary, the outline permission continues to be extant for another year. It is considered that the above method of calculating the contribution continues to be acceptable, and as the above sum has been secured by means of a 106 agreement, the proposal continues to comply with the requirements of policy ISA 1 in relation to the educational contribution.

6. Conclusions:

- 6.1 Having considered the above and all the material planning matters, including the local and national policies and guidance, it is believed that this proposal to extend the determination period of an application that has already received approval remains acceptable and that it complies with the requirements of the relevant policies as noted above.

7. Recommendation:

- 7.1 To Approve – conditions and the extant 106 agreement
1. Time
 2. Submit reserved matters within three years.
 3. Re-list all the conditions from the previous permission.
 4. In accordance with the 106 agreement associated with the previous application