

PLANNING COMMITTEE	DATE: 10/02/2020
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	PWLLHELI

**Number: 3**

**Application Number: C19/0733/41/LL**

**Date Registered: 30/07/2019**

**Application Type: Full**

**Community: Llanystumdwy**

**Ward: Llanystumdwy**

**Proposal: Application to vary condition 1 of C14/0061/41/AM and condition 1 of C18/0249/41/MG to extend the period to commence the work, amend the setting and design of the proposed dwellings together with the portion of affordable housing in the associated 106 agreement.**

**Location: Land to the rear of Madryn Arms Hotel, Madryn Terrace, Chwilog, Pwllheli, LL53 6SH**

**Summary of the Recommendation: DELEGATE THE RIGHT TO APPROVE THE APPLICATION WITH CONDITIONS AND SUBJECT TO THE AMENDMENT OF THE 106 AGREEMENT.**

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## 1. Description:

- 1.1 This is a full application to vary condition 1 of planning permission C14/0061/41/AM and condition 1 of planning permission C18/0249/41/MG to extend the period to commence the work, amend the setting and design of the proposed dwellings together with the portion of affordable housing in the associated 106 agreement.
- 1.2 Outline planning permission and a reserved matters permission have already been given under reference numbers C14/0061/41/AM and C18/0249/41/MG to erect 15 dwellings to include five affordable units. The application before you entails amending the setting and design of the houses together with reducing the portion of affordable housing from five to two.
- 1.3 The site is mainly on flat, agricultural land that borders the main current built form of Chwilog to the north and east. The development would mean reorganising the layout of the Madryn Arms car park and losing some of its garden in order to create a suitable entrance. There is an established 'clawdd' along the western side of the site with mature trees on top and a ditch flowing at its base. There is flat agricultural land with occasional 'cloddiâu' and trees to the south of the site.
- 1.4 The proposal provides 11, three-bedroom houses (including houses and plots of varying sizes as well as ones with and without a connecting garage) two, two-bedroom affordable houses and two, four-bedroom houses. A landscaping plan has been submitted as part of the application.

## 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 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps 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; in making the recommendation the Council has sought to ensure that present needs 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.
- 2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011 - 2026, July 2017**
  - PS1: The Welsh Language and Culture
  - 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
  - PS 17: Settlement Strategy

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TAI 3: Housing in Service Villages  
 PS18 - Affordable Housing  
 TAI 15: Threshold of Affordable Housing and their Distribution  
 PS19: Conserving and where appropriate enhancing the natural environment.  
 PS20: Protecting and where appropriate enhancing heritage assets

Supplementary Planning Guidance – Affordable Housing (April 2019)  
 Supplementary Planning Guidance - Housing Mix (October 2018)  
 Supplementary Planning Guidance - Open Spaces in New Housing Developments (March 2019)  
 Supplementary Planning Guidance – Planning obligations  
 Supplementary Planning Guidance - Maintaining and Creating Distinctive and Sustainable Communities  
 Supplementary Planning Guidance – Housing Developments and Educational Provision

#### 2.4 National Policies:

Technical Advice Note 12: Design  
 Technical Advice Note 2: Planning and Affordable Housing  
 Technical Advice Note 16: Sports, Leisure and Open Spaces  
 Technical Advice Note 18: Transportation

Planning Policy Wales (Edition 10) 2019

#### 3. Relevant Planning History:

3.1 C14/0061/41/AM - Outline planning application to erect 15 dwellinghouses with access from the B5234 and all other reserved matters - APPROVED 31.03.2015

C18/0249/41/MG - Reserved matters application to erect 15 residential dwellings to include 5 affordable units approved as an outline application under reference C14/0061/41/AM - APPROVED - 05 November 2018.

#### 4. Consultations

Community/Town Council: Support

Transportation Unit: I refer to the above application and confirm that I have no objection to the proposal. Generally, the parking layout and the estate road are acceptable, however, I recommend that the '1.8m wide grassed service strip' and the 600mm wide service strip finished in concrete are changed to comply with the Council's adoption standards. I also note the intention to locate a community LPG gas storage on the estate's boundaries. Although there is no objection to this element I request further details in relation to its design, for example details of any boundary to the storage and confirmation of the access point to it (with a fuel vehicle and on foot).

Welsh Water: No observations to offer

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- Affordable Housing: The proposal addresses a need for affordable housing in the area.
- Land Drainage Unit: No objection from the unit to the above application. However, it is worth noting that no surface water drainage plan has been submitted in accordance with condition 15 of planning permission C14/0061/41/AM and the Council will consider the principles of the Statutory Sustainable Drainage Systems (2019) when reviewing the drainage scheme for the site.
- Also, according to section 2.39 of the Welsh Government's Sustainable Drainage Statutory Guidance, SAB approval will be required if the planning permission was granted subject to a condition as to a reserved matter (i.e. before January 2019) and an application for approval of the reserved matter is not made before 7 January 2020.
- Biodiversity Unit: No response
- Natural Resources Wales: Not received
- Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has expired and no observations have been received.

## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 This is a full application to vary condition 1 of planning permission C14/0061/41/AM and condition 1 of planning permission C18/0249/41/MG to extend the period to commence the work, amend the setting and design of the proposed dwellings together with the portion of affordable housing in the associated 106 agreement. The principle of this proposal has already been accepted and established via the outline planning permission and reserved matters that have already been granted on the site. These consents, determined in accordance with the Unitary Development Plan at the time and the other relevant policies, remain on the site and establish the principle of the proposal before you. This is a material planning consideration. It is therefore important to consider whether circumstances or the planning policy position have changed since these applications were originally approved, and to assess the amendments against current policies.
- 5.2 In light of local policies, the Local Planning Authority determined the outline application based on the policies of the Gwynedd Unitary Development Plan and the reserved matters application on the basis of the policies of the Anglesey and Gwynedd Local Development Plan. By now, the Anglesey and Gwynedd Local Plan has been adopted and therefore there has been a material change in the policies since determining the principle of the previous application.

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- 5.3 Policies PCYFF 1, TAI 3, TAI 15 and PS 18 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 18 houses (reference T63). 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 proposal should be for affordable need. The percentage of affordable housing requested now under the Local Development Plan is less than what was required under the Unitary Development Plan and has already been granted on the site. Although the previous permissions provided five affordable units, the proposal now to provide two units complies with the requirements of current planning policy (TAI 15). The developer could ignore the current permission and submit a new full planning application for 15 houses and two affordable houses (namely the proposal before you) and this new proposal would comply with the current planning policies. Based on this, the development by now offers two affordable units out of a total of 15 units, which equates to around 10% of the units. These affordable units are located in the centre of the site and are two-bedroom houses that comply with the area's need for affordable housing and confirmed by the Strategic Housing Unit. The total number of units offered are acceptable bearing in mind that policy TAI 3 expects around 18 units on the site.
- 5.4 Open market prices have been received for the two affordable units, these confirm that these units are within reach of those who need affordable houses in the area.
- 5.5 The proposal offers an appropriate mix of 11, three-bedroom houses (some with and without connected garages and different sized gardens) two, two-bedroom (affordable) houses and two, four-bedroom houses, and offers more of a variety compared with the previous plan that offered 11 three-bedroom houses, three four-bedroom houses and one two-bedroom bungalow. The agent confirms that the proposed mix is based on the Gwynedd Housing Need Assessment. Therefore, it is considered that this development continues to comply with current housing policies and current supplementary planning guidance dealing with Planning Obligation, Affordable Housing and Housing Mix.
- 5.6 On the grounds that the affordable provision is acceptable, it is considered that there is no need for a Welsh Language Statement in this case as the proposal reaches the thresholds stated in criterion number 1 of policy PS 1. However, a note can be attached to the planning permission encouraging Welsh names for the estate and therefore it is considered that the proposal complies with the requirements of policy PS 1.

#### **Visual, general and residential amenities**

- 5.7 Policies PCYFF 2, 3 and 4 of the Local Development Plan promotes good building design by ensuring that proposals conform to a series of criteria that aim to safeguard the recognised features and character of the landscape and the local environment, safeguard the amenities of the local neighbourhood and the visual character by ensuring that building materials are of a high standard and in keeping with the character and appearance of the local area and suitably landscapes the site.
- 5.8 The original proposal involved erecting 15 houses including one bungalow on the site, by now the proposal is to erect 15 two-storey houses. The site plan is similar to what was previously granted in terms of the location of the estate road and the houses, however, the

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details at the far end of the road and the location of the houses within the plots etc have been updated, together with the type of houses proposed and their design.

- 5.9 The plans submitted as part of the application before you include design features that are an improvement on the plans that have already been granted. Based on the submitted plans, it is therefore considered that the houses are acceptable in terms of their location, size and design. It is proposed to finish the dwellings with a mixture of render and cladding, which is to be agreed.
- 5.10 The site is located behind a row of existing houses and the public house, but there is a track and vacant land/parking located between the site and these dwellinghouses, and therefore it is considered that the proposal would not have a direct impact in terms of over-looking or detrimental impact on the amenities of the residents of these houses.
- 5.11 The public house situated near the access to the site is listed, and the impact of the entrance on the building has been assessed and previously approved in the outline application. There is no change to this part of the application. The existing public house car park together with vacant land used for parking and outbuildings situated between the back of the public house and the application site. It is considered that the proposal would not have a detrimental impact on the character or the setting of the listed building and the proposal complies with the requirements of policy PS20 of the LDP.
- 5.12 It is noted that the landscaping plan submitted does not include landscaping to the rear of the site that borders the agricultural field and to this end it is considered reasonable to impose a planning condition to agree on a landscaping plan for the proposal.
- 5.13 It is, therefore, considered that the proposal complies with the requirements of policies PCYFF 2, 3 and 4 and PS20.

#### **Transportation Matters**

- 5.14 The entrance to the site has already been approved under outline permission and the Transportation Unit has confirmed that the parking provision, and the estate road within the site are acceptable. The Transportation Unit has noted matters that are required to be provided in order to adopt the estate road, and the agent has confirmed that only two grids will be seen above ground for the LPG tanks and delivery lorries would be able to fill the tanks from the estate road. It is considered that the proposal therefore complies with the requirements of policy TRA 2 and TRA 4 of the LDP.

#### **Biodiversity Matters**

- 5.15 Biodiversity matters did not arise at the time of assessing the original applications, apart from the need for suitable landscaping on the site's border with the field at the back of the site. It is noted above that it is possible to impose a planning condition to ensure suitable site landscaping and therefore it is considered that the proposal complies with the requirements of policy PS 19 of the LDP.

#### **Open spaces of recreational value**

- 5.16 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.

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- 5.17 In response to a further enquiry on the original outline application, more information was provided with regard to the provision of existing open spaces nearby, and it was noted that the village play ground was 87m away from the proposed site, which includes a range of equipment for a variety of play activities on a site that measures approximately 600m<sup>2</sup>.
- 5.18 This was deemed sufficient for the original application and it is considered that this situation will continue and the existing provision of open spaces of recreational value that exist within close proximity to the site, is sufficient to satisfy the likely needs of the residents of the new houses, and subsequently there is no need for a new provision and the development meets the requirements of Policy ISA 5.

### **Educational Facilities**

- 5.19 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, along with other sites 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.
- 5.20 Having consulted the Education Department regarding these sites at the time of assessing the original application on this site (namely the first application submitted from the three sites designated in Chwilog), it was resolved 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 for consideration 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 is required to base the contribution in this way as there was no way of knowing when the applications for the remainder of the designated sites would be submitted, or the number of units they would involve. In addition, the applications submitted for the three designated sites at the time were outline applications and therefore, there was no guarantee about the number or type of units.
- 5.21 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 original application on this site; and these figures need to be adhered to in order to ensure consistency. It is noted that there were 20 empty places at the school that year which meant that a contribution would be needed in order to create additional capacity for 2 extra pupils. (An additional assessment was undertaken for the 2014-2015 educational year and it was noted that the school would continue to operate over capacity on the basis of developing the three sites).
- 5.22 In accordance with the content of the SPG, it is noted that an educational contribution of £24,514 is 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 this site (i.e. 14/55 x 24,514).

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5.23 It is noted that the reserved matters were submitted and received approval for this site, that the Bryn Hyfryd site outline permission had been extended, and although the Cae Bodlondeb site is now outside the development boundary, the outline permission continues to be extant for a period. 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 attached to the original permission, the proposal therefore continues to conform with the requirements of policy ISA 1 in relation to the educational contribution.

## 6. Conclusions:

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 delegate rights for the Assistant Head of Environment Department to approve the application subject to receiving amending the current 106 Agreement to change the number of affordable houses (with no change to the educational contribution) and to relevant conditions relating to:

1. Two years (in accordance with that requested on the application form)
2. External finish
3. Slate
4. SUDS
5. Highways Conditions
6. Welsh Water conditions
7. Lighting Scheme
8. Landscaping
9. Removal of permitted delegated rights from the affordable units