

PLANNING COMMITTEE	DATE: 16/11/2020
THE REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	

Number: 4

Application Number: C20/0623/19/AC

Date Registered: 21-08-2020

Application Type: Remove/Vary Condition

Community: Bontnewydd

Ward: Bontnewydd

Proposal: Application to vary conditions 2 and 21 of planning permission C19/0014/19/LL in order to reposition plots 14 and 29 and reposition garage of plot 17, reduce slab level of plots 18 and 26 and remove part of footpath to the hammerhead

Location: Land at Lôn Cefnwerthyd, Bontnewydd, Caernarfon, Gwynedd, LL55 2UD

Summary of the Recommendation: TO APPROVE SUBJECT TO CONDITIONS

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1. Description:

- 1.1 This application before you is to vary conditions 2 and 21 of planning permission C19/0014/19/LL in order to reposition plots 14 and 29 and reposition garage of plot 17, reduce slab level of plots 18 and 26 and remove part of footpath to the hammerhead.
- 1.2 The original planning permission C19/0014/19/LL was to erect 29 living units together with creating a new vehicular access, parking spaces, landscaping and a public open space.
- 1.3 The existing site is agricultural land with further agricultural land extending beyond the site's western boundary with residential housing parallel to the northern boundary and further to the east and south. A class 3 public highway (Lôn Llanfaglan) abuts the southern boundary of the site whilst an unclassified road (Lôn Cefnwerthyd) runs parallel to the eastern boundary. Running alongside the public highway south of the site is afon Beuno that flows into afon Gwyrfai, which is further away to the west.
- 1.4 The site is located within the development boundary of the village of Bontnewydd and is allocated as a site to erect new housing in the Anglesey and Gwynedd Joint Local Development Plan (LDP). The village of Bontnewydd has been recognised as a service village in the LDP; this means that it has a strategic role to meet with the Plan's strategy via housing allocations together with suitable windfall sites.
- 1.5 For clarity, the original proposal provided the following, and this remains to be the case:
- 6 affordable flats - 2 bedrooms
 - 3 affordable houses - 3 bedrooms
 - 6 houses - 3 bedrooms
 - 8 houses - 3 bedrooms
 - 6 houses - 4 bedrooms
- 1.6 The proposal before you is specifically for the following changes, and the rest of the development is in accordance with what has already been approved under C19/0014/19/LL:
- Reposition plot 14, 1m closer to plot 15 in order to retain the hedge situated on the site's boundary.
 - Reposition plot 29 away from the side of the site's boundary in order to enable access for bins to the rear of the property.
 - Reposition the garage of plot 17 due to the location of the mains gas pipe in connection to the development.
 - Remove the footpath from the hammerhead following discussions with the Council's Transportation Unit.
 - Reduce the slab level of plots 18 (300mm) and 26 (350mm) due to the design of the external work and the need for retaining walls.
- 1.7 It is noted that there is a need to assess the information relating directly to the amendments noted above and the information that has already been submitted as part of application C19/0014/19/LL.
- 1.8 It is also noted that an application for a non-material amendment in relation to the changes submitted before you was submitted under reference C20/0198/19/DA. This application was refused because repositioning plot 14 was likely to have an impact on nearby property and this needed to be assessed as part of a formal application. It is noted that the remaining amendments are non-material and are included within this application for convenience, so that all matters can be dealt with together.

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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 2011-2026, adopted 31 July 2017

PS 1: The Welsh Language and Culture

PS 2: Infrastructure and developer contributions

ISA 1: Infrastructure provision

ISA 5: Provision of open spaces in new housing developments

PS 4: Sustainable transport, development and accessibility

TRA 2: Parking standards

TRA 4: Managing transport impacts

PS 5: Sustainable development

PS 6: Mitigating the effects of climate change and adapting to them

PCYFF 1: Development boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

PCYFF 6: Water conservation

PS 16: Housing provision

PS 17: Settlement strategy

TAI 3: Housing in service villages

TAI 8: An appropriate mix of Housing

PS 18: Affordable housing

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TAI 15: Affordable housing threshold and distribution

PS 19: Conserving and where appropriate enhancing the natural environment

AMG 5: Local biodiversity conservation

AT 4: Protection of non-designated archaeological sites and their setting

In addition to the above, the following are also considered pertinent:

Supplementary Planning Guidance (SPG): Affordable housing

SPG: Planning obligations

SPG: Open Spaces in New Housing Developments

SPG: Housing Mix

SPG: Housing developments and educational provision

SPG: Planning and the Welsh language

SPG: Design Guidance

2.4 **National Policies:**

Planning Policy Wales, version 10 2018

Technical Advice Note (TAN) 2: Affordable housing

TAN 5: Planning and Nature Conservation

TAN 12: Design

TAN 15: Development and Flood Risk

TAN 18: Transportation

TAN 20: Planning and the Welsh Language

3. **Relevant Planning History:**

C08A/0287/19/LL - APPLICATION TO ERECT 26 NEW DWELLINGS, CREATE AN ACCESS AND PLAYING FIELD - APPROVED 30.11.2009

C19/0014/19/LL - Full application to erect 29 residential units together with landscaping, car parking, create a new access and open public space - APPROVED - 10.07.2019

C19/0923/19/HY - Application to erect non-illuminated signage together with erecting two poles to exhibit banners - APPROVED - 10.07.2019

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C19/0994/19/AC - Application to discharge conditions 3,4,5,14,20 of planning permission C19/0014/19/LL relating to materials, building plan, affordable housing and management of invasive species - APPROVED - 09.01.2020

C19/1082/19/RA - Application to discharge conditions 17,18,19 of planning permission C19/0014/19/LL regarding the removal /re-planting of a hedge and archaeological matters - APPROVED - 20.12.2019

C20/0198/19/DA - Non-material amendment application to reposition plot number 14 and 29, reposition the garage of plot 17, reduce slab level of plots 18 and 26 and remove the footpath from one side of the hammerhead from what was approved under C19/004/19/LL - REFUSED - 15.04.2020

C20/0226/19/RA - Application to discharge condition 6 of planning permission C19/0014/19/LL concerning landscaping - APPROVED - 07.05.2020

4. Consultations:

Community/Town Council: Awaiting a response

Transportation Unit: I refer to the above application and wish to state that I do not intend to submit a recommendation as it is assumed that the proposed development will not have a detrimental impact on any road, or proposed road.

Natural Resources Wales: Awaiting a response

Dŵr Cymru: Awaiting a response

Gas: Response awaited

Footpaths Unit: There is no public footpath nearby and therefore we have no observations to make on this application.

Gwynedd Council Land Drainage Unit (YGC): Having compared this with the details already approved under a previous application, our unit is of the view that the changes in question will not affect land drainage or flooding risk matters.

Since 7 January 2019, sustainable drainage systems (SuDS) will be required to control surface water for every new development of more than one dwelling or where the building area with drainage implications is 100m² or more. Drainage systems must be designed and constructed in accordance with the minimum standards for sustainable drainage as published by Welsh Ministers.

These systems must be approved by Gwynedd Council in its role as the SuDS Approval Body prior to the commencement of the construction work.

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If a new planning permission is required for the proposed variation, it may be that an application will need to be submitted to the SuDS Approval Body for approval. The drainage details previously agreed are in accordance with the sustainable drainage principles; however, until an application is submitted to the SuDS Approval Body, there is no assurance that the site plan would enable compliance with the full suite of national NDS standards.

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

- Repositioning plot 14 would have a detrimental impact on the privacy of the property directly nearby.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The principle of developing this site has already received planning permission under C19/0014/19/LL, and the amendments to the proposal before you have no impact on the location, total number, the percentage of affordable housing, mix of housing or the overall site plan and therefore it is considered that the proposal continues to comply with the requirements of policies PS 16, PS17, PCYFF 1, TAI 3 and TAI 15 of the LDP as confirmed in the previous application.

Visual amenities

- 5.2 The site's overall plan has already been approved under reference C19/0014/19/LL and neither this overall plan, nor the direct design or the finish of the housing will not change as a result of the application before you. It is noted that houses on plots 14 and 29 will move a little within the vicinity of their plots and it is proposed to move the garage of plot 17 (again, within the plot area), reduce slab level of plots 18 and 26 and remove part of footpath to the hammerhead. It is considered that the specific amendments would not have a significant different visual impact on the entire plan and therefore the proposal continues to be in accordance with the requirements of policies PS 5, PCYFF 2, PCYFF 3 and PCYFF 4.

General and residential amenities

- 5.3 As has already been noted above, the site's overall plan has already been approved under reference C19/0014/19/LL and therefore; what has already been approved should be used as a gauge against the proposal before you.
- 5.4 It is noted that plot 14 has been the subject of a discussion between the developer, the Local Planning Authority and the property situated directly nearby known as 'Tywyn', when dealing with and assessing the previous application. Following receipt of amended plans, further details and the installation of an oriel window at the rear of plot 14 property; there was a situation whereby the development was acceptable and the planning permission was approved on these grounds.
- 5.5 The proposal before you involves repositioning plot 14 approximately 1m closer to plot 15 (directly next door) in order to distance the property from the hedge that borders the whole site. The property 'Tywyn' is located near the side of the site and abuts the rear of plots 14, 15 and 16,

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with the rear of plot 14 facing the back garden of 'Tywyn'. Repositioning plot 14, as proposed in this application, would entail that the oriel window at the back of plot 14 would look over a small area of the far corner of the back garden of 'Tywyn'. It is considered that this area is so small and as it is located in a corner in the far end of the garden (which is an extensive garden and away from the sections directly near the house of 'Tywyn') and it would not have a significant detrimental effect on the privacy of the property of 'Tywyn'. It is noted that the owner of 'Tywyn' objects to the proposal on the grounds of any over-looking over his property; however, in this case it is considered that any potential over-looking is so minimal, and compared with the extensive area of garden of the Tywyn property that will not be impacted, it would not be reasonable to refuse the property on this ground. It is noted that only the location of plot 14 within the plot is subject to this application, and its design and ground level is in accordance with what has already been approved under the previous application. It is confirmed that there is no change to the location of the other plots situated along this boundary with the property known as 'Tywyn'.

- 5.6 It is considered that moving the other plots/garages within the site or reducing the slab levels would not have any impact on any residents outside the site.
- 5.7 Therefore, having considered all matters, including the observations and objections received as well as the previous permission, it is deemed that the proposal is acceptable and although there will be some impact, it is not considered to be unacceptable on the grounds of the relevant requirements of policies PCYFF 2 and PCYFF 3.

Transport and access matters

- 5.8 The setting of the street and pavement of this site have already received approval under the previous planning permission C19/0014/19/LL, and the proposal to remove the footpath near the hammerhead have already been the subject of a discussion between the developer and the Transportation Unit.
- 5.9 The amendment entails removing part of the footpath in front of number 17 in the furthest section of the hammerhead at the end of the site, as the footpath that passes the front of plot 18 is sufficient to create a link between the site and the road in question.
- 5.10 The Transportation Unit has confirmed that the amendment is acceptable and to this end it is considered that the proposal complies with the requirements of policies PS 4, PS 5, TRA 2 and TRA 4.

Biodiversity matters

- 5.11 The situation in terms of the impact on biodiversity and the nature environment remains as per the previous application and the proposal before you does not have any impact on the mitigation already agreed and conditions as part of planning permission C19/0014/19/LL. Subject to the same requirements and conditions, it is therefore considered that this proposal complies with the requirements of Policy PS 5, PS 19 and AMG 5.

Archaeological Matters

- 5.12 The situation in terms of the impact on archaeology remains as per the previous application and the proposal before you does not have any impact on the matters already agreed and conditions as part of planning permission C19/0014/19/LL. Subject to the same requirements and conditions, it is therefore considered that this proposal complies with the requirements of Policy AT 5 and these are satisfied.

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Flooding matters

- 5.13 The proposal before you would entail reducing the slab level of plots 18 and 26. Neither this amendment, nor the other amendments subject to this application, do not change the overall plan of the development to such an extent that it would have a detrimental effect on any flooding impact.
- 5.14 What is proposed and agreed for the site, namely to create an area under the open public area to include specialist equipment to collect water in purposeful tanks and then control its discharge into nearby afon Beuno, will continue. Measures continue to be included within the drainage system design that comprise sustainable drainage features e.g. parking spaces with permeable surfaces where water is led off hard surfaces such as roofs, footpaths etc. The changes are so minimal that it is considered that it would not have a significantly different impact to what has already been approved. It is considered that these measures, as well as the main system that collects and discharges surface water for the whole site, continue to be acceptable in terms of the requirements of policy PCYFF 6. These matters have been discussed orally with the relevant consultees and a formal response is awaited by the Committee date to confirm the views of the consultees.
- 5.15 Therefore, it is not considered that there is any reason to refuse the application from this aspect as it is acceptable in terms of the relevant requirements of policies PS 5, PS 6 and ISA 1. Specific conditions will be imposed to ensure that what has been agreed will be implemented in accordance with the agreed details.

Affordable housing

- 5.16 The situation in terms of the provision of affordable housing remains as per the previous application and the proposal before you does not have any impact on the matters already agreed with conditions as part of planning permission C19/0014/19/LL. Subject to the same requirements and conditions, it is therefore considered that this proposal complies with the requirements of Policy PS 2, PS 18 and TAI 15 of the LDP.

Open space

- 5.17 The situation in terms of the provision of an open space remains per as the previous application and the proposal before you does not have any impact on the matters already agreed with conditions as part of planning permission C19/0014/19/LL. Subject to the same requirements and conditions, it is therefore considered that this proposal complies with the requirements of Policy PS 2 and ISA 5 and are satisfied.

Educational matters:

- 5.18 The situation in terms of the educational matters remains as per the previous application and the proposal before you does not have any impact on the matters already agreed with conditions as part of planning permission C19/0014/19/LL. Subject to the same requirements and conditions, it is therefore considered that this proposal complies with the requirements of Policy ISA 1.

Language Matters

- 5.19 The situation in terms of the impact on the Welsh language remains as per the previous application and the proposal before you does not have any impact on the matters already agreed with conditions as part of planning permission C19/0014/19/LL. Subject to the same requirements and conditions, it is therefore considered that this proposal complies with the policy requirements. PS1.

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Relevant Planning History

- 5.20 As noted already in this report, the previous planning history of this site is a material and essential consideration. Briefly, permission was approved under reference number C19/0014/19/LL to erect 29 houses, and the work regarding this has already commenced on the site. This original planning permission continues and this application deals only with the amendments before you as all the other matters remain in accordance with the previous permission. It is considered that this is a material planning consideration when determining the current application as a legal right already exists to erect new housing on the site.

Response to the public consultation

- 5.21 The above assessment has given full consideration to the objections received during the application's public consultation period. It is not considered that any material planning objections have been put forward outweigh the relevant planning policies noted in the assessment. Therefore, it is believed that there is no reason why the Council should not support this application to contribute towards delivering the objectives of the Local Development Plan insofar as it relates to the provision of affordable houses on land specifically designated for that purpose.

6. Conclusions:

- 6.1 Having considered the above assessment and all the material planning matters, including local and national policies and guidance, as well as the observations received, including objections, it is considered that the application is acceptable. Consideration should also be given to the site's planning history and the previous planning permission under C19/0014/19/LL. It is considered that the proposal satisfies the relevant requirements of local and national policies as noted in the report.

7. Recommendation:

- 7.1 To approve subject to relevant conditions.

Conditions:

1. Time
2. Comply with relevant plans and all the reports
3. Materials/slate - details in accordance with what was agreed under C19/0994/19/AC
4. Landscaping and site boundaries - details in accordance with what was agreed under C19/0994/19/AC, C19/1082/19/RA and C20/0226/19/RA
5. Highways CEMP - details in accordance with what was agreed under C19/0994/19/AC
6. Drainage
7. Biodiversity and controlling environmental impacts - details in accordance with what was agreed under C19/0994/19/AC
8. Archaeology - details in accordance with what was agreed under C19/1082/19/RA
9. Building Control Plan
10. Removal of general development rights for the affordable houses.
11. Removal of general development rights from plots 14, 15, 16, 17 (including the installation of additional windows and rooflights)
12. Agree on opaque glass for a bedroom window at the rear of plot 14 and agree an opening method
13. Welsh name for the housing estate and houses
14. Details and timetable for installing the equipment in the open space.

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15. Agree arrangements to secure affordable housing - details in accordance with what was agreed under C19/0994/19/AC

Note
SUDS