

PLANNING COMMITTEE	DATE: 01/03/2021
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

Number: 4

Application Number: C20/0757/03/AC

Date Registered: 21/09/2020

Application Type: Remove/Vary condition(s)

Community: Ffestiniog

Ward: Teigl

Proposal: Application to vary conditions 2 and 13 of planning permission C14/0248/03/LL regarding the site's setting and house design

Location: Nant y Mynydd Cae Clyd, Cae Clyd, Blaenau Ffestiniog, Gwynedd, LL41 4AU

Summary of the Recommendation: To approve with conditions

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1. Description:

- 1.1 This is a full application to vary condition 2 (compliance with plans) and condition 13 (completion of the estate road in accordance with the plans) of planning permission C14/0248/03/LL to adapt the appearance and setting of 3 of the 5 proposed houses together with amending their setting, which as a result will entail a minor change to the estate road.
- 1.2 A full planning permission has already been approved under reference C14/0248/03/LL to erect 5 dwelling-houses in March 2016, and this permission remains extant. This permission was approved specifically for two affordable houses and three open market houses, this current application relates to open market housing only.
- 1.3 The site is located in the Manod area of Blaenau Ffestiniog and within the development boundary as included in the LDP. Existing access to the site is gained from the unclassified county highway. Some of the work to clear the site has commenced, whilst the land level elevates towards the rear of the site and is fairly open in the front, various types of residential housing can be seen nearby including new detached two-storey housing and two-storey terraced housing.

For clarity, what is proposed is to:

- Relocate the house on plot 5 by pushing it back in order that it is comparatively aligned with housing in plots 4 and 3.
- Changing some elements of house design on plots 5, 4 and 3 and their setting
- By moving plot number 5, the estate road directly in front of this plot will change a little as a result by extending it 6m along where the access and part of the building would have been previously
- The site's whole boundary continues as previously approved, the size of the three open market houses continues to be the same and provides four bedrooms each as included previously while the access from the estate road towards the site continues to be the same except for the change as explained above.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 The Well-being of Future Generations (Wales) Act 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**

ISA 1: Infrastructure provision

PCYFF 1: Development boundaries

PCYFF 2 – Development criteria

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PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

PCYFF 6: Water conservation

PS 5: Sustainable developments

PS 6: Alleviating and adapting to the effects of climate change

TRA 2: Parking standards

TRA 4: Managing transport impacts

TAI 1: Housing in the Sub-regional Centre and the Urban Service Centres

TAI 8: An appropriate mix of Housing

TAI 15: Affordable housing threshold and distribution

PS 1: The Welsh Language and Culture

PS 19: Conserving and where appropriate enhancing the natural environment

AMG 5: Local biodiversity conservation

AMG 6: Protection Sites of Local or Regional Significance

PS 18 - Affordable housing

AT 1: Conservation areas, World Heritage Sites and Landscapes, Parks and Registered Historic Gardens

PS 20: Preserving and where appropriate enhancing heritage assets

Also, the following is a material consideration in this case:

Supplementary Planning Guidance: Housing Mix

Supplementary Planning Guidance: Affordable housing

Supplementary Planning Guidance: Maintaining and Creating Distinctive and Sustainable Communities

2.4 **National Policies:**

Planning Policy Wales (Edition 10 - December 2018)

Technical Advice Note 5: Planning and Nature Conservation

Technical Advice Note 12: Design

Technical Advice Note 20: Planning and the Welsh language

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3. Relevant Planning History:

C14/0248/03/LL - Construction of five two-storey dwellings together with an estate road and adaptations to existing access - approved 15/03/16

C09M/0036/03/MG – Details to erect a two-storey dwelling and detached garage – Approved June 2009

C06M/0172/03/AM - Outline application to construct one dwelling - approved April 08

4. Consultations:

Community/Town Council: Not received

Transportation Unit: No objection, recommend including standard notes.

Natural Resources Wales: No observations

As this is only changing some elements within the site/appearance of proposed housing (and the site's boundary does not change) then there is no objection.

Biodiversity Unit: It is suggested that the biodiversity of the site could be improved by ensuring suitable landscaping and including wildlife boxes.

Welsh Water: No observations

No observations considering the nature of the current application, also as drainage matters have been agreed when the original application was submitted.
For clarity, we note here what was submitted as the observations of the Unit on the original application:

Land Drainage Unit:

The volume of water discharged from the development will be limited to what will run off this land in natural form. The developer agreed that a drainage system to deliver this would be constructed and the Unit has inspected this proposal and accepts that it would deliver the requirements.

Therefore in summary, the Unit is willing to support the application in terms of land drainage with the original condition that the developer does not build over the water course and safeguards this water course during any permitted development.

Public Consultation:

A notice was posted on the site and nearby residents were notified. The advertising period has ended and no response has been received during this time.

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5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The principle of locating new developments is based on Policy PCYFF1 of the LDP, which states that new developments should be located within development boundaries, unless they are in accordance with specific policies in the Plan or national planning policies. Policy TAI 1 states that proposals for housing in the urban centres will be approved if the size, scale, type and design of the development is in keeping with the character of the settlement and that the site is located within the development boundary. There are three open market houses and two affordable houses.
- 5.2 Policy PS5 states that developments will be supported where it can be demonstrated that they are consistent with the principles of sustainable development, including suitable sites within the development boundaries of the Urban Service Centres in accordance with other Plan policies. It is deemed that this specific site can be defined as a sustainable site based on its location within the development boundary and within an established residential area, its location close to the public transport network together with its location in relation to local facilities.
- 5.3 The situation in Blaenau Ffestiniog up to 2020 in terms of the indicative supply level of housing over the Plan period, as noted in Appendix 5 of the Joint Local Development Plan, is 298 units (including a 10% 'slippage allowance', which means that the method of calculating the figure has taken into account potential unforeseen circumstances, which could influence the provision of housing, e.g. land ownership matters, infrastructure restrictions, etc.). During the period 2011 to 2020, a total of 13 units have been completed in Blaenau Ffestiniog. The windfall land bank, i.e. sites with extant planning permission on sites not designated for housing, in April 2020, was 29 units. It is also noted that there are two sites that have been designated for housing in Blaenau Ffestiniog (T23 - Former Playing Fields and T24 - Land at Congl y Wal) with a collective indicative figure of 155 units. There was no planning permission for any of these sites in April 2019).
- 5.4 The proposal involves providing five residential units and in accordance with the requirements of Policy TAI 15 at least 10% of the units should be affordable, which is 0.5. It is seen that 2 affordable units are provided on the site (protected by a 106 agreement on the previous application), which is higher than this threshold, therefore it is deemed that the proposal is acceptable in terms of this requirement ensuring that the relevant requirements of policy TAI 15 are satisfied.
- 5.5 No Housing Mix Statement was received in this case, however, there is no change in the situation from what has already been approved and remains extant. This is a material planning consideration by permitting a residential development of five houses on the site. What is requested in the case of this current application is a change to some aspects of the previous application that was approved namely to the setting and design of three of the open market house and part of the estate road. There is no intention to change the number of houses erected or the type of mix of housing that has already been approved and remains extant. For this development, three and four bedroom houses are shown, it is believed that this presents an appropriate mix for the area, as in the case of the previous application, to provide quality housing within the local community. Therefore, having considered the situation as it is and the key planning history, it is believed that the proposal is in accordance with the relevant requirements of policy TAI 8.
- 5.6 The principle of the proposal has already been confirmed under the previous permission given under the Unitary Development Plan and remains extant. This is a material planning consideration when considering this application. To this end, it is considered that the principle of

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the proposal continues to comply with policies PCYFF 1, ISA 1, PS 5, PS 18 and TAI 1 of the LDP.

Visual, general and residential amenities

- 5.7 The application before you entails changes to the elevations of the open market housing only based on design, the design continues to be contemporary, by changing some features on the front elevation. The proposal also includes setting the property on plot 5 somewhat back within the site while the houses on plots 3 and 4 will change their setting and form. It is considered that this is acceptable as it is not significantly different to what has already been approved and would not lead to more impact than what has already been approved. It is deemed that this proposal would not create incompatible structures in the local area with the contemporary appearance continuing with these alterations and the houses would lie comfortably within the landscape. To this end, therefore, it is believed that the proposal is acceptable based on the requirements of Policy PCYFF 3 of the LDP and the requirements of TAN 12: Design.
- 5.8 As referred to above, it is intended to move the location of the house on plot 5 to be further back than what was approved and it is now aligned with houses on plots 3 and 4. The edges of the site boundary would not change from what has been approved and the development will continue within the 'red line' as previously. The nearest dwelling is located west of the site, however, it is considered that the setting and design of the house is acceptable based on its impact on the residential and general amenities of this property in the form of overlooking, loss of privacy and disruption and in truth it would be an improvement to push it back as proposed. It is therefore considered that the proposal is acceptable based on the relevant requirements of Policy PCYFF 2 of the LDP.
- 5.9 It is considered that the proposal complies with the requirements of policies PS5, PCYFF 2, 3 and 4 of the LDP.
- 5.10 The entire area is within the Blaenau Ffestiniog Landscape of Outstanding Historic Interest. It is not considered that the alterations as shown are likely to have an increasing unacceptable impact to what was considered previously on this historic designation and therefore it is believed that it is acceptable in terms of the requirements of policies AT 1 and PS 20.

Transport and access matters

- 5.11 The internal layout of the site has changed a little as a result of the adaptations to the setting of the houses and therefore the estate road has extended a little further (6m) to what was originally approved in order to ensure suitable access to plot number 5. This change does not mean using new land that was not previously included, it can be seen that it will extend over where the original access to plot 5 would be and part of the building itself. The Transportation Unit has no objection to the proposal subject to including standard notes regarding general matters on the planning permission involving obtaining licences for street work. To this end, it is considered that the proposal complies with the requirements of Policy TRA 2 and TRA 4 of the LDP.

Flooding and drainage matters

- 5.12 As can be seen from the planning history regarding the previous application, some concern was highlighted at the time about the impact of developing the site on matters regarding flooding in the local area. It was accepted in due course, as a result of discussions with the Council's Land Drainage Unit, that developing the site would be acceptable and a condition was attached to agree on the exact details of a comprehensive drainage system for the site. Confirmation was received from the Council's Land Drainage Unit with the current application that their comments remained as they were previously and it is believed that it would be reasonable to attach the same condition

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to ensure that this element continues to be protected. In addition, the requirements of SUDS have come into force since the previous permission and therefore further comments are attached that there is a need to secure the appropriate licence to also satisfy the requirements of this system. Consequently, it is deemed that the relevant requirements of policies PS 5 and PCYFF 6 are satisfied.

Biodiversity Matters

- 5.13 The site is located within the extensive wildlife area designation of Cae Canol Mawr that extends for some distance around this site in all directions.
- 5.14 As in the case of the previous application, the location of the site is within an area of acidic grassland that is common and extensive within the Cae Canol Mawr designation. At the time of determining the previous application, it was accepted that an area such as this would be impacted and not an area that includes features that are less common, the development would be acceptable, however, appropriate conditions should be imposed to ensure that work would not extend to nearby areas and appropriate steps and methods should be taken to protect nearby local habitats. Paragraph 4.1.1 of SPG 5 states "The development control process is a critical stage in delivering the protection and enhancement of nature conservation ... through measures to protect, enhance, mitigate and compensate through planning conditions and obligations"
- 5.15 It is seen that site clearance work has commenced on the site and therefore the natural habitat as it was has been lost. The response of the Biodiversity Unit to the consultation on the application was received confirming that as only matters around a section of the site/change in the appearance of the housing are to be considered (and the development's boundary does not change) then they have no objection. It is suggested that suitable landscaping should be undertaken on the site and that wildlife boxes are introduced.
- 5.16 It is considered that the relevant requirements of policies PS 19, AMG 5 and AMG 6 are satisfied as well as the requirements within the relevant SPG.

Linguistic matters

- 5.17 Although the previous application was considered under the policies of the Unitary Plan, and the current application should be considered under the policies of the LDP, it is noted that the earlier permission remains extant and the application before you is for changes to only some aspects of the proposal. It does not increase the number or type of housing provided and it can be seen that the percentage of affordable housing is higher than required for such a site.
- 5.18 Criterion 1b of Policy PS1 of the LDP states that a Welsh Language Statement will be required if a residential development which will individually or cumulatively provide more than the indicative housing provision set out for the settlement in Policy TAI 1. As has already been noted above, the level of indicative supply for Blaenau Ffestiniog clearly shows that the threshold specified has been attained, and therefore we can conclude that the proposed development is totally in accordance with the requirements of criterion 1b of policy PS1 and as a result it would not have an obvious detrimental impact on the Welsh language and the community of Blaenau Ffestiniog.
- 5.19 Due to the proposal's size there is no need for a Language Assessment under criterion (2) of Policy PS1.
- 5.20 In terms of criterion (1c) it has to be considered if the proposal provides units that address needs within the community. It is considered that the design, size and number of houses prepare units

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that are likely to be suitable for the local community. Two of the units are affordable and therefore it is deemed in this case that no Language Statement will be required under criterion (1c) of Policy PS1.

5.21 Consideration is given to the Welsh Language in accordance with part D of Appendix 5 of the 'SPG Maintaining and Creating Distinctive and Sustainable Communities'.

- The proposal provides 2 affordable units and therefore satisfies D1;
- D2 is not relevant;
- There was no need for an educational contribution with the proposal and therefore D3 is satisfied.
- There is no need for the proposal to provide any new social infrastructure in accordance with Policy ISA 1 and therefore as this is not relevant D4 will be satisfied.
- Based on the scale of the proposal it does not fall within the definition of a major application and therefore the developer was not required to conduct a formal assessment with the local community prior to the application submission and therefore D5 is not relevant in this case.
- The proposal does not involve the loss of any community facility and therefore section Dd of Appendix 5 is irrelevant.

5.22 However, further information was submitted by the applicant's agent in the form of a Language Statement. As noted already, there is no change in the size and type of housing proposed, the same number of bedrooms are included and two of the five houses continue to be affordable housing via the 106 agreement created and attached to the previous application. It is believed that the report submitted has been produced in accordance with the methodology and guidance in TAN 20, relevant LDP policies as well as the SPG by noting the likely effect of the proposed development on the local community. By providing the mix of housing as well as specific affordable units to some of the recognised Tai Teg lists, it is deemed that the development would be a positive step that would benefit the local area as well as providing employment opportunities for local workers.

6. Conclusions:

6.1 This is an application to vary two conditions and plans already approved in this case. Specifically, to vary some elements involving the setting and design of three houses out of five and a section of the estate road only and not the number and type of housing or the location of the proposed development. Having considered the above and all the material planning matters, including the relevant local and national policies and guidance as well as the observations received, it is believed that the proposal to vary elements of the application that have already received approval by undertaking changes to the setting and design of three out of the five houses approved as well as changing the setting of a section of the estate road continues to be acceptable and complies with the requirements of the policies as noted above.

7. Recommendation: To approve with conditions

7.1 To delegate powers to the Senior Planning Manager to approve the application, subject to the following conditions;

1. Five years.
2. In accordance with the plans.
3. Slate as roofing material
4. Samples of materials and colours for the buildings to be agreed with the LPA.

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5. Highway conditions for parking / access.
6. Soft and hard landscaping.
7. Agree on details regarding a Welsh name for the development together with advertising signage informing of and promoting the development within and outside the site.
8. Removal of the general development rights of the affordable units.
9. Submission of a comprehensive drainage scheme for the site
10. Work arrangements / working hours matters
11. Wildlife boxes conditions

Nodiadau / Notes

1. NOTE: The estate road/roads and the access must be designed and constructed in accordance with the 'All Wales Guidance' (copies of this document are available to design roads and estate developments from the Highways and Engineering Department).
2. NOTE: The applicant is instructed to write to the Street Works Manager to receive permission under Section 171/184 of the Highways Act, 1980 to undertake any work within the pavement/green verge, which is required to construct the access.
3. The applicant's attention is drawn to the letter from Welsh Water dated 23/10/20 and the need to ensure that the development is in compliance with the advice contained therein. The letter can be seen under the reference number for this application on the following pages and can be found on the Council's website.
4. Due to the size and nature of the development it will be necessary to provide an application to the SuDS Approval Body for approval prior to the commencement of the construction work. These systems have to be approved by Gwynedd Council in its role as the Sustainable Drainage Schemes Approval Body prior to the commencement of the construction work.
5. NOTE: The applicant is instructed to sign an Agreement under Section 38, Highways Act, 1980 with the Council if it is proposed for the road to be adopted.
6. NOTE: The applicant's attention is drawn to the requirements of the 106 agreement attached to the planning permission C14/0248/03/LL and the need to ensure that the development is in complete accordance with the details of this legal agreement.
7. Biodiversity Note