

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE SENIOR MANAGER – PLANNING AND PUBLIC PROTECTION SERVICE	

Number: 3

Application Number: C20/0485/18/AC

Date Registered: 23/06/2020

Application Type: Varying of Condition

Community: Llanddeiniolen

Ward: Deiniolen

Proposal: Vary condition 2 of planning permission C17/0438/18/LL for a residential development in order to extend the period by three years to enable the submission of a reserved matters application

Location: Victoria Terrace, High Street, Deiniolen, Gwynedd LL55 3LT

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE SENIOR MANAGER – PLANNING AND PUBLIC PROTECTION SERVICE	

1. Description:

- 1.1. This is a full application to vary condition 2 on outline planning permission C17/0483/18/LL to extend the time permitted to submit a reserved matters application. As previously, the details related to scale, appearance, landscaping and access to the site have been reserved for consideration in the future through the submission of an application for reserved matters. The proposal continues to involve developing the site for 27 houses (including five affordable dwellings for a general local need), the creation of a new access and provision of an amenity space. The original application (C09A/0396/18/AM) was subject to a legal agreement under Section 106 in order to provide an element of affordable housing. It is noted here that this aspect of the 106 agreement will not need to be updated as its content continues to be valid, despite submitting this latest application.
- 1.2. The site is currently used for agricultural purposes. The size of the site is 0.8ha, and the western section has been earmarked as an area for biodiversity improvement and to reduce surface water run-off. A public sewer and mains water pipe cross the site along with natural water courses and the site is served by an agricultural entrance from the third class county road. The site is still located within the development boundary of Deiniolen as included in the Anglesey and Gwynedd Local Development Plan, 2017 (LDP) and it has been designated specifically as a housing allocation site under reference T65.
- 1.3. As part of this latest application, information was submitted which updates the information submitted with the original application relating to an Ecological Assessment. In addition to this document and in accordance with the requirements of the LDP and the relevant Supplementary Planning Guidance, the following documents were submitted with this latest application: Welsh Language Statement, Water Conservation Statement and a Housing Mix Statement.

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:-**
 - PS1 - the Welsh language and culture.
 - PS2 - infrastructure and developer contributions
 - ISA1 - infrastructure provision.
 - ISA5 - provision of open spaces in new housing developments.

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE SENIOR MANAGER – PLANNING AND PUBLIC PROTECTION SERVICE	

TRA2 - parking standards.

TRA4 - managing transport impacts

PS 4 - sustainable transport, development and accessibility.

PS5 - sustainable development.

PS6 - mitigating the effects of climate change and adapting to them.

PCYFF1 - development boundaries.

PCYFF2 - development criteria.

PCYFF3 - design and place shaping.

PCYFF4 - design and landscaping.

PCYFF5 - carbon management.

PCYFF6 - water conservation

TAI3 - housing in service villages.

TAI8 - appropriate mix of housing.

TAI15 - threshold of affordable housing and their distribution.

Supplementary Planning Guidance (SPG): Housing Mix.

SPG: Open Spaces in New Housing Developments.

SPG: Housing Developments and Educational Provision.

SPG: Affordable Housing.

SPG: Maintaining and Creating Distinctive and Sustainable Communities

2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

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

TAN 12: Design.

TAN 15: Development and Flood Risk.

NCT16: Sports, Leisure and Open Spaces.

TAN 18: Transportation.

TAN 20: Planning and the Welsh Language.

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE SENIOR MANAGER – PLANNING AND PUBLIC PROTECTION SERVICE	

3. Relevant Planning History:

- 3.1 Application C17/0438/18/LL - vary condition 2 of planning permission C09A/0396/18/AM for a residential development in order to extend the period by three years to enable the submission of a reserved matters application which was approved in July, 2017.
- 3.2 Application C09A/0396/18/AM – a residential development of 27 houses together with the creation of a new access was approved in May 2014 after signing a legal agreement under Section 106 for affordable housing provision.

4. Consultations:

Community/Town Council:

1. Next to this land, there is a very busy main access to the village of Deiniolen and it is dangerous. There is a desperate need to widen the road and include appropriate space for the residents of the streets to park their cars.
2. Who knows there might be a need to extend Ysgol Gwaun Gynfi someday - has enough land been allocated for this? Many residents in the village have expressed these concerns and maybe you could respond to them.

Transportation Unit: No objection to the application for more time.

Natural Resources Wales: From the information provided we are not of the opinion that the proposed development affects the matter listed in the Consultation Topics document, *Advice Service on Development Plans: Consultation Topics* (2018).

Welsh Water: No objection subject to including previously imposed conditions.

Public Protection Unit: No response.

Strategic Housing Unit: The following indicates the number of applicants who wish to live in the area: -

8 applicants from the Tai Teg register for intermediate property

104 applicants from the common housing register for social housing.

50% of people on the Tai Teg list need a two bedroom house and 50% need a three bedroom house.

51% on the Council's Common Housing Register need a two bedroom house and 49% need a three bedroom house.

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE SENIOR MANAGER – PLANNING AND PUBLIC PROTECTION SERVICE	

Based on the above information it appears that the Plan addresses the need in the area.

Biodiversity Unit: No objection to the request to extend the time limit and the Ecological Assessment is of a good standard. A compliance condition will be needed and mitigation measures within the Assessment as stated previously.

Water and Environment Unit: We note that the conditions listed in the planning permission that was previously approved (C17/0438/18/LL) note that a surface water drainage scheme should be submitted and agreed with the Council before work commences on site. Surface water drainage for new developments are now managed by the Sustainable Drainage Systems Approval Body (SAB) and the developer is advised to consult with SAB to discuss the requirements of the Flood and Water Management Act (Schedule 3) early on.

INFORMATION: Our maps show that a watercourse flows through the development site in a culvert. The developer is advised to establish the exact path and condition of the culvert prior to undertaking any work on the site. They are also advised to avoid installing / constructing any structures within 3 metres of the culvert as this could impede maintenance in future. Additionally, any Ordinary Watercourse Consent would be required on any work that could impact the watercourse flow, including any modifications to the culvert.

Since 7 January 2019, sustainable drainage systems (SuDS) are required to control surface water for every new development of more than one dwelling or where the building surface area has drainage implications of 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 SuDS Approval Body (SAB) prior to commencement of the construction work.

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 pertaining to a reserved matter (i.e. before January 2019) and if an application for approval of the reserved matter is not made before 7 January 2020.

Due to the size and nature of the development, an application will need to be submitted to the SAB for approval before construction work commences. A sustainable drainage strategy and an associated plan have been submitted with the planning application, but until an

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE SENIOR MANAGER – PLANNING AND PUBLIC PROTECTION SERVICE	

application is submitted to the SAB, there is still some uncertainty on whether the proposed site plan will enable the development to fully comply with the series of national SuDS standards.

CADW:

The development will not have any negative impact on nearby monuments.

The development is located within part of the Dinorwig Quarry landscape which is subject to the North West Wales Slate World Heritage Site Nomination. The designation of this land for housing should not have any impact on this nomination, however, the design of the houses must be carefully considered when a reserved matters application is submitted in order to minimise any potential impact on this nomination.

Information Officer, Education Department:

Ysgol Gynradd Gwaun Gynfi currently has an additional capacity of 11 pupils and Ysgol Brynrefail has an additional capacity of 12 pupils.

Welsh Language Unit:

Have received initial observations from the Unit relating to:-

- The content of the Welsh Language Statement and the Housing Mix Statement which state generally, although they offer a thorough analysis of the situation of the language in the area including nearby wards there is a need to update the Housing Mix Statement using the latest figures on property median in Deiniolen.
- No social landlord has been secured, and therefore there is no confirmation in terms of the affordable housing situation.
- Consideration must be given to the highest possible number of children that could derive from the development in order to provide a full picture of the potential impact on local schools and on the Welsh language.

Public Consultation:

A notice was posted on the site and nearby residents were notified. The advertising period has expired and a letter of objection was received on the following grounds:

- Over-provision of houses in the Deiniolen ward.
- There is not as much demand for local housing and this is contrary to the Council's language policy.

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE SENIOR MANAGER – PLANNING AND PUBLIC PROTECTION SERVICE	

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 This application is a full application to vary condition 2 of planning permission C17/0438/18/LL to extend the period by an additional three years to enable the submission of a reserved matters application. The principle of developing the site for residential development has already been accepted under outline application C09A/0396/18/AM and the subsequent application, C17/0438/18/LL, was approved to extend the period by three years and these permissions, determined in accordance with the Development Plans at the time and other relevant policies, continue on the site and establish the principle for this latest application. Therefore, it is important to consider, whether the planning circumstances or situation have changed since the previous application was approved.
- 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 application for a three year extension was determined partly based on the Gwynedd Unitary Development Plan and partly based on the Anglesey and Gwynedd Local Development Plan (LDP - Composite Version including changes to matters raised in January 2017). By now, the LDP is the adopted local planning policy document.
- 5.3 The relevant policies that involve the acceptability of the principle of this latest application are Policies PCYFF1, PCYFF2, TAI3, TAI8, TAI15 and PS1 of the LDP. Policy PCYFF1 approves applications within development boundaries in accordance with the LDP's other policies and proposals, national planning policies and other relevant planning considerations. The site continues to be within the development boundary of Deiniolen and, therefore, it is in accordance with this policy. Policy PCYFF 2 seeks to ensure the most efficient use of land, including achieving densities of a minimum of 30 housing units per hectare for residential development unless there are local circumstances or restrictions on the site that determine a lower density. The western side of the site has been earmarked as an area for biodiversity improvement and to reduce surface water run-off, therefore it is not practically possible to achieve a density of 30 units per hectare in this particular case. To this end, it is still believed that it is acceptable to have a lower density for this site based on the requirements of Policy PCYFF 2.
- 5.4 The indicative supply level for Deiniolen over the Plan's period is 45 units and the indicative supply is expected to be met through the T65 housing designation site for 30 units and the remaining 15 units will be provided through windfall sites, and, therefore, it is possible to support the proposal under Policy TAI3. Policy TAI15 identifies the threshold for affordable housing of two or more residential units for developments within Service Villages, and that 10% of the development should be for affordable housing. In this case, it is proposed to provide 5 affordable homes that equates to 18% of the development of 27 houses and it is anticipated that these would be a mix of social housing and intermediate housing. The proposal, therefore, continues to meet the affordable housing threshold identified within Policy TAI15 and the legal contract that secures five affordable houses that was originally signed by the applicant remains valid.
- 5.5 The proposal provides a broad mix and variety of housing based on 2 four bedroom houses, 4 two bedroom houses, 4 four bedroom houses and 17 three bedroom houses. The agent confirms that the broad mix of housing meets the need for such housing in Deiniolen in line with the Gwynedd Housing Needs Assessment and the assessment for Deiniolen village which demonstrates the need for two and three bedroom affordable housing and two, three and four bedroom open market

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE SENIOR MANAGER – PLANNING AND PUBLIC PROTECTION SERVICE	

housing. It is therefore considered that the development continues to comply with current housing policies and the supplementary planning guidance that relates to Planning Obligations, Affordable Housing and Housing Mix, and therefore, complies with the requirements of Policy TAI8 of the LDP.

Design and visual and residential amenities.

5.6 Policy PCYFF 2 and PCYFF 3 of the LDP are a consideration for this aspect of the application. This recent application does not entail any changes to the plans that have already been approved. We have an idea of the proposed houses in terms of the elevations, materials and design and it is believed that they will not have a substantial or detrimental effect on the amenities of this part of the village given that established residential areas already exist to the north and south of the site itself.

5.7 A rough plan of the proposed site was submitted with the outline application, showing that the front section of the development includes houses facing the adjacent county road and they have been set in a way which reflects the setting of the adjacent houses in Victoria Terrace, and this is the built form of this part of the village. The land is part of the mountain landscape of Dinorwig Quarry which is subject to the North Wales Slate World Heritage Site Nomination, however, CADW has confirmed that the designation of the land for housing should not affect this nomination. However, careful consideration should be given to the design of the houses when a reserved matters application is submitted to minimise any potential impact on this nomination and this can be secured when the reserved matters application is submitted. To this end, therefore, it is deemed that this application is acceptable based on the requirements of Policy PCYFF2 of the LDP.

Transport and access matters

5.8 Policies TRA2 and TRA4 of the LDP relate to safety on roads and streets and private car parking facilities. This current application does not include any changes to what was permitted in the previous application in terms of providing a new access to the site and creating parking spaces within the site itself, and that the roads network is able to cope with the increase in traffic emanating from the development. The Transportation Unit has no objection to the extension of the time. With appropriate conditions, this latest application is considered acceptable based on the policies quoted above.

Biodiversity matters

5.9 Policy AMG5 of the LDP applies here and it involves protecting species and their habitats as well as protecting or enhancing the natural environment. To update the ecological information submitted with the previous outline application, a new ecological assessment was submitted which refers to alleviation and restoration measures that could be followed in order to reduce any impact on the application site's biodiversity. Observations were received from the Biodiversity Unit which state that there is no objection to approving this application to extend the time period, subject to updating the conditions that were included in the previous application and, to this end, it is therefore believed that this latest proposal is acceptable and complies with the relevant policies noted above.

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE SENIOR MANAGER – PLANNING AND PUBLIC PROTECTION SERVICE	

Flooding and drainage matters

- 5.10 Policy ISA1 and PS6 of the LDP involve developments on land at risk from flooding and increasing surface water. This concern has already been highlighted by local residents in both previous applications and to this end, a thorough drainage assessment of the site was commissioned for the outline application which states that the proposal will not create any additional flood risk, either to the nearby dwellings or on the site. There is no objection from Natural Resources Wales, the Council's Water and Environment Unit or from Welsh Water to extending the time period, provided the conditions included with the outline permission are included should this latest application be approved. Therefore, it is believed that this latest application complies with the conditions noted above.

Linguistic matters

- 5.11 Policy PS1 of the LDP identifies when a Welsh Language Statement will need to be submitted with planning applications and one of those times is when a development provides more than the indicative provision for the site. In this case, given the number of units that have been completed so far along with the land bank of houses with planning permission in Deiniolen, a Welsh Language Statement should be submitted to support the proposal. To this end, a statement was submitted which confirms, on balance, that the proposal would have a positive impact on the Welsh language and its future in Deiniolen and would create opportunities for occupants to continue to live within the local community, and therefore, to maintain the local population where a high percentage of the population continue to speak Welsh. It is possible that a small percentage of prospective occupants would be non-Welsh speaking but it would be possible to raise awareness of the language by undertaking mitigation measures such as including information packs for prospective occupants to promote the language and to have bilingual sale adverts for the development and it is noted that it is anticipated that the majority of the children that would derive from the development would attend local schools where there is an emphasis on Welsh-medium learning.
- 5.12 Initial observations were received from the Welsh Language Unit on the development regarding the need to update the latest figures relating to the median properties in Deiniolen. The applicant has submitted such information and we trust that the unit will receive a full response before the date of the Committee in order to include the information in the late observations form.
- 5.13 It is also noted that the Unit is concerned as a social landlord has not yet been secured for the affordable housing. It must be borne in mind that these affordable houses are intermediate affordable houses rather than social affordable houses and there is a mechanism already in place since the original permission was granted back in 2014 to ensure that they will be affordable now and in perpetuity through a Section 106 legal agreement that remains valid as it is a land charge. Consideration must be given to the highest possible number of children that could derive from the development in order to provide a full picture of the potential impact on local schools and on the Welsh language. Of the information already received from the applicant in relation to housing mix and from following the formula in the Supplementary Planning Guidance: Housing Developments and Educational Provision it is anticipated that 11 primary school age pupils and 8.37 secondary school age pupils would derive from the proposed development and there is sufficient capacity within the local schools for the development. As already mentioned, it is anticipated that the majority of children that would derive from the development would attend local schools where there is an emphasis on Welsh-medium learning.

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE SENIOR MANAGER – PLANNING AND PUBLIC PROTECTION SERVICE	

- 5.14 To ensure that the proposal is fully compliant with the specific requirements of Policy PS 1, specifically, criteria 4 and 5 which note the need to ensure bilingual signs and a Welsh name for the new development, it is proposed to reiterate a standard condition that would require details to be agreed in relation to these elements. In doing so, it is believed there would be a positive impact on the local community and it would add to protecting the linguistic character of the local area. Given the above assessment, and subject to receiving a full response from the Language Unit and that the response is favourable, the development can be considered acceptable based on the requirements of Policy PS1 and SPG: Maintaining and Creating Distinctive and Sustainable Communities.

Educational matters

- 5.15 The relevant policy in the context of educational contributions for residential developments is Policy ISA1 of the LDP. The SPG adopted to support the previous Development Plan continues to be a material consideration when determining planning applications until they are replaced by new ones. To this end, it is relevant to consider the contents of SPG: Housing Developments and Educational Provision when discussing this application. The information/formula within the SPG suggests that 11 primary school-age pupils and 8.37 secondary school-age pupils would derive from the proposed development. The SPG notes that consideration should be given to the situation in the school that serves the catchment area where the development is located. In response to the statutory consultation, the Education Department's Information Officer states there is additional capacity for 11 additional pupils at Ysgol Gynradd Gwaun Gynfi and additional capacity for 13 pupils at Ysgol Uwchradd Brynrefail.
- 5.16 Given the above assessment, an educational contribution will not be required for this latest application and therefore, it is believed that the proposal complies with the requirements of Policy ISA1 of the LDP.

6. Conclusions:

- 6.1 Having considered all the relevant matters, including the objection, it is not considered that the proposal of extending the time granted for permission C17/0483/18/LL to submit the reserved matters is contrary to the relevant local and national policies and guidelines. Based on the above, it is considered that the proposal continues to be acceptable subject to including relevant conditions and as included within the previous permissions.

7. Recommendation:

- 7.1 To delegate powers to the Assistant Head of the Environment Department to approve the application, subject to the following conditions:-
1. Commencement of the work.
 2. Submitting reserved matters.
 3. Materials and finished (including natural slate for the roofs).
 4. Access and parking.
 5. Landscaping.
 6. Removal of permitted development rights for the affordable houses.

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE SENIOR MANAGER – PLANNING AND PUBLIC PROTECTION SERVICE	

7. Welsh Water conditions relating to safeguarding the sewers.
8. Conditions of Natural Resources Wales regarding land and surface water draining.
9. Update the conditions regarding mitigation measures of the ecological assessment.
10. Agree on details regarding Welsh names for the development together with advertising signage informing and promoting the development within and outside the site.

Note: Need to submit a sustainable drainage system application to be agreed with the Council.