

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

**Number: 8**

**Application Number: C19/1089/22/LL**

**Date Registered: 22/11/2019**

**Application Type: Full**

**Community: Llanllyfni**

**Ward: Penygroes**

**Proposal: Full application to construct 12 dwelling houses with an access, parking and associated infrastructure.**

**Location: Treddafydd Stryd Fawr, Penygroes, Gwynedd, LL54 6PW**

**Summary of the Recommendation: To delegate powers to the Assistant Head of the Environment Department to approve the application, subject to a 106 agreement.**

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

## 1. Description:

1.1 This is a full application to provide 12 residential units, with associated access, parking and infrastructure. Specifically, the application provides the following:-

- Provision of 12 two-storey houses in the form of detached houses, semi-detached houses and terraced houses, including 8 three-bedroom houses and 4 two-bedroom houses.
- Creation of infrastructure to include estate roads and associated footpaths, fences/railings and stone walls.
- Provision of parking spaces for each house, bin storage area and creation of individual gardens to the side and rear of the houses.
- Provision of amenity spaces within the site along with a plot to collect water.
- The application was amended since its original submission following observations by the Transportation Unit and the Municipal Unit regarding access matters and the location of the bin collection location.

1.2 The application site is currently empty but it used to be a busy commercial site in the past, and includes a substantial commercial building that was used as a goods sales warehouse and previously it was a site with a mechanic garage and filling station. It can be seen that the site has now been cleared of any structures and the land has been levelled and includes a layer of gravel and hardstandings. It is located on the northern outskirts of Penygroes and it measures 0.353ha in size. Stone walls are located on the periphery of the site, as well as various boundary treatments between the site and the rear of residential houses nearby. The site is relatively level and sits level with the former path of the A487 which runs along its western boundary. The site is surrounded by residential houses with the Bro Llwyndu estate abutting the northern boundary, Môr Awel estate is located to the south, the Treddafydd terrace to the west and various detached houses also located to the east and north west. The eastern boundary abuts agricultural land, which raises in height, whilst a private access road leads to a detached residential dwelling, which runs along the southern boundary of the site.

1.3 The site is located within the development boundary of Penygroes as contained in the Gwynedd and Anglesey Joint Local Development Plan, 2017 (LDP). In order to support the application, the following documents were submitted - PAC Statement, Biodiversity Survey, Flood Consequence Assessment, Water Conservation Statement, Drainage Strategy, Welsh Language Statement, Pollution Survey Report, Viability Report, Housing Statement.

1.4 It was confirmed that the applicant had undertaken a pre-application consultation in accordance with Article 1 of the Town and Country Planning Act (Development Control Procedure) (Wales) (Amendment) 2016, as the proposal is a development defined as a major development. A Pre-application Consultation Report (PAC) has been included with the application to reflect this consultation. Although the development is one that is described as a major development, there is no need for an Environmental Impact Assessment in relation to this development as it does not involve constructing more than 150 houses on a site that is larger than 5ha in size - Schedule 2, Regulation 2(1) of the Town and Country Planning Regulations (Environmental Impact Assessment) (Wales) 2017.

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

## 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 (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

Policy PS1 - Welsh Language and culture.

Policy PS2 - infrastructure and developer contributions

Policy ISA1 – infrastructure provision.

Policy ISA5 - provision of open spaces in new housing developments.

Policy TRA2 – parking standards.

Policy TRA4 – managing transport impacts.

Policy PS4 – sustainable transport, development and accessibility.

Policy PS5 - sustainable development.

Policy PCYFF1 – development boundaries.

Policy PCYFF2 - development criteria.

Policy PCYFF3 – design and place shaping.

Policy PCYFF4 - design and landscaping.

Policy PCYFF5 - carbon management

Policy PCYFF6 - water conservation.

Policy PS17 - settlement strategy.

Policy TAI 2 - housing in local service centres

Policy TAI8 - appropriate housing mix.

Policy TAI15 - threshold of affordable housing and their distribution.

Policy AMG5 - local biodiversity conservation.

Policy PS 19 - Conserving and where appropriate enhancing the natural environment

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

Policy PS 20 - preserving and where appropriate enhancing heritage assets.

Gwynedd Planning Guidance (2003).

Supplementary Planning Guidance (SPG): Housing Mix.

SPG: Maintaining and Creating Unique and Sustainable Communities.

SPG: Planning Obligations.

SPG: Affordable Housing.

SPG: Housing Developments and Educational Provision.

## 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 5: Planning and Nature Conservation (2009).

TAN 12: Design (2016).

TAN 15: Development and Flood Risk

TAN 18: Transport

TAN 20: Planning and the Welsh Language

TAN 24: The Historic Environment (2017)

## 3. **Relevant Planning History:**

3.1 C02A/0261/22/LL - Change of condition of planning consent C01A/0694/22/AM to allow for 7 houses instead of 5 - refused 09/07/02

C01A/0694/22/AM – residential development – approved 07/01/02

Various previous applications dating back to the 1950s and 1960s relate to the site's use at the time as a mechanic garage and filling station, as well as the building's use as a goods sales warehouse.

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

#### 4. Consultations:

Community/Town Council:	<ul style="list-style-type: none"> <li>* The Council is concerned about the increase in traffic along the street - traffic is already a concern in this location.</li> <li>* More information is required - what type of housing and for whom? Is it intended to build for local people?</li> <li>* Does the proposal consider space for 2 cars for each house?</li> <li>* There is concern about the traffic that would come and go from the estate - at least 10 additional cars in the morning.</li> <li>* Does the proposal offer affordable housing?</li> <li>* The Community Council suggests that 12 houses are excessive, and that it would affect the schools and services such as the GP etc.</li> </ul>
Transportation Unit:	<p>No objection, but suggest changes to some elements of the proposal in terms of the layout and form of the estate road. From receiving the amended plans, it was confirmed that the changes were acceptable, namely to amend the layout of the road slightly to facilitate turning for the parking spaces.</p>
Natural Resources Wales:	<p>An initial concern was highlighted about the development of the site on the grounds of contaminated land and the presence of a culvert watercourse through the site. Having received an appropriate report relating to pollution matters, the proposal is not objected to and standard advice is given regarding the development of such a site.</p>
Welsh Water:	<p>No objection, recommend including standard conditions.</p>
Public Protection Unit:	<p>Due to the previous use, the land could be contaminated and so it is suggested that a desk survey is carried out to assess the potential pollution risk on the site for the proposed development. The need to impose appropriate conditions relating to the management of noise and working hours is noted in order to protect the amenities of local residents.</p> <p>A site inspection report was received and after re-consulting with the service, confirmation was received that it would be appropriate to impose a condition to note that all recommendations in the report are followed and after completing the restoration work, that a further</p>

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

report is submitted for approval by the Public Protection Unit.

**Biodiversity Unit:** No objection to the proposal, it is suggested that recommendations in the ecological report submitted with the applications are imposed as conditions.

**Language Unit:** The development is in an area where the Welsh language continues to be the main language of the community, and where migration patterns to new houses suggests that the likelihood is that the buyers of new houses as those proposed in this development would come from the Penygroes area itself or from neighbouring wards. The only reduction in the number of speakers in the ward between the last two censuses occurred in the 50-64 age group, but as the type of units proposed are likely to appeal to young families, the development is unlikely to contribute to that reduction.

Therefore, it is agreed with the assessment of positive impact, albeit this being a very minor potential impact.

**Strategic Housing Unit:** The proposal partly addresses the need in the area. It seems that the demand for two-bedroom social units is high in this area. In terms of the need for affordable housing, it is clear that the current demand is high for three-bedroom units, with 87% of applicants wishing to have such properties. In the county, in general, there is a shortage of two-bedroom units.

**Highways and Municipal Unit:** Originally, there was uncertainty regarding the arrangements and storage and collection areas for the bins in the new estate. The matter was confirmed by the agent and now, the applicant's proposal to provide a bin storage area is noted, and that what is proposed provides an appropriate area for the new residents to put their bins out.

**Water and Environment Unit YGC:** A Flood Consequence Assessment has been submitted with the application and we agree with the findings in terms of the current and future flood risk. Our maps show that a culvert flows through the development site. We do not have a record of flooding associated with the watercourse within the site's boundaries. The developer intends to redirect a section of the current culvert and the plans submitted in this respect are acceptable, as no structures are located above or near the culvert that could prevent future maintenance work.

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

Education Department: There is sufficient capacity at Ysgol Dyffryn Nantlle secondary school, which has 419 pupils at present and capacity for 599.

Ysgol Gynradd Bro Lleu is currently over capacity with 182 children in Reception to Year 6 and a capacity of 159. Projections show that it will be over capacity for three years. Penygroes itself has only 1 catchment area school; however, Llanllyfni and Talysarn are within approximately 2 miles (the Government's walking distance). There is capacity at present at Ysgol Talysarn and Ysgol Llanllyfni.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period has expired and two letters / items of correspondence have been received objecting on the following grounds:

- Parking concerns; is there sufficient space within the site for visitors?
- Loss of privacy and the impact on the amenities of nearby houses
- Contrary to policies
- Overlooking, loss of light, shadowing, noise, oppressive impact on gardens and the rear of nearby houses
- Application refused previously, nothing has changed since this
- Plans are not a true reflection
- Lack of pre-application consultation

An observation was received in support / providing comments on the application on the following grounds:

- Glad to see the land being developed
- The need for affordable housing

## **5. Assessment of the material planning considerations:**

### **The principle of the development**

5.1 The principle of constructing houses on this particular site is based on Policy PCYFF 1, PCYFF 2, TAI 2, TAI 15 and PS 5 of the LDP. Policy PCYFF1 states 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. As referred to above, the site is located entirely within the development boundary of Penygroes, which is a Local Service Centre under policy TAI 2. Criterion 3 of Policy PCYFF 2 states that proposals should make the most efficient use of land, including achieving densities of a minimum of 30 housing units per

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

hectare for residential development. In this case, the site is approximately 0.35ha, therefore it is confirmed that a density of 12 units for this plot of land complies with the indicative level (density of 34 units per hectare), and is therefore acceptable and complies with criterion 3 of policy PCYFF2.

- 5.2 Policy TAI2 states that in the local service centres, houses to meet the Plan's strategy will be secured through the housing designations and on suitable windfall sites within the development boundary. The indicative supply level of housing for Penygroes over the Plan period, as noted in Appendix 5 of the Joint Local Development Plan, is 89 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 19 units have been completed in Penygroes (all windfall sites). The windfall land bank, i.e. sites with extant planning permission on sites not designated for housing, stood at five units as of April 2020 (disregarding units identified in the JLDP as unlikely to be completed). This means that there is sufficient capacity within the indicative provision for the settlement of Penygroes at present. For clarity, a full application was approved recently to provide 24 residential units, with each of them being affordable houses. This site was included and designated specifically for a residential development and was not a windfall site as seen in this case. It is not believed that the consent and the associated numbers change the situation in terms of the numbers of houses identified for Penygroes and it does not affect the threshold identified for the village.
- 5.3 Policy TAI 15 of the LDP states that Councils will attempt to ensure an appropriate level of affordable houses in the plan's area. In Penygroes, two or more housing units is the threshold, whilst noting that 20% of the units should be affordable. As the proposed development proposes 12 units, this corresponds with the threshold noted in Policy TAI 15 to make a contribution to affordable housing. Penygroes is a part of the 'Northern Coast and South Arfon' housing price area in the Plan, where it is noted that providing 20% of affordable housing is viable. Bearing in mind that 12 units are proposed in this case, this is equivalent to 2.4 units.
- 5.4 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. It is deemed that this specific site can be defined as a sustainable site based on its previous use, location within the development boundary and within an established residential area, its location close to the local road network and public transport together with its location in relation to local facilities such as shops, and educational establishments.
- 5.5 Taking the above into account, it is considered that the application is acceptable in principle, but it also asks that the proposal complies with other policies and relevant criteria, and these are discussed below.

### **Visual amenities**

- 5.6 The basic requirements of policy PCYFF 3 notes that it is expected for every proposal to display a high quality design that gives full consideration to the context of the built environment. There is a mix in terms of the form, finish and design of current developments in the catchment area of the application site, which are mainly houses with a traditional appearance, and this proposal provides two-storey houses with a slate pitch roof and walls in a mix of render and brick. The treatments along the boundaries of the plots would include stone walls, a standard timber fence



PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

and/or a fence in the form of metal railings. It is considered that the design and finish of the houses, as well as the boundary treatments, are acceptable and appropriate for the area.

- 5.7 It is intended to carry out landscaping within the site by planting new trees as well as creating green open spaces. In comparing the current situation with what is proposed, it is apparent that undertaking landscaping within the site would improve the visual amenities of the local area. As usual, a standard condition is imposed to agree on the exact details of the type and number of trees to be planted and thus ensure compliance with the requirements of policy PCYFF 4.
- 5.8 It is noted that the site is located within the Dyffryn Nantlle Landscape of Outstanding Historic Interest. Therefore, consideration should be given to Policy AT1 (Conservation Areas, World Heritage Sites and Landscapes, Parks and Registered Historic Gardens). In this case, the site is located within existing residential sites, it does not extend beyond the current development boundary in the area and considering the size and form of the previous commercial building and the site's dormant period, it is believed that this development would contribute towards improving the visual amenities of the local area, rather than create a harmful impact.
- 5.9 On this basis, it is considered that the proposal is acceptable on the grounds of the requirements of Policy PCYFF3, PCYFF4, PS20 and AT1 of the LDP.

#### **General and residential amenities**

- 5.10 The site is surrounded at present by residential houses to the north and south, with the western side of the site abutting the highway and residential houses at the further end of the road. Open agricultural land and a detached house (Llys Eifion) is located to the east on land that is higher than the site itself (access is gained to this property along a private road that runs between the boundary of the rear gardens of Môr Awel residential property and the southern boundary of the application site). The nearest existing houses are located on Bro Llwyndu estate to the north, approximately 15m away from the nearest houses on plots 1-8. There would be an approximate distance of 17m to 19m between the rear of the houses on plots 11 and 12 and houses 1 and 2 Môr Awel, with the road leading to Llys Eifion located in between both sites and existing boundary treatments and landscaping on the rear gardens of Môr Awel houses also creating an effective screen between both sites. In addition, it is proposed to erect a 1.8m high timber fence along the rear boundary of plots 11 and 12 and although it is acknowledged that this would not prevent overlooking from the first floor windows of the houses on plots 11 and 12 entirely, it is believed that there is sufficient distance, along with the access road of Llys Eifion, which separates plots 11 and 12 from the houses known as 1 and 2 Môr Awel. The application site within a relatively dense built area, where existing houses are relatively close together, must also be considered. It is not believed that this proposal is substantially different to the local established pattern and therefore does not disrupt to a completely unacceptable level.
- 5.11 This site is adjacent to a public road leading into the village; consideration must also be given to the previous commercial use of the site, with buildings of an industrial appearance of a substantial size and regular movements deriving from this use. Regular disturbance would have been associated with this use, although it is acknowledged that this has now ceased for a number of years. Despite the site's history of commercial use, it is seen that the nearby area is a residential area and so it is believed that this proposed development corresponds to and is in keeping with the pattern of local land use and is an improvement of what occurred previously. Consideration must also be given to the site's current empty condition and the visual impact that this has locally, and it is believed that the development as proposed improves local amenities and maintains and adds to the established residential area here. And therefore it is not considered that the development would

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

have a detrimental impact on the privacy or amenities of residents to a completely unacceptable degree.

- 5.13 Given the above assessment, it is considered that the proposal is acceptable and would not have a substantial unacceptable impact on residential or general amenities of nearby occupants. Therefore, it is considered that the proposal is in accordance with policies PCYFF2 and PCYFF3 of the LDP.

### **Transport and access matters**

- 5.13 Currently (and historically), it can be seen that two separate vehicular accesses have ensured access and egress to the site. The proposal will involve creating one central wide access into and out of the site to the county road, which is a reduction from the two current accesses. It is proposed to provide parking spaces for each house, and provide a footpath through the site.
- 5.14 In response to the statutory consultation and in accordance with the above observations, the Transportation Unit confirms that what has been submitted has alleviated their initial concerns in terms of the form and layout of sections of the estate road and that there is no objection to the development any more.
- 5.15 It is noted that concerns have been highlighted during the public consultation period, regarding parking matters and movements in and out of the site. It must be borne in mind that a commercial site was located here until recently, where delivery vehicles, staff and customers regularly used the two accesses. It is not believed that the density of movements associated with residential use of the size and type seen here would disturb to an unacceptable degree compared to the past and that it would not make a substantial contribution towards the use made of the public road. No objection was received from the Transportation Unit to this aspect and so, on this basis, and subject to conditions, it is considered that the proposal complies with the requirements of Policy TRA2 and TRA4 of the LDP.

### **Flooding and drainage/contaminated land matters**

- 5.16 Although the site is not within a flood zone and a 'main river' does not flow through the site, there is a small watercourse within a culvert, which runs through the site; so in terms of surface water drainage and building on or near this culvert, observations were received from the Council's drainage engineers regarding the application. In addition, the historic use of the site means that matters have been highlighted in terms of the potential pollution on the site, specifically relating to the petrol tanks associated with the garage. A detailed survey was submitted regarding the contamination of the site and the steps required to safeguard these elements. In order to consider the impact of the development on drainage matters and the culvert in particular, a Flood Consequence Assessment has been submitted with the application and confirmation was received from the Land Drainage Unit that they agree with the findings in terms of the current and future flood risk. As the developer intends to redirect a section of the current culvert, it was confirmed that the plans submitted in this respect are acceptable, as no structures are located above or near the culvert that could prevent future maintenance work.
- 5.17 Natural Resources Wales (NRW) noted concerns about the impact of developing the site on a culvert that runs through the site, in terms of deposits of contaminated materials. From receiving a contaminated land survey of the site and the measures and steps taken with matters relating to contaminated land, confirmation was received from NRW that the measures noted are acceptable

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

and that they would not object to the proposal. Therefore, it is believed reasonable to endorse the standard conditions to ensure that this aspect is maintained and completed in line with the findings of the survey and to report back on the matters to the Public Protection service. It is believed that the detailed and thorough information submitted in the form of detailed reports, and these matters, are acceptable on the grounds of confirmation from NRW and the Drainage Unit regarding the intended steps and the measures highlighted. The criteria of policy PS 5 note the need to ensure that developments reduce the impact on local resources, avoid pollution and incorporate sustainable building principles and it is believed that this has succeeded in this case and this can be ensured by imposing a relevant planning condition.5.18 As well as the above measures, a surface water disposal system will need to be designed to conform to the requirements of the Sustainable Drainage System (SuDS). To ensure the efficiency of the new drainage system, maintenance measures will be included within the sustainable water system plan (SuDS) that would be approved by the Council's Water and Environment Unit in its role as a Sustainable Drainage System (SuDS) Approval Body.

- 5.19 It is therefore considered that the proposal satisfies the requirements of policies ISA1, PS2, PCYFF6 and PS5 of the LDP as well as the requirements of TAN 15.

#### **Linguistic matters**

- 5.20 A Welsh Language Statement was submitted with the application and criterion 1c of Policy PS1 of the LDP together with the advice included in the SPG: Maintaining and Creating Unique and Sustainable Communities, states that any development of 5 or more housing units on allocated or windfall sites within development boundaries that do not address evidence of need and demand for housing recorded in a Housing Market Assessment and other relevant local sources of evidence. The information submitted by the applicant to this end includes a Welsh Language Statement that concludes that the proposed development would not be expected to lead to any negative impacts on the Welsh language. By providing a mix of occupancy types, as well as affordable homes, the proposed development could have a positive impact by allowing local Welsh speakers to remain in the community by providing suitable accommodation.
- 5.21 The observations of the Welsh Language Unit were received on the development, which noted that the development is in an area where the Welsh language continues to be the main language of the community, and where migration patterns to new houses suggest that the likelihood is that the buyers of new houses as those proposed in this development would come from the Penygroes area itself or from neighbouring wards. Therefore, it is agreed with the assessment of positive impact, albeit this being a very minor potential impact. 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.
- 5.22 Based on the above, it is considered that the proposal is acceptable on the grounds of the requirements of Policy PS1 and SPG: Maintaining and Creating Unique and Sustainable Communities and TAN 20.

#### **Biodiversity matters**

- 5.23 An Ecological Report has been submitted as part of the planning application and the Biodiversity Unit, by making formal observations on the application, confirms that it is possible to ensure that

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

the recommendations of the report are followed via planning conditions. This would meet with the relevant requirements in terms of local and national policy which note that councils need to manage development in order to protect and where appropriate enhance the natural environment and biodiversity of a local area. It can be seen that this site is a previously developed site and includes hardstandings and waste resulting from the previous use. The current proposal is proposing improvements to the existing situation. Green spaces and gardens will be created, as well as appropriate landscaping which, compared with current elevations, will benefit the environment and local biodiversity.

- 5.24 Considering the observations of the Biodiversity Unit and the assessment and measures proposed to ensure compliance with the requirements of the relevant policies and guidance, it is believed that appropriate development can be managed/ensured by means of planning conditions and thus it is considered that the proposal is acceptable and complies with the requirements of policies AMG 5, PS 19 and PS 5 of the LDP and the advice included in PPW 11 and TAN 5: Nature Conservation and Planning.

### **Educational matters**

- 5.25 The relevant policy within 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 material to consider the contents of SPG: Housing Developments and Educational Provision when discussing this application. The information/formula within the SPG suggests that five primary 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 that Ysgol Gynradd Bro Lleu is over capacity. As per usual and in accordance with the requirements of the relevant formula in the SPG, there is justification here to ask for a contribution of £50,480 to meet the lack of capacity in the primary school.
- 5.26 In accordance with the relevant requirements of the SPG, which state that an assessment must be undertaken of the need for an educational contribution for every planning application that proposes a development of 5 residential units or more, it is believed that it is appropriate to secure an educational contribution in this case, based on the information to hand and that the figure highlighted is in accordance with the relevant formula. Therefore, based on these considerations and following a thorough assessment of the relevant requirements of policy ISA 1 and their relevant SPGs, it is believed that the proposal is acceptable, subject to receiving a contribution towards the educational facilities in the local area.

### **Open Spaces Matters**

- 5.28 According to ISA 5 of the LDP, it is expected that proposals for 10 or more dwellings, in areas where existing open spaces cannot meet the needs of the proposed housing development, will be expected to provide suitable provision of open spaces in accordance with the Field in Trust (FIT) benchmark standards. The second part of policy ISA 5 states:

*In exceptional circumstances, where it is not possible to provide outdoor play areas as an integral part of new housing developments, the developer will need to:*

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

- *Provide suitable provision off the site that is accessible and close to the development in terms of walking or cycling distance or, where this is not practically possible:*
  - *Make a financial contribution towards new facilities including equipment, improving existing facilities on sites with access or improve access to existing open spaces.*
- 5.29 Paragraph 6.1.29 states that in order to provide information regarding the requirements for open spaces in future proposals, the Fields in Trust (FIT) benchmark standards of a minimum of 2.4 hectares per 1000 of the population, should be used. This includes 1.6ha of outdoor sports facilities (with 1.2ha being formal playing fields) and 0.8ha of children's play area (with 0.25ha being play areas with equipment).
- 5.30 The information available currently shows that there is a lack of play areas with equipment for the children in the area. It is noted that the applicant is proposing open spaces without equipment on the site.
- 5.31 Policy ISA 5 acknowledges that on-site provision may not always be practical in each case, and in these cases, the Authority will normally seek to arrange a planning obligation under Section 106 of the Town and Country Planning Act 1990 to enable developers to make a contribution towards suitable play areas off the site, instead of a direct provision within the development site.
- 5.32 Based on the current lack identified and the provision required as part of the proposal, costs have been calculated based on the standard formula by using (i) FiT standards (which note the provision level per 1,000 of the population), and (ii) likely basic costs to provide open spaces.
- 5.33 Although the proposal includes open spaces, they do not meet the need for a plot with equipment. In order to comply with the requirements of policy ISA5 of the LDP and the SPG: Open Spaces in New Housing Developments, confirmation has been received by the Gwynedd and Anglesey Joint Planning Policy Unit that it will be required for the developer to provide a contribution of £8911.54 through a 106 agreement in order to secure appropriate provision in the local area.

#### **Affordable housing / housing mix**

- 5.35 The information submitted in the form of a Housing Statement places emphasis on the affordable housing, as well as the open market housing, with information being provided in terms of the housing mix in general. Policies PS 16 and PS 17 note the expected housing level required within the settlements identified within the Plan area, and in this case, Penygroes is a Local Service Centre where it is possible to approve windfall sites within the boundaries.
- 5.36 The general mix of houses is based on information from the Local Housing Market Assessment and information from the local Estate Agents. It is noted that a mix of different types of units are being proposed (detached, semi-detached and terraced), and a mix of two and three bedroom houses. It is acknowledged that there are more two and three bedroom houses than any other type of unit in Penygroes. However, this does not mean that four bedroom units must be provided, if it is believed that the mix proposed is acceptable to meet the local demand.
- 5.37 In terms of the proposed affordable units, it is noted that detailed justification has been given for the provision of two-bedroom units as the affordable ones and the current need for this type of units and it is accepted that the units would comply with the Housing Associations' size requirements (DQR). Confirmation was received from the Housing Strategic Unit that there is strong demand for two-bedroom social units in this area, as highlighted in the Local Housing

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

Market Assessment (LHMA). Therefore, the proposal to provide two affordable units of the type highlighted is acceptable and in accordance with the relevant requirements, but a further explanation is given on the matter below. A further explanation regarding an affordable provision is given below.

- 5.38 Policy TAI 8 - An Appropriate Mix of Housing, seeks to ensure that an appropriate mix of houses is provided in residential developments. The proposal increases the number of detached and semi-detached houses in Penygroes. The detached houses will respond to action point k) LHMA and the plan provides three different types of houses, which comply with action point r) LHMA. Therefore, it is considered that the mix of houses is acceptable and satisfies the identified need.

### **Matters relating to viability and financial/affordable housing contributions**

- 5.39 As previously noted above and in accordance with the requirements of relevant policies, contributions towards affordable housing, education and playing fields have been identified and are expected for the proposed development. It is also noted that it is expected for two affordable units to be provided on the site.
- 5.40 Detailed information has been received regarding the costs of developing this site and it can be seen that development costs are higher than the development on usual green land as there are implications of clearing and cleaning the site of pollution and land drainage and culvert safeguarding needs. A detailed assessment was undertaken of all costs as submitted. These costs, in addition to the contributions identified in association with the development mean that there would be a financial loss to the developer should all requirements need to be actioned as noted.
- 5.41 Therefore, for clarity, officers have assessed the application to determine whether contributions are needed and what matters should be dealt with. The nature, type, location and impact of the proposal will affect on whether an obligation will be sought. It is also noted in Supplementary Planning Guidance: Planning Obligations: *"There may be occasions when not all of the identified obligations can be met without compromising the overall viability of a particular development scheme. Where a developer can demonstrate that a scheme is unviable because of the required planning obligations, the Planning Authorities are prepared to consider a reduction to the planning obligations."*
- 5.42 The applicant has submitted details regarding the open market value of the residential dwellings by a local estate valuer and based on these figures, it is believed that the prices are reasonable and will indeed fall within what can be considered as affordable to people in intermediate need. This is true not only for the two affordable units noted on the site but also those defined as 'open market housing'. It is believed that a combination of the type, size and location of the site is a consideration in terms of the prices and it is also seen that the house prices of Penygroes are lower, on average, than a number of the county's areas. In addition, it is believed that it would be possible to impose a condition to restrict further development rights without formal permission, in order to control the size of the buildings in future and thus, their prices.
- 5.43 The SPG: Planning Obligations, as well as the Welsh Office Circular 13/97 note that each site and project vary in their context and features. The variety of activities where contributions must be required are not prescriptive, but they will form the basis for negotiations. The SPG notes "Trigger points or thresholds are identified for each type of activity seeking Section 106

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

contributions which means that this is then considered in determining what contributions should be sought." The choices made, if it is unviable to provide all contributions, must reflect the site's circumstances, the proposed land use, the scale of the proposed development and the matters facing the local community.

5.44 Policy ISA 5 clearly states that a contribution is needed for play areas. Likewise, a contribution towards educational facilities has also been identified in respect of the development. The explanation of policy ISA 1 states *"Statutory Benefits are a means by which financial...contributions can be secured to...mitigate any negative impacts that may arise as a consequence of development... The type and value of Statutory Benefits sought in connection with a development will be considered on a case by case basis."* As in the case of the playing field contribution, it is believed that an educational contribution is essential due to the current local situation.

5.45 Therefore, having weighed up the policy requirements and the guidance provided within the SPG and detailed information submitted as part of the application relating to the viability of the development, including considering house prices, it is believed in this case that there is justification for ensuring and agreeing on a contribution towards play areas and education. The figures show that it would be possible to secure the playing area contributions, but that it would not be possible to provide the educational contribution in its entirety as the development would not be viable. Officers are discussing this with the agent and should the plan be approved, it is subject to reaching an agreement on the level of contribution via a 106 agreement and also, ensure that the development complies with policies ISA 1 and ISA 5.

### **Response to the public consultation**

5.46 The site is located within the development boundary of the village, it is a previously developed site where various commercial use was seen for a number of years, until recently. Transport matters, concerns about the impact of the development on residential and general amenities in the nearby area and the village more broadly, has received due attention as part of the above assessment. The plans submitted as part of the application acknowledge that a water course crosses the site and it is believed that appropriate steps have been noted and accepted by the relevant bodies, as being acceptable for the site. The Transportation Unit has confirmed that the proposal is acceptable in terms of the access and road safety. Full consideration has been given to all the relevant planning observations that were received and the proposal was assessed in full in terms of the relevant matters raised.

## **6. Conclusions:**

6.1 Having considered the above assessment, it is believed that the proposal for a residential development on this site would make good use of previously used land within the current development boundary. It is believed that it would respond positively to the various housing needs identified in the area. In assessing the application, full consideration has been given to the observations received in response to the consultation period and the response received from statutory consultees. Based on the above assessment, it is not considered that the proposal is contrary to local or national policies and there is no material planning matter that outweighs these policy considerations. To this end, it is considered that the proposal is acceptable subject to the conditions noted below and the completion of a 106 agreement relating to financial contributions.

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

## 7. Recommendation:

7.1 To delegate the right for the Assistant Head of Department to approve the application, subject to reaching an agreement on the level of the financial contribution towards education and to complete a 106 Agreement to secure a financial contribution towards play areas and education. Also, the following conditions should be imposed:-

1. Five years.
2. In accordance with the documents/plans submitted with the application.
3. Natural slate.
4. Samples of materials and colours for the houses to be agreed with the LPA.
5. Highways Conditions.
6. Soft and hard landscaping.
7. Biodiversity conditions
8. Agree on details regarding Welsh names for the development together with advertising signage informing of and promoting the development within and outside the site.
9. Removal of general development rights.
10. Submit a Construction Method Statement including parking provision for the builders' vehicles, working hours, deliveries, etc.
11. Submit outdoor lighting details to be agreed with the LPA before they are installed.
12. Safeguarding the open space for the future
13. Provision of bin sites
14. Contaminated land matters
15. Drainage / Welsh Water conditions

Note: Inform the applicant of the need to submit a sustainable drainage strategy plan for approval by the Council's Water and Environment Unit.

Note: Inform the applicant of the response of Welsh Water and Natural Resources Wales.

Note: Various Highways notes



<b>PLANNING COMMITTEE</b>	<b>DATE: 06/09/2021</b>
<b>REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT</b>	