

PLANNING COMMITTEE	DATE: 21/03/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

Number: 6

Application Number: C21/1240/41/AC

Date Registered: 23/12/2021

Application Type: Varying a Condition

Community: Llanystumdwy

Ward: Llanystumdwy

Proposal: Variation of condition 2 of C18/1055/41/LL to extend the time allowed to submit reserved matters.

Location: Bryn Hyfryd, Chwilog, Pwllheli, Gwynedd, LL53 6SF

Summary of the Recommendation: TO APPROVE WITH CONDITIONS AND A 106 AGREEMENT ATTACHED TO THE ORIGINAL PERMISSION NUMBER C14/0113/41/AM

PLANNING COMMITTEE	DATE: 21/03/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

1. Description:

- 1.1 This is an application to vary a condition in order to extend the time period to submit reserved matters on an outline application to construct 21 houses (including 7 affordable houses) on a site on the outskirts of Chwilog village. The majority of the site is located within the development boundary of the village as defined in the Local Development Plan, and has been specifically designated for housing.
- 1.2 The existing site is a parcel of comparatively flat green land on the western outskirts of the village, with part of it forming a section of a farmyard near the existing entrance. There are a variety of two-storey houses located opposite the site and generally within the nearby area.
- 1.3 The indicative plans submitted with the original application showed the setting of the 21 properties (8 semi-detached houses and 13 detached houses), an entrance and an estate road. It was proposed that the affordable houses should be located close to the entrance, on the part of the site outside the development boundary.

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

PS1: The Welsh Language and Culture

ISA1: Infrastructure Provision

ISA 5: Provision of Open Spaces in New Housing Developments

TRA 2 - parking standards

TRA 4 – managing transport impacts

PS 5 - Sustainable Developments

PS 6 – Mitigating the Effects of Climate Change and Adapting to Them

PCYFF 1 – Development Boundaries

PCYFF 2 - Development Criteria

PCYFF 3 - Design and Place Shaping

PCYFF 4 - Design and Landscaping

TAI 3: Housing in Service Villages

PLANNING COMMITTEE	DATE: 21/03/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

TAI 15: Affordable Housing Threshold and Distribution

TAI 16: Exception Sites

PS 19: Conserving and where Appropriate Enhancing the Natural Environment

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

Supplementary Planning Guidance: Affordable Housing

Supplementary Planning Guidance: Planning Obligations

Supplementary Planning Guidance: Housing Developments and Open Spaces of Recreational Value

Supplementary Planning Guidance: Housing Developments and Educational Provision

2.4 **National Policies:**

Planning Policy Wales

Future Wales: The National Plan 2040

Technical Advice Note 2: Planning and Affordable Housing

Technical Advice Note 16: Sports, Leisure and Open Spaces

Technical Advice Note 18: Transport

3. **Relevant Planning History:**

3.1 C14/0113/41/AM – Outline application for the erection of 21 houses (including 7 affordable houses) with all other reserved matters (amended plan) - approved 08/02/17

3.2 C18/1055/41/LL - Variation of condition 2 of C14/0113/41/AM to extend the time allowed to submit reserved matters.

4. **Consultations:**

Community/Town Council: Not received

Transportation Unit: Not received - for information, no objections were noted regarding the proposal on the previous application.

Welsh Water: No observation on the grounds that there is a need for the original relevant conditions to be transferred to the new permission

Natural Resources Wales: No observations

Strategic Housing Unit: Not received

Public Consultation: A notice was posted on site and nearby residents were informed. The advertising period has expired. No letters of objection had been received at the time of writing this report.

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

The principle of the development

5.1 This is an application to vary condition 2 of outline planning permission C18/1055/41/LL in order to extend the time granted to submit reserved matters, therefore there is no change to the plan as

PLANNING COMMITTEE	DATE: 21/03/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

previously approved by the planning committee. The principle of this proposal has already been accepted and established by approving the original application in 2017 and then via the further planning permission in order to extend the time. This is a material planning consideration. It is therefore important to consider whether circumstances or the planning policy position have changed since the application was originally approved.

- 5.2 Although condition 2, which specifically relates to the period for submitting reserved matters, is the only subject of this application, in order to be able to consider extending the period, it is important to assess and confirm whether or not the situation continues to be the same in terms of compliance with the Planning Policies. The proposal can only be considered differently if there is evidence of a substantial change in circumstances in the context of these policies.
- 5.3 For information, the Local Planning Authority determined the original outline application based on the policies of the Gwynedd Unitary Development Plan. By now, the Anglesey and Gwynedd Local Development Plan has been adopted, and therefore a material change has occurred in the policies since the first application was determined. It can be seen that the subsequent application to extend time has been determined in the context of the Local Development Plan and it was considered at the time, despite the policy change, that the proposal continued to be acceptable and it was agreed to extend the period as sought here.
- 5.4 Policies PCYFF 1, TAI 3, TAI 15 and TAI 16 are relevant to this application. Policy PCYFF 1 identifies development boundaries for centres and villages within the County, and confirms that proposals will be approved within development boundaries in accordance with the other policies and proposals in the plan, national planning policies and other material planning considerations. Policy TAI 3 identifies the application site as one that has been designated for 20 houses (reference T64). Policy TAI 15 identifies the threshold for the affordability contribution as two or more housing units for developments within Service Villages, and that 10% of the proposal should be for affordable need. Policy TAI 16 states that all houses on exception sites should meet affordable needs. The development offers seven affordable units out of a total of 21, that equates to around 30% of the units. The units located on the section outside the development boundary are all affordable and form a logical extension to the village. The number of units proposed is completely acceptable considering that policy TAI 3 expects 20 units from the site. Therefore, it is considered that this development continues to comply with current housing policies.
- 5.5 On the basis that this affordable provision is acceptable, it is considered that there is no need for a Welsh Language Statement in this case and that the proposal as a result, complies with the requirements of policy PS 1.

Visual, general and residential amenities

- 5.6 As an outline plan was submitted originally, no details were received regarding the proposed design of the detached houses apart from their indicative size and height. A plan was received showing an indicative arrangement for the site, including the location of the houses and the arrangement relating to access and transportation. Although the site is on green land, its use for housing has been accepted in principle when adopting the Development Plan and therefore the loss of green land in this case is not considered to be completely unacceptable. The proposed development will be considered on its own merits, and it is considered that the density of the development is acceptable, that the sizes of the houses are suitable in terms of maximum scale, and that it is possible, through conditions and by considering an application(s) containing full reserved details, to manage the remaining details of the development at that time. Matters relating to direct impacts on neighbours would be addressed under the reserved matters application.
- 5.7 Based on the information submitted with the application, as well as the relevant Planning history, it is considered that the proposal continues to meet the requirements of policies PCYFF 2, PCYFF

PLANNING COMMITTEE	DATE: 21/03/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

3 and PCYFF 4 of the LDP and that it can be ensured that the further details are acceptable when assessing the reserved matters application.

Transport and access matters

- 5.8 Although no observations had been received on the current application at the time of writing this report, the Transportation Unit has confirmed previously that there was no objection to the proposal as submitted originally or to the subsequent application to extend the time. The situation has not changed in terms of the site and surrounding area, therefore, it is considered that the proposal continues to comply with policies TRA 2 and TRA 4 relating to parking standards and managing transport impacts, on the basis that the relevant conditions on the original application remain for the new permission.

Biodiversity/Trees Issues

- 5.9 No protected sites or species would be directly affected by the development, as confirmed previously by the Biodiversity Unit. It is not known that there are any changes to the site in the context of these matters and therefore by imposing the same conditions as the original permission, it is not considered that the proposal would be contrary to the requirements of policy PS19 of the LDP.

Flooding Matters

- 5.10 Following a period of consultation on the original application, a response was received from Natural Resources Wales, requesting a condition to ensure that the development cannot be commenced until a water drainage plan for the site is submitted, which is acceptable to the Local Planning Authority. At the time it was considered that imposing such a condition would ensure that the development would not add unreasonably to the flow of surface water in the local area. Based on the size and scale of the development, it is considered that this condition would continue to be relevant and that it would ensure that the proposal is acceptable in relation to policies PS5 and PS6 of the LDP.
- 5.11 Welsh Water has confirmed that it is satisfied with the proposed time extension on the grounds that all the drainage conditions included in the original permission remain. Therefore, on these grounds, the proposal is deemed to be acceptable in relation to drainage.
- 5.12 Since January 2019, Sustainable Drainage Systems will be a requirement for all new developments of more than one dwelling. To this end, a standard note is attached (which is additional to what was given with the previous application), in order to ensure that sustainable drainage systems are included as a part of the development.

Open spaces of recreational value

- 5.13 Policy ISA 5 requires new housing proposals for 10 or more houses, in areas where existing open spaces cannot satisfy the needs of the proposed housing development, to provide a suitable provision of open spaces.
- 5.14 An Assessment of Open Spaces for Recreational Value was submitted previously, which concluded, having considered the current provision in the village, that no new provision was needed for this site. At the time, this information was assessed by the Joint Planning Policy Unit, concluding that the play facilities for children within a convenient distance to the planning application site were insufficient, that there was a general lack of provision in the village of Chwilog. It was noted that the lack of provision would worsen as other sites which have been designated for housing, are developed within the boundaries of the village. As shortcomings have

PLANNING COMMITTEE	DATE: 21/03/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

been highlighted within the existing provision in the village, an appropriate provision was secured to meet the needs via a planning condition. Therefore, considering the indicative internal layout of the site, that there is sufficient demand on the site to ensure an appropriate provision.

- 5.15 It is considered that this planning condition remains appropriate and that the definite need can be assessed when the reserved matters application is submitted so that this condition can be suitably discharged. On this basis, it is considered that the proposal complies with the requirements of policy ISA 5.

Educational Facilities

- 5.16 Policy ISA 1 aims to ensure that existing schools will be able to cope with any increase in pupil numbers as a result of a new residential development. The three sites designated for constructing new houses were located in Chwilog, and when these applications (including the original application that precedes this application) were dealt with, information was prepared by the Joint Planning Policy Unit which assessed the impact of developing this site, along with other sites, on Ysgol Gynradd Chwilog. In this respect, it was crucial to consider how all the planning applications submitted for these sites that were designated specifically for the construction of new housing were dealt with.
- 5.17 Having consulted with the Education Department regarding these sites at the time of assessing the application behind the Madryn Public House (namely the first application submitted from the three sites designated in Chwilog), it was decided to consider the three sites designated in the UDP in Chwilog based on the number of residential units noted for them. This meant that a total of 55 residential units were relevant to consider for those three sites, based on the number of houses referred to in the relevant Briefs. Therefore, any educational contribution would be based on the proportion of houses designated for the individual sites as part of the figure for Chwilog in its entirety, i.e. 55 units. By using the information in the UDP, it is noted that 22 primary school pupils will derive from the three sites designated for housing in Chwilog. It was required to base this contribution in this way because there was no way of knowing at that time when it was intended to submit applications for the remainder of the designated sites, or for the exact size of the units. In addition, the applications that had been submitted for the three designated sites to date were outline applications and therefore, there was no guarantee about the exact number or type of units.
- 5.18 The 2013-2014 educational year was used as the basis for assessing the need for an educational contribution as this was the period of assessing the application of the site near the Madryn; and these figures would need to be adhered to in order to ensure consistency. It was noted that there were 20 empty places in the school that year which meant that a contribution would be needed in order to create additional capacity for 2 extra pupils. (An additional assessment was undertaken for the 2014-2015 educational year and it was noted that the school would continue to operate over capacity on the basis of developing the three sites).
- 5.19 In accordance with the content of the SPG, it is noted that an educational contribution of £24,514 is needed between the three sites (£12,257 x 2 pupils). Based on the Education Department's previous observations, the expected contribution from each site is based on the proportion of houses noted for them in the UDP as part of their total for the three sites collectively. This has meant that an educational contribution of £6,240 has been secured in relation to the permission for the site near the Madryn (i.e. 14/55 x 24,514). When undertaking the calculations for this site, an educational contribution of £8,914 (20/55 x 24,514) would be expected in relation to this development.
- 5.20 Therefore, for clarity, the contribution has been based on the impact of the three sites. It was not possible to know which development would commence first and so it would not be reasonable to demand that one developer more than another provided a higher contribution on the basis that they would be the first to commence. Therefore, for fairness, it was decided to split the contribution

PLANNING COMMITTEE	DATE: 21/03/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

equally so that the three designations faced the same costs. The relevant guidance was in place at the time when the previous applications were considered and there are no changes in the number or type of houses on the three sites since then; therefore it is believed that the contributions as agreed remain relevant.

- 5.21 It is noted that the houses approved on the site behind the Madryn site have now been erected and that an application for reserved matters has been submitted and approved for the Cae Bodlondeb site. It is considered that the above method of calculating the contribution continues to be acceptable, and as the above sum has been secured by means of a 106 agreement attached to the original permission, the proposal therefore continues to conform with the requirements of policy ISA 1 in relation to the educational contribution.

6. Conclusions:

- 6.1 Having considered the above and all the material planning matters, including the relevant local and national policies and guidance and all observations and responses received, it is believed that this proposal to extend the determination period of an application that has already received approval remains acceptable and that it complies with the requirements of the relevant policies as noted above.

7. Recommendation:

- 7.1 To approve - conditions and the 106 agreement associated with the previous permission C14/01113/41/AM
1. Time
 2. Reserved matters to be submitted within three years.
 3. Re-list all the conditions from the previous permission.
 4. In accordance with the 106 agreement associated with the previous application
 5. SUDS drainage note