

PLANNING COMMITTEE	DATE: 13/02/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

**Number: 6**

**Application Number: C16/1363/41/AM**

**Date Registered: 19-10-2016**

**Application Type: Outline**

**Community: Llanystumdwy**

**Ward: Llanystumdwy**

**Proposal: Outline application to erect nine houses to include three affordable houses together with the provision of an access and estate road**

**Location: Cae Bodlondeb, near Ael y Bryn, Chwilog, Pwllheli, Gwynedd, LL536SH**

**Summary of the Recommendation: TO DELEGATE THE RIGHT TO APPROVE WITH CONDITIONS AND SUBJECT TO A 106 AGREEMENT**

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## 1. Description:

- 1.1 This application is an outline application that includes access details with all other matters reserved for the erection of nine dwellings, three of them being affordable, on a section of a site within the village of Chwilog that has been designated for 21 houses in the Gwynedd Unitary Development Plan. The application has been submitted under C16/1603/41/AM for the erection of nine additional dwellings (three of which will be affordable), for the rest of the site, and both applications are being submitted to the Planning Committee at the same time.
- 1.2 The current site is a section of a field that raises gradually from the highway, and is located behind existing houses and near the Ty'n Rhos estate. This specific application relates to the furthest half of the site, and includes an access road.
- 1.3 The indicative plans submitted with the application show that it is proposed to provide an access off the highway and an estate road that forks off it; along with the erection of nine dwellings, three of which will be affordable, and the provision of parking spaces on each plot.
- 1.4 The following documents have been submitted as part of the application:
- Design and Access Statement
  - Assessment of open lands for recreational purposes
  - Community and Linguistic Statement
- 1.5 A Community and Linguistic Statement that refers to the site in its entirety has been submitted as part of the application under reference C16/1603/41/AM.

## 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 in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

Under the Well-being of Future Generations (Wales) Act 2015 the Council not only has a duty to carry out sustainable development, but to also take every reasonable step in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act, and in making 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. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

### 2.2 Gwynedd Unitary Development Plan 2009:

#### STRATEGIC POLICY 10 - HOMES

The need for housing in the Plan area during the plan period will be met through making provision for housing, making provision to meet local need for affordable housing and distributing the housing units across the Plan area.

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**POLICY A2 – PROTECTING THE SOCIAL, LINGUISTIC AND CULTURAL FABRIC OF COMMUNITIES**

Safeguard the social, linguistic or cultural cohesion of communities against significant harm due to the size, scale or location of proposals.

**POLICY B20 – SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT**

Refuse proposals that are likely to cause unacceptable disturbance or harm to protected species and their habitats unless they can conform to a series of criteria aimed at safeguarding the recognised features of the site.

**POLICY B21 - WILDLIFE CORRIDORS, HABITAT LINKAGES AND STEPPING STONES**

Safeguard the integrity of landscape features which are important for wild flora and fauna unless it can be shown that reasons for the development override the need to maintain the features and that mitigating measures can be provided.

**POLICY B22 - BUILDING DESIGN**

Promote good building design by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and character of the local landscape and environment.

**POLICY B23 - AMENITIES**

Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

**POLICY B25 - BUILDING MATERIALS**

Safeguard the visual character by ensuring that building materials are of a high standard and are in keeping with the character and appearance of the local area.

**POLICY B27 – LANDSCAPING PLANS**

Ensure that permitted proposals incorporate high quality soft/hard landscaping which is appropriate to the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

**POLICY C1 - LOCATING NEW DEVELOPMENT**

Land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

**POLICY CH1 – NEW HOUSES ON ALLOCATED SITES**

Proposals to build houses on allocated sites will be approved subject to criteria relating to the specific features of the development.

**POLICY CH6 – AFFORDABLE HOUSING ON ALL ALLOCATED SITES IN THE PLAN AREA AND ON SITES THAT BECOME AVAILABLE AND ARE UNALLOCATED WITHIN THE DEVELOPMENT BOUNDARIES OF THE SUB-REGIONAL CENTRE AND THE URBAN CENTRES**

Approve proposals for housing developments on sites allocated for housing or on random sites for five units or more within the development boundaries of the sub-regional centre and the urban centres, which provide the appropriate element of affordable housing.

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#### POLICY CH33 - SAFETY ON ROADS AND STREETS

Development proposals will be approved provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

#### POLICY CH36 - PRIVATE CAR PARKING FACILITIES

Proposals for new developments, extensions to existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council's current parking guidelines, and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

#### POLICY CH37 – EDUCATIONAL, HEALTH AND COMMUNITY FACILITIES

Development proposals for new educational, health or community facilities or extensions to existing facilities will be approved provided they conform to a series of criteria relating to the location of the proposal, its accessibility using different modes of travel, together with highway considerations, the design of any new school and the effect on a defined town centre.

#### POLICY CH43 – PROVISION OF OPEN SPACES OF RECREATIONAL VALUE IN NEW HOUSING DEVELOPMENT

Expect that new housing developments of 10 or more dwellings, in areas where the existing open spaces provision cannot meet the needs of the development, provide suitable open spaces of recreational value as an integral part of the development.

Supplementary Planning Guidance: Affordable Housing 2009

Supplementary Planning Guidance: Development Briefs 2009

Supplementary Planning Guidance: Housing Developments and Open Spaces of Recreational Value 2009

Supplementary Planning Guidance: Housing Developments and Educational Provision 2009

Supplementary Planning Guidance: Planning Obligations 2009

Supplementary Planning Guidance: Planning and the Welsh language 2009

The Gwynedd and Anglesey Joint Local Development Plan, which is currently being prepared, is subject to an ongoing Public Inquiry. At present, it is not a relevant planning consideration for determining planning applications.

### 2.3 National Policies:

Planning Policy Wales, Edition 9, (2016).

Technical Advice Note (TAN 2 ) 'Planning and Affordable Homes' (June, 2006).

Technical Advice Note (TAN 12) "Design" (2016)

Technical Advice Note (TAN 16) "Sports, Leisure and Open Spaces" (2009)

Technical Advice Note (TAN 20) "Planning and the Welsh Language" (2013)

### 3. Relevant Planning History:

- 3.1 C16/1603/41/AM - Outline application including access details with all other matters reserved for the erection of nine dwellings, three of which will be affordable - NO DECISION MADE

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#### 4. Consultations:

- Community/Town Council: Support the principle and suggest that the bottom end of the field could be used as a parking area due to the volume of activities held in the Memorial Hall located across the road.
- Transportation Unit: I refer to the above application, and confirm that I have no objection to the outline proposal:  
I recommend conditions / notes regarding the layout of the estate, visibility and parking.
- Natural Resources Wales: No observations to offer
- Welsh Water: Condition to agree on a land drainage plan for the site.
- Biodiversity Unit: A *clawdd* and hedge run through the centre of the site. Substantial work has already been undertaken to fell trees on the hedge. This hedge will need to be re-established in full as part of the landscaping plan. A Landscaping Plan will need to be received with the reserved matters application. It should detail how the *clawdd* and the hedge will be re-established. If this is not possible, the plan must show the positioning of a *clawdd*/hedge of equal length to the one lost in another part of the site. The landscaping plan should also include the details of the tree species to be planted on the site.
- Affordable Housing: Although no affordable housing statement has been submitted, I confirm that the proposal meets the need for affordable housing.
- Land Drainage Unit: Not received
- Public Consultation: A notice was posted on the site and neighbouring residents were informed. The notification period ended and only one letter / item of correspondence had been received making observations on the proposal on the following grounds:
  - Flood issues

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

##### The principle of the development

- 5.1 Strategic Policy 10 of the Gwynedd Unitary Development Plan encourages the provision of houses, including affordable housing, through land designations within specific settlements defined by the Development Plan.
- 5.2 The site that is the subject of this application is located within a larger site that has been designated for 21 houses within the development boundary of Chwilog, and alongside the application that is the subject of C16/1603/41/AM, it forms the designated site in full. Therefore, the proposal meets the requirements of Strategic Policy 10, along with Policy C1 which states that the main focus for new developments will be within development boundaries.

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- 5.3 Due to the location and the designation of the site, it is also in accordance with Policy CH1, the principle of developing houses on this site is acceptable provided that the development is one that displays quality in terms of the type, size and affordability of the houses, and also in terms of the quality, design and form of the development being in accordance with the relevant Development Brief for the site.
- 5.4 The Development Brief notes that this site could cope with approximately 21 residential units, based on a development density of 30 units per hectare. The proposal for the site in its entirety (this application and application C16/1603/41/AM), includes 18 houses and therefore, on the whole, it is considered that the number of units is acceptable for the site and that suitable use (based on density) would be made of the land.
- 5.5 The Brief for the site requests that the developer ensures that around 30% of the houses are affordable houses, and Policy CH6 endorses the need to provide affordable housing for local need on all allocated sites. This application offers 33.3% of affordable housing, namely the closest figure to the target that can be achieved with these numbers. It is therefore considered that the development meets the requirements for the number of affordable housing, and this is confirmed by the Strategic Housing Unit.

#### **Visual amenities**

- 5.6 Policies B22, B23, B25 and B27 of the GUDP are relevant to this application and involve design, finishes, appearances, landscaping and visual amenities.
- 5.7 As this is an outline application no details were received about the proposed design of the houses, apart from their indicative size and height. A plan was received which showed the layout of the site, including the location of the houses and the arrangement for transport (the access to the site forms part of the two applications submitted). Although the site is on green land, its use for housing has been accepted in principle when adopting the Unitary Development Plan, therefore no consideration will be given to the loss of this green land. 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 details, to manage the remaining details of the development. Based on the information submitted with this outline application, it is considered that the proposal meets the requirements of policies B22, B23, B25 and B27 of the GUDP and that it can be ensured that the further details are acceptable when the reserved matters application is assessed.

#### **Biodiversity Matters**

- 5.8 No protected sites or species would be directly affected by the development; however, it can be seen from the observations above that the Biodiversity Unit has noted that a hedge and *clawdd* run through the centre of the site and that extensive tree felling work has been carried out on the hedge/*clawdd* already. The Biodiversity Unit has no concerns regarding the development provided that the hedge/*clawdd* is re-established or re-installed through a landscaping plan. The Biodiversity Unit does not have any other concerns regarding the site; therefore, based on the receipt of a suitable landscaping plan as part of the reserved matters application(s), that the proposal complies with the requirements of policies B20 and B21 of the GUDP which safeguards species of international and national importance and their habitats along

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with wildlife corridors and habitats, and policy B17 which relates to landscaping plans.

### **Transport and access matters**

- 5.9 The access to the site forms part of this outline application, and the Transportation Unit has confirmed that there is no objection to the proposal from a road safety perspective, subject to planning conditions relating to the layout of the estate, visibility and parking. The proposal therefore complies with the objectives of policies CH33 and CH36.

### **Open spaces of recreational value**

- 5.10 Policy CH1 asks for developments to meet the requirements of the Development Brief for designated sites and the Development Brief for the site asks for it to be established whether or not the current provision of open spaces of recreational value in the local area meeting the needs of the development. Although the proposal submitted is for nine dwellings, the site in its entirety (namely the application before the committee and application C16/1603/41/AM), comes to a total of 18 dwellings, therefore, accumulatively, consideration must be given to how it is intended to meet the needs to the residents of the proposed houses in terms of recreational space, in accordance with Policy CH43 of the UDP and TAN "Housing Developments and open spaces of recreational value". An "Assessment of open lands for recreational purposes" was submitted by the applicant and this concludes, after considering the current provision in the village, that no new provision is needed for this site. The applicant has submitted supplementary information to the original assessment confirming that they are willing to offer a financial contribution towards improving the current park in the village.
- 5.11 Recent applications have been submitted on another two designated sites in the village, and these applications were assessed on their own merits in respect of this policy. Application C14/0061/41/AM was for the erection of 15 houses on land near Madryn, Chwilog, located within a suitable distance adjacent to the current playing field, and consequently, in respect of the houses that were the subject of this application only, it was considered that the current provision was sufficient.
- 5.12 Application C14/0113/41/AM was for the erection of 21 houses on land near Bryn Hyfryd, Chwilog and included an Assessment of Open Spaces of Recreational Value, and this was assessed as part of the application and the Joint Planning Policy Unit concluded that the play facilities for children within a convenient distance to the planning application site in Bryn Hyfryd were insufficient, and that there was a general lack of provision in the village of Chwilog. Therefore, it was decided to re-design the site's layout in order to provide a sufficient plot within the application site.
- 5.13 In relation to the application before the committee (and application C16/1603/41/AM) on the same site, the information submitted has been assessed by the Joint Planning Policy Unit and based on recent permissions that have been approved in the village, it is not considered that there are sufficient play resources within a convenient distance to the planning application site, and that there is a general lack of provision in the village of Chwilog. The site is on the same side of the road as the current play area, and adjacent to the Bryn Hyfryd site that will provide a plot within that specific site. As a result of this, the officers are of the opinion that this contribution (which is to be agreed) to improve existing play area(s) is acceptable in this case, considering the facilities available in the current park, and the improvement that a financial

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contribution would offer that facility and that would be available for the entire village. It is considered that this arrangement will be acceptable subject to agreeing on an appropriate financial contribution to the circumstances of the application and that this could be ensured by means of a 106 Application. If this is ensured, it is considered that the application will meet the requirements of Policy CH43 of the GUDP and the relevant SPG.

### **Educational Facilities**

- 5.14 Policy CH37 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. Information has been prepared by the Joint Planning Policy Unit which assesses the impact of developing this site, along with other sites that have been designated for housing in Chwilog in the UDP, on Ysgol Gynradd Chwilog. To this end, it is integral to consider what was done when dealing with a planning application on the site behind the Madryn public house for 15 houses and the Bryn Hyfryd site for 21 houses (and which are also sites that have been designated in the UDP).
- 5.15 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 in the UDP. It was noted that this meant that 55 residential units were relevant to consider for the three sites, based on the numbers of houses being referred to in the relevant Briefs. 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 is noted that it is required to base the contribution in this way because there was no way of knowing when the applications for the remainder of the designated sites would be submitted, or the number of units they would involve. In addition, the applications that have been submitted for the three designated sites to date are outline applications and therefore, there is no guarantee about the number or type of units.
- 5.16 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 two extra pupils. (An additional assessment was undertaken for the 2014-2015 financial year and it was noted that the school would continue to operate over capacity on the basis of developing the three sites):

<b>Capacity</b>	<b>Numbers attending the school (September 2013)</b>
67	47

- 5.17 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 two pupils). Based on the previous observations of the Education Department, 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



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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).

- 5.18 When undertaking the calculations for the site in Bryn Hyfryd, an educational contribution of £8,914 (20/55 x 24,514) would be expected in relation to this development.
- 5.19 When undertaking the same calculation for the site that is the subject of this application and application C16/1603/41/AM (namely the designated site in its entirety), an educational contribution of **£9,359** (21/55 x 24,514) would be expected in relation to this development.
- 5.20 There is sufficient space in Ysgol Uwchradd Glan y Môr (which serves Chwilog) to accommodate the pupils deriving from the three sites in Chwilog.
- 5.21 By ensuring an appropriate educational contribution as noted above (by means of a 106 Agreement), it is considered that the proposal meets the requirements of Policy CH37 of the UDP and SPG Housing Developments and Educational Provision.

### **Linguistic Matters**

- 5.22 A Community and Linguistic Statement was submitted as part of the application, and an additional Community and Linguistic Statement was submitted as part of application C16/1603/41/AM which refers to the accumulative impact of both applications. The statement has been assessed by the Joint Planning Policy Unit, which notes on the whole that it is not believed that the nature nor scale of the proposed development is likely to have a detrimental impact on the Welsh language. Therefore, it is not considered that the development will be detrimental to the Welsh language and that the proposal is consistent with the objectives of Policy A2 of the UDP and SPG "Planning and the Welsh Language".

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

- 5.23 Following a period of public consultation, observations were received relating to flood issues on the site. The site is not located within a flood zone, and the Council's Land Drainage Unit has not raised concern regarding the development. Welsh Water has confirmed that there is no objection to the proposal, provided that a drainage plan is agreed beforehand. Therefore, it is considered that no material planning objection has been proposed which outweighs the relevant planning policies noted in the assessment, and that therefore there is no reason why the Council should not support this application in order to contribute towards realising the objectives of the Unitary Development Plan.

### **Additional matters**

- 5.24 It is noted that this application C16/1363/41/AM, along with application C16/1603/41/AM collectively form a development of 18 houses (six of which to be affordable), on a site designated for housing development in the UDP. It is considered that both applications together are acceptable in terms of assessing them against the requirements of the Development Brief for the site and against the requirements of other relevant local and national policies as noted above. As two planning applications have been submitted for the development of the site, it is considered that it is reasonable to impose a condition to agree on a phased development plan for the site, in order to ensure an orderly development.

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## **6. Conclusions:**

- 6.1 Having weighed up the proposed development and considered all the relevant planning matters, including local and national policies and guidelines as well as the objection received, it is considered that the application to construct nine houses (including three affordable houses) on this site, partly satisfies the requirements of the Development Brief for the site, and complies with the other relevant local and national policies noted in the report, subject to planning conditions and a 106 agreement to deal with the affordable houses and open space and educational contributions.

## **7. Recommendation:**

- 7.1 To delegate the power to the Senior Planning Manager to approve the application subject to the applicant signing a 106 Agreement relating to the educational financial contribution and to improve the play area and to ensure that three of the nine houses are affordable for general local need. The planning permission would include relevant conditions relating to:

1. Standard conditions at the time of an outline application
2. Condition to receive reserved matters
3. Slate
4. Highways Conditions
5. Welsh Water Condition
6. Removal of permitted delegated rights from the affordable units
7. Landscaping
8. Phased development

Welsh Water Note  
Highways Notes