

PLANNING COMMITTEE	DATE: 29/04/2019
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

Number: 2

Application Number: C18/0993/26/LL

Date Registered: 26/10/2018

Application Type: Full - Planning

Community: Waunfawr

Ward: Waunfawr

Proposal: Application to change condition 1 of planning permission C09A/0412/26/LL in order to extend the time granted to commence work for a further five years

Location: Land Adjacent to Hen Gapel, Ffordd Waunfawr, Caeathro, Gwynedd, LL552ST

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is an application to change condition 1 of planning permission C09A/0412/26/LL in order to extend the time granted to commence work for a further five years. The development entails erecting 12 residential dwellings together with the creation of a new entrance and drainage work on a plot of land measuring approximately 0.5 hectares and which forms part of a 0.75 hectare site. The new entrance and estate road would lead off the A4085 and a new pavement would be created for a distance of approximately 46m along the southern boundary of the site. An existing bridge, 'Pont yr Efail Fach', would remain as it is with a new pavement created behind it.
- 1.1.1 To the north of the site there is a row of dwellings known as Caeathro Bach and the rear of the property opposite the site has been extended and has a window facing the development site. To the east there is agricultural land and mature trees together with a terrace of traditional two-storey dwellings known as Hen Gapel. The southern boundary is defined by the A4085 trunk road and to the west there are dwellings whose back gardens abut the site's western boundary. There is also a private drive that serves the dwellings of Caeathro Bach and a children's play area. Although the site is no longer earmarked for residential dwellings it remains within the development boundary in the Gwynedd and Anglesey Joint Local Development Plan (LDP).
- 1.2 The site is currently used for grazing and the land slopes by around 2.70m from north to south. The proposal includes five types of houses which vary from two-bedroom semi-detached houses to detached four-bedroom houses, and of the 12 dwellings, four of them would be affordable.
- 1.3 Externally the dwellings would consist of a natural slate roof, a natural stone façade, painted render and uPVC windows/doors. The dwellings would be positioned on the site and designed in a manner so as to maximise energy efficiency, taking into account matters involving infrastructure, reducing the impact on visual amenities and on the amenities of neighbouring residents. Engineering work would be required in order to create platforms for the dwellings themselves and in order to build the estate road and the new entrance.
- 1.5 In order to update the original application, the following documents were submitted - Water Conservation Statement, Welsh Language Statement and a Preliminary Ecological Evaluation.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

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2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026 adopted 31 July 2017:-**

Policy PS1 - Welsh Language and Culture

Policy PS5 - sustainable development.

Policy ISA1 - infrastructure provision.

Policy TRA2 – parking standards.

Policy TRA4 – managing transport impacts.

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 TAI4 -housing in local, rural and coastal villages.

Policy TAI15 - threshold of affordable housing and their distribution.

Policy AMG5 - local biodiversity conservation.

Supplementary Planning Guidance (SPG): Housing Developments and Educational Provision.

SPG: Housing Developments and Open Spaces of Recreational Value.

SPG: Planning Obligations.

SPG: Affordable Housing.

SPG: Housing Mix.

2.4 **National Policies:**

Planning Policy Wales, Edition 10, (2018).

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

TAN12 Design (2016).

TAN 18 Transport (2007).

NCT20: Planning and the Welsh Language (2013)

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3. Relevant Planning History:

- 3.1 Application number C09A/0412/26/LL - erection of 12 residential dwellings together with a new entrance and drainage work was approved subject to signing a legal agreement under Section 106 in February 2014.

4. Consultations:

Community/Town Council:	No response.
Transportation Unit:	No objection to the request to extend the time.
Natural Resources Wales:	The proposal does not impact a matter listed in the Consultation Subjects document, <i>Advice Service on Development Plans: consultation subjects</i> (September 2018)
Welsh Water:	Advisory comments on Welsh Water assets.
Public Protection Unit:	No response.
Biodiversity Unit:	Include conditions relating to submitting a Building Control Plan together with an Ecological Management Plan, including a lighting plan.
Flood Risk and Coastal Erosion Management Unit:	No comments on the Water Conservation Statement document submitted with the application but the Council would have to grant permission before any work to the water course that runs through the site could be carried out.
Housing Strategic Unit:	There are 31 applicants on the Council and Tai Teg register who wish to live in the area and a high number want two and three bedroom houses. A 30% discount will be required for the affordable housing element. Based on the information submitted by the applicant, the plan partly meets the demand for affordable housing in the area.
Welsh Language Service:	No response.
Public Consultation:	A notice was posted on the site and nearby residents were notified. The advertising period has expired and a letter was received by a nearby resident objecting on the grounds of: <ul style="list-style-type: none"> • Shadowing • Sewerage problems. • Floods following heavy rainfall

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5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The site of the application is entirely located within the Caethro development boundary as contained in the LDP, and although the site is no longer earmarked for housing (as it was under the previous Unitary Plan) it is believed that it complies with the requirements of Policy PCYFF 1 of the LDP that focuses on locating new developments and proposals within the development boundary. The relevant policies relating to developing houses within the boundaries of a local village such as Caethro would be TAI 4 and TAI 15. These secure open market housing with a percentage of affordable housing, provided that the size, scale, type and design of the development is in keeping with the character of the settlement. Although the density of the proposal is below the figure of 30 units per hectare, as there is extant planning permission for this development (the previous permission ends in June 2019) it would be difficult to insist on a higher density in this case. The indicative housing supply level in Caethro for the period of the LDP is seven units, which includes a 10% slippage allowance. During the 2011 to 2018 period, no residential units were completed within the village and it is noted that a windfall land bank, as well as sites with extant planning permission, are entirely based on the permission granted for this site in 2014. To this end, it is believed that the proposal remains acceptable based on numbers and density.
- 5.2 Policy TAI8 of the LDP promotes proposals that will contribute towards improving the balance of housing and will meet the needs noted for the entire community. The development includes four affordable houses, of which two are two-bedroomed and two are three-bedroomed. The remaining eight houses will be three- and four-bedroomed open market houses and it is believed that the housing mixture is appropriate and meets the recognised need for houses in the local area.
- 5.3 Considering the requirements of these policies and the content of this assessment, the proposal is believed to comply with the policies noted above and is, therefore, acceptable in principle.

Visual amenities

- 5.4 The site is located in a fairly prominent place in the centre of the village and opposite the road. Most of the houses will be visible from nearby public places but they will not be visible from afar as they would be seen in the context of existing housing developments within the village. The proposal involves erecting two-storey houses with natural slate roofs, u-PVC windows and doors, natural stone work and painted render to the external walls together with clean brickwork. The existing dwellings that are located around the site (and which include two-storey and single-storey houses) have different and eclectic appearances that vary from painted render to traditional clean stonework and pebble dash of different colours. Although the proposed houses would be of a modern design and materials, it is not believed that they would significantly affect the visual amenities of this part of the village, and the external materials can be managed by imposing an appropriate condition.
- 5.5 Policy TAI4 of the LDP states that it should be ensured that the residential developments within local villages must be acceptable and in keeping with the character of the settlement in terms of scale, size, type and design of the construction. Although the design and external appearances of the proposed houses are different to the existing houses in the vicinity, it is believed that they add to the variety and mix of dwellings that currently surround the site, and that their scale and materials would not lead to the creation of an unsuitable or incongruent development. Although the site

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plan submitted refers to general landscaping, the applicant will be required to submit a detailed and final plan to be agreed with the Local Planning Authority before commencing the development. The design, appearances, materials, layout or form of the houses have not changed since the previous application was approved in 2014. It is therefore considered that the proposal remains acceptable based on the requirements of Policy TA14, PCYFF3 and PCYFF 4 of the LDP.

General and residential amenities

- 5.6 In contrast to the previous application when a great deal of correspondence was received objecting to the development, only one letter of objection was submitted following the statutory notice period for this most recent application on the grounds of loss of light, sewerage, and flooding. Number 3, Hen Gapel, is located opposite the south-eastern corner of the site and is the end house in a terrace of three two-storey houses of traditional appearance and construction. A proposed two-storey house (plot number 19) is located approximately 12m to the south east, a proposed two-storey house (plot number 18) is located approximately 16m to the north-west, and a proposed two-storey house (plot number 15) is located approximately 14m to the north of the gable end of number 3 Hen Gapel. Considering the setting of these proposed houses in relation to the location of number 3 Hen Gapel, together with the distance between them, it is not believed that this part of the development would lead to oppressive structures that would overshadow rooms in number 3 Hen Gapel to such a degree that the proposal would have to be refused on the grounds of residential amenities (loss of natural light into the living rooms of number 3).
- 5.7 As regards the remainder of the proposed houses, it is not believed that they would have a substantial or significant detrimental impact on the residential amenities of nearby residents on the grounds of over-looking, loss of privacy or the creation of oppressive structures considering the setting and design of the proposed houses, compared with the location of the existing houses located on the periphery of the application site.
- 5.8 The proposal is, therefore, believed to be acceptable based on the requirements of Policy PCYFF2 of the LDP, as it is not considered that the proposal would lead to overlooking, loss of privacy or oppressive or substantially unacceptable structures to the detriment of the general amenities of nearby residents.

Transport and access matters

- 5.9 The previous site plan has been revised to take into consideration the requirements of the Transportation Unit with respect to designing the estate road to adoption standards together with the main entrance/pavement to the site from the trunk road. It is also considered that the parking spaces are acceptable. To this end, and considering that the plans submitted and approved as part of the previous application have not changed, along with the inclusion of the relevant highways conditions, it is believed that this current proposal is acceptable based on the requirements of Policy TRA2 and TRA4 of the LDP.

Biodiversity matters

- 5.10 In accordance with the requirements of the Biodiversity Unit a Preliminary Ecological Evaluation was submitted. In response to these documents, the Unit has no objections, subject to the inclusion of a condition relating to submitting a Building Control Plan together with an Ecological Management Plan and appropriate mitigating measures. Therefore, it is considered that the proposal complies with the requirements of policy AMG2 of the LDP.

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Flooding matters

- 5.11 Because of concerns that the site has become flooded in the past, a Floods Consequence Assessment was received with the previous application which included mitigation measures (which include surface water management) and a plan to redesign and re-route an existing culvert which runs through the site. No objections were received from the relevant statutory consultants on this aspect of the application, but it was recommended that a condition be included that relates to submitting a comprehensive drainage plan for the development. It is, therefore, believed that the proposal is acceptable based on the requirements of Policy ISA1, PCYFF5 and PCYFF 6 of the LDP.

Infrastructure matters

- 5.12 Welsh Water originally objected to the proposal because the village's sewerage system (the sewage treatment works) was unable to deal with any additional use which would have put added pressure on the system at the time. However, the latest situation is that Welsh Water has carried out engineering work in order to increase the capacity of the public system to cope with additional housing in the village. To this end, Welsh Water has no objections to this current application to extend the period to commence work on the site. Therefore, the proposal is acceptable based on the requirements of Policy ISA1 of the LDP.

Linguistic and Community Matters

- 5.13 As the proposal will lead to more units than the indicative housing provision and in accordance with Policy PS1 and PS5 of the LDP, the applicant has submitted a Language Statement to support the planning application on the grounds of protecting, supporting and promoting the Welsh language. In considering such a statement, it is possible to conclude that:-
- As the Welsh language situation is comparatively strong in the area, and as the application contains an element of affordable housing, if the size of the houses and holding are acceptable, the proposal should be able to meet current/future local housing needs.
 - Securing the correct type of housing in the right location is important for community cohesion, which in turn will benefit the Welsh language, and as referred to below, it is believed that the type and mix of housing proposed as part of the application is acceptable on this particular site.
 - Having considered this assessment in its entirety, the risk of approving this application and its impact on the character and language balance of the community would, in this case, be low. The proposal is, therefore, considered to be acceptable based on the requirements of Policy PS1 and PS5 of the LDP.

Affordable housing

- 5.14 As the proposal is for of two or more houses, Policy TAI 15 states that at least 30% of the units in a development in Caethro must be affordable. The development contains four affordable houses, which equates to 33%; as such, it is considered that the proposal complies with the requirements of Policy TAI15 and it is believed to be acceptable in terms of type, size and tenure. As no official valuation has been received to establish the open market value of the houses, the developer will be required to agree an open market value on the affordable houses with the Local Planning Authority in order to determine an appropriate discount for the affordable houses. This can be achieved through an appropriate condition that requires an appropriate mechanism to be

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implemented to secure affordable houses. The agent has implied satisfaction with this arrangement as he/she will have a better idea of the open market value (in order to determine the discount percentage) at the time the houses are developed.

Educational Provision Matters

- 5.15 The legal agreement under Section 106 that exists for the development approved in 2014 includes an education contribution of £61,285 for Ysgol Gynradd Bontnewydd as there was insufficient capacity within the school at that time. Based on the information in the SPG: Housing Developments and Educational Provision, the development of 12 houses is likely to result in five school pupils. In order to justify any financial contribution towards education, there is a requirement to demonstrate that there is a clear connection between the proposed residential development and the local school's inability to cope with the number of new pupils that will result from that development. In the context of this most recent application for 12 houses along with the application submitted by the applicant for the development of 29 houses in Bontnewydd (Cefnwerthyd), it is anticipated that a total of 15 primary school pupils will result from both applications (5 from the Caeathro application and 10 from the Bontnewydd application). The number of pupils at Ysgol Bontnewydd (the catchment area school) is currently at 167, with capacity for 182 pupils. Considering that 15 pupils will result from both applications, no financial contribution would be required as the number of children resulting from the development(s) will not go beyond the school's capacity.

Open amenity spaces

- 5.16 In this case the developer will not be required to provide open spaces of recreational value within the site, based on the scale of the development together with the fact that a children's playground already exists in the village. It must also be remembered that the houses have private gardens which also provide a play area and a suitable amenity for the occupants of the new houses. The proposal, therefore, complies with the requirements of policy ISA5 of the LDP.

Conclusions:

- 6.1 Taking into consideration the above assessment it is believed that the proposal to amend condition 1 of planning permission C09A/0412/26/LL in order to extend the time given to commence work on the construction of 12 houses (four of them affordable) for a further five years on this site is acceptable in principle and in respect of location, scale, density, visual/residential amenities, road safety and infrastructure matters and, therefore, complies with the policies noted in this assessment.

7. Recommendation:

- 7.1 To approve the application subject to the following conditions related to:
1. Five years.
 2. In accordance with the plans.
 3. Transportation
 4. Natural Resources Wales
 5. Flood Risk and Coastal Erosion Management Unit
 6. Landscaping.
 7. Submission of an Ecological Management Plan together with a Construction Environmental Management Plan.
 8. Materials / slates
 9. Removal of permitted rights for the affordable homes
 10. Condition ensuring that the four houses are affordable through the submission of an affordable housing plan.