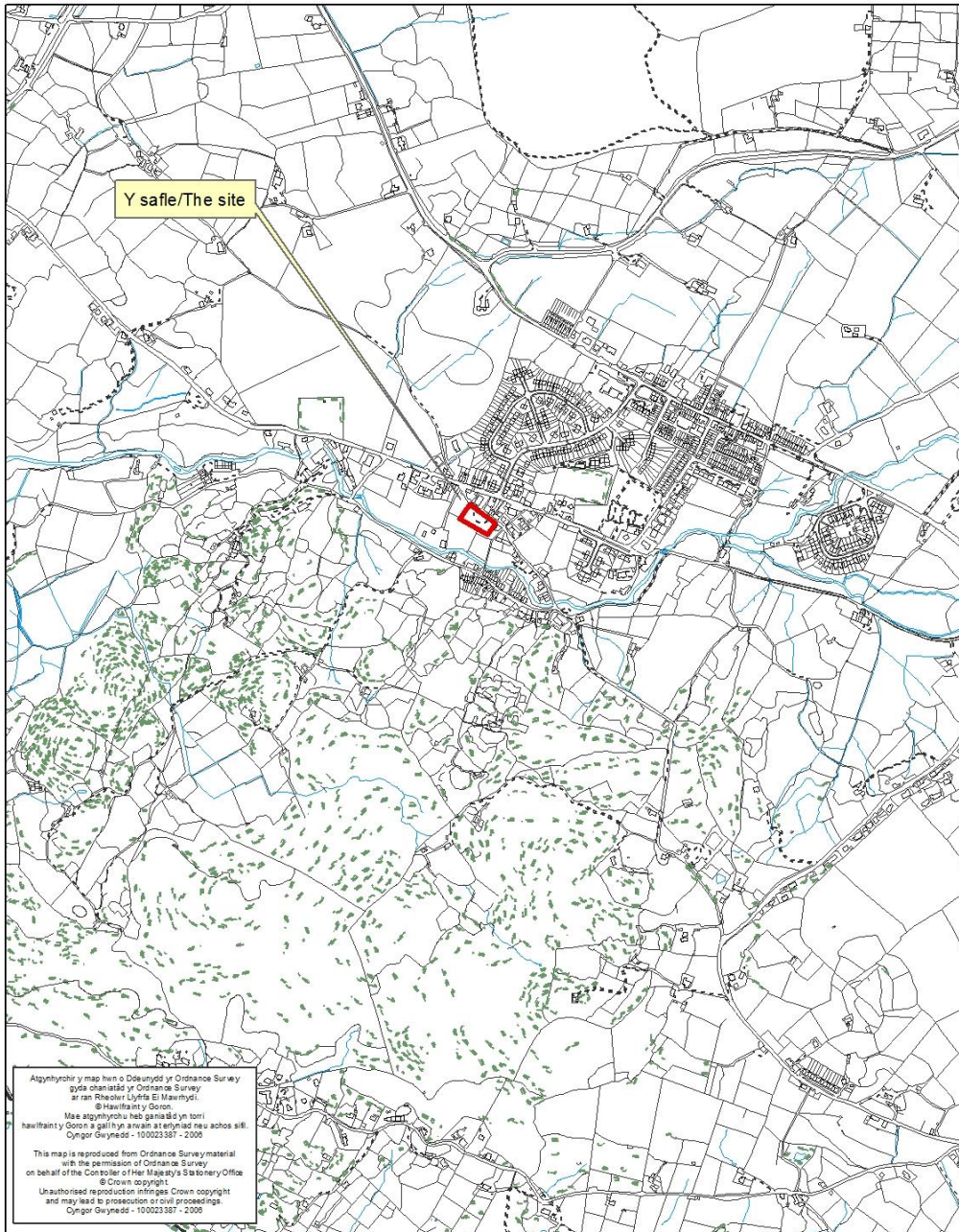


Number: 7



Rhif y Cais / Application Number : C16/0329/18/LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.
Location Plan for identification purposes only. Not to scale.



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REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

Application Number: C16/0329/18/LL
Date Registered: 31/03/2016
Application Type: Full - Planning
Community: Llanddeiniolen
Ward: Deiniolen

Proposal: CONSTRUCTION OF THREE TWO-STOREY DETACHED DWELLINGS AND ASSOCIATED DEVELOPMENTS.
Location: LAND ADJACENT TO THE POST OFFICE, CLWT Y BONT, CAERNARFON, GWYNEDD LL55 3DH

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

1. Description:

- 1.1 The application was deferred at the Planning Committee on 4 July 2016, in order to hold a site visit and to check some of the figures submitted to the Committee. It was deferred again in the Committee held on 5 September 2016 in order to receive further justification why there was no element of affordable housing as part of the application.
- 1.2 This is an application to construct three detached two-storey houses on brownfield land on the periphery of Clwt y Bont which is part of a village as defined in the Gwynedd Unitary Development Plan.
- 1.3 The application site is located on rough ground used in the past as a car park mainly for users of the Post Office (which is now closed), and which is located directly opposite. Some private car parking continues here although most of the site is empty with the site taken over by overgrowth. It appears that the site was created by means of materials being in filled in the past to create a level platform approximately 60m x 30m with steep slopes falling from the land on three sides.
- 1.4 It is proposed to construct three two-storey houses with four bedrooms on the site for the open market. The houses will be 7.1m in height with pitched roofs, however the application does not include the details of external materials intended to be used. There would be separate accesses to the three properties and each one would lead to an unclassified road which serves several dwellings. A new footpath will be created along the front of the house.
- 1.5 The site is within the development boundary of the village of Clwt y Bont as defined by the Gwynedd Unitary Development Plan and it also is located in the Dinorwig Landscape of Outstanding Historical Interest.
- 1.6 In addition to the application form and usual plans, the following information was submitted with the application:
 - Design and Access Statement
 - Supportive Planning Statement
 - Viability Calculations

2. Relevant Policies:

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- 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.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps 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; in making the recommendation the Council has sought to ensure that present needs 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.

2.3 Gwynedd Unitary Development Plan 2009:

POLICY B12 - PROTECTING HISTORIC LANDSCAPES, PARKS AND GARDENS

Protect landscapes, parks and gardens of special historic interest in Wales from developments that would cause significant harm to their character, appearance or setting.

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 B28 - UNSTABLE LAND

Proposals on land, or adjacent land, which is or is likely to be unstable will be refused unless a series of criteria can be satisfied that will not cause significant harm to the development.

POLICY B30 - CONTAMINATED LAND OR BUILDINGS

Ensure that proposals for developing contaminated land or buildings are refused unless they can conform to a series of criteria aimed at controlling or restricting the contamination.

POLICY B35 - AVOIDING THE SPREAD OF INVASIVE SPECIES

Ensure that measures are taken to deal with invasive species where the development involves the disturbance of soil that is contaminated by invasive species.

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

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ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

POLICY C3 - RE-USING PREVIOUSLY DEVELOPED SITES

Proposals will be approved that prioritise re-using land and buildings previously developed and located within or around development boundaries, provided that the site or the building and the use are suitable.

POLICY CH4 - NEW DWELLINGS ON UNALLOCATED SITES WITHIN THE DEVELOPMENT BOUNDARIES OF LOCAL CENTRES AND VILLAGES

Approve proposals to build new dwellings on unallocated sites within the boundaries of Local Centres and Villages provided they conform to criteria aimed at ensuring an affordable element within the development.

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.

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 making decisions on planning applications.

2.3 National Policies:

TAN 12 Design
Planning Policy Wales (Edition 8) January 2016

3. Relevant Planning History:

3.1 C04A/0128/18/AM - OUTLINE APPLICATION FOR THE CONSTRUCTION OF FOUR DWELLINGS: Refused 07/04/04 - Reasons for refusal based on the fact that the site had not been included within the development boundary in the Rural Arfon Development Plan.

3.2 3/18/145 - OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT: Approved 28/07/08

4. Consultations:

Community/Town Council: No objection

Transportation Unit: No objections – Suggest standard conditions

Welsh Water: Observations - proposed standard conditions and advice

Biodiversity Unit: Observations – need for conditions regarding the treatment of Japanese Knotweed, protection of nesting birds and replanting any trees lost.

Natural Resources Wales: No objection - propose standard advice

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Housing Strategic Unit: Observations – The proposal would satisfy local needs. A request for one of the three houses to be affordable. It would be necessary to consider giving a discount of around 25% of the open market price.

Public Protection Unit: Comments - There are reports of rubbish being dumped occasionally, abandoned vehicles and burning of waste on the site. There is no record of an old waste tip on the site and no parts of the site are on the contaminated land register. This site is not on the Contaminated Land risk assessment research list.

It is the developer's responsibility to ensure that the land is suitable for the proposed development - it is recommended that they undertake a desk-top inspection to assess the risk of pollution on the site for the proposed development. If the desk-top inspection indicated that further action was needed, any precautionary and/or remedial measures would have to be agreed prior to commencing work on the development.

Public Consultation: A notice was posted on the site and neighbouring residents were informed. The advertising period has ended and correspondence was received, including the following observations objecting on the basis of valid planning matters:

- Casting a shadow on other residential properties.
- Impact on privacy of the opposite property.
- Concerns regarding safety on the narrow highway which passes nearby.
- Concerns regarding land stability.
- Japanese knotweed grows on the site.
- A possibility of polluting the nearby river when undertaking work on the site.
- The proposal would be an over-development of the site.
- There is a danger that the neighbour's garden would be damaged if there was excavating on the site.
- The design of the proposed houses is not in-keeping with the traditional character of houses in the village.
- The development would be harmful to the existing residents' enjoyment of the Historic Landscape.

The following observations were also received; these are not material planning considerations:

- The site is not used for parking as alleged in the application.
- The plans submitted do not give a true impression of the development.
- There are no current crime problems stemming from the site and, therefore, it cannot be alleged that the development will be useful in terms of crime prevention.
- The plans submitted are incorrect in terms of their scale.
- The site should be used to alleviate the parking problems in the village.

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- There are other sites within the community that would be more suitable in terms of housing provision (including affordable housing)
- The prices of the houses would be out of the reach of local residents.

5. Assessment of the material planning considerations:

Affordable housing

- 5.1 Policy CH4 of the Unitary Development Plan states that, in principle, proposals for the construction of new dwellings on unallocated sites that are within village development boundaries will be approved provided they can conform to all the relevant policies of the Plan and the three criteria which form part of the Policy. Criterion 1 relates to having a proportion of all units on the site as affordable units, unless it is inappropriate to provide affordable housing on the site. The Supporting Planning Statement (supported by the Viability Calculations) explains that it is not viable to offer an affordable element as part of this specific scheme.
- 5.2 It is believed that the main consideration in relation to the scheme's viability, and in particular the possible provision of affordable housing, is the construction costs and the likely market values of the proposed units. The applicants show a market value of up to £200,000 for each dwelling. It is noted that the updated 'Gwynedd and Anglesey County Councils Affordable Housing Viability Study (April 2016) states that the typical cost of a three bedroom detached house in the 'Western Arfon Rural and Coastal Area (i.e. the area where Clwt y Bont is located) is £205,000. Therefore it is accepted that the figure of £200,000 given for each unit is a reasonable and appropriate figure.
- 5.5. Secondly, the construction cost is a vitally important consideration regarding the viability of any scheme and its potential to provide affordable housing. Consultation with Gwynedd Council's Property Unit shows that the construction cost shown by the applicant is appropriate in this case and is consistent with other local developments. It is also important to bear in mind that, due to the restrictions of the site in relation to highways access, that it is not possible to develop the site to its full potential with the proposed density of the site being 18 houses per hectare, rather than the 30 houses per hectare as recommended by the UDP. Without this restriction it would have been possible to try to construct more units on the site which would in turn provide more opportunity to ensure affordable units.
- 5.4 The figures provided by the applicant were the subject of analysis by the Joint Planning Policy Unit using Gwynedd Council's standard methodology for assessing the viability of proposed developments and it was concluded that this development would not be economically viable if it included an element of affordable housing.
- 5.5 As a result of the discussion at the last Planning Committee, further confirmation was sought regarding the validity of the figure of £205,000 given for a house of this type in the Clwt y Bont area. This figure comes from the Gwynedd and Anglesey Councils' Affordable Housing Viability Study (in relation to the work of preparing the Joint Local Development Plan). The original Study was published in 2013, and was updated in 2014 and 2016. This Study considers information from the Land Registry over a period of 3 years (based on post code sectors) in order to establish housing prices sub-markets with similar features. These sub-markets were confirmed via discussion with the Joint Planning Policy Unit and in a workshop held with stakeholders. This study was published originally in 2013, where a figure of £205,000

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was noted as the price of a new detached house with three bedrooms in the 'Western Coast and Rural Arfon' sub-market (where this site is located). The 2016 update noted a figure of £204,000.

- 5.6 It is not believed that it is possible to obtain very specific information for the price of this particular type of property in Deiniolen or Clwt y Bont. This is based on the fact that the area is so specific that the size of the sample i.e. every new detached property with three bedrooms, would be too small (particularly over an acceptable period of time). It is not possible to reach a firm conclusion when considering such a small sample.
- 5.7 Despite the above, a question remains in terms of how viable providing an affordable unit would be on this site because the Council's standard methodology shows that the residual value would continue to be negative or very low even with the maximum price noted above (i.e. £205,000).
- 5.8 Based on the above it is considered that the application conforms to the principles of policy CH4 of the GUDP and there is a valid reason not to provide an affordable dwelling in this specific case.

The principle of the development

- 5.9 Policy C1 of the Gwynedd Unitary Development Plan encourages the siting of new developments within town and village development boundaries and the developed form of rural villages, and states that this should be the main focus of new developments. In this case, the site is located within the defined development boundary of the village of Deiniolen and Clwt y Bont and, therefore, the proposal complies with the requirements of this policy.
- 5.10 Policy C3 encourages re-using previously used sites, giving priority to reusing previously used land located within or surrounding development boundaries. In this case, the site is brownfield land located within the development boundary and, therefore, it satisfies the general principle of this policy. The policy further states that any such site should be suitable for development and must comply with the County's development objectives and strategy.

General and residential amenities

- 5.11 The proposal includes the construction of three two storey houses with a height of 7.1m on an area of brownfield land within the defined boundary of the 'village' of Deiniolen and Clwt y Bont. The site is opposite several houses including two storey terraced houses which includes the applicant's property. The three sides not facing the road are adjoined by steep slopes of the land that was infilled and, therefore, the site is substantially higher than the area surrounding it which includes the garden of the house known as Porth Noddfa to the south-east and the public playing field, which is to the south.
- 5.12 A housing development on this land would inevitably have a visual impact on the views from the houses on the opposite side of the road which currently enjoy uninterrupted views of the countryside. Nevertheless, the loss of a view in itself is not a reason for refusing a planning application and, considering the relatively low density of the development with three detached houses approximately 8m apart, some open views will continue across the site and considering that there would be at least 15m between the houses that would be opposite each other, it is not considered that the new development would be oppressive for the current occupants. In addition,

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considering the urban nature of the site and the distance between buildings, it is not considered that there would be unacceptable overlooking between these properties deriving from the development.

- 5.13 In terms of the impact on the property known as Porth Noddfa, the nearest new house would be 8m from the boundary of the curtilage of that property but on a substantially higher level than the curtilage of the property. Accepting that the side windows would not overlook the curtilage of Porth Noddfa, it is considered that there would be a danger of overlooking from the rear garden of the new house. The plans show that it is proposed to plant quite a substantial hedge between the two properties and it is considered that any planning permission should include an appropriate condition to ensure this element. In addition, in order to safeguard the privacy of Porth Noddfa, it is considered appropriate to impose a condition to construct a 2m high solid fence around the south-western and south-eastern boundaries of the house which would be in the south-eastern section of the site (at the top of the slope). As most of the curtilage of Porth Noddfa would be to the south of the new house, it is not considered that there would be any unacceptable overshadowing or loss of light issues on the property.
- 5.14 For the above reasons, it is considered that the development would not have an unacceptable impact on neighbours' amenities or the community in general and, therefore, it is considered that the development is acceptable under policy B23 of the Unitary UDP.

Land stability and Pollution

- 5.15 Policy B23 of the UDP encourages refusing proposals on unstable land and several objectors allege that this site is such a location. In addition, several allegations have been made that the land has been contaminated by waste such as old cars and Policy B30 suggests that applications on contaminated land should be refused without information showing acceptable treatment of the site. However, no firm evidence has been submitted to support the allegations of unstable land or any contamination hazards and none of the official agencies which were consulted have raised these issues. Any development would have to go through the Building Control process to ensure safety and ultimately it is a matter for the developer to ensure that the construction work is completed safely and that there is no damage to neighbours' properties stemming from the development. There is also a separate management system for pollution control and it will be a requirement for the developer to comply with those regulations.
- 5.16 To enable an assessment of any detailed plans for dealing with the boundaries of the site to be undertaken, it is believed that it would be reasonable to impose a condition requesting an agreement on the details of any engineering work involving changing the levels of any part of the site, especially in dealing with the boundaries.

Design and Materials

- 5.17 There is a variety of housing design in the locality, mainly semi-detached houses and small terraces, with most of the buildings in the locality of two-storeys. It is considered that the size of houses proposed is consistent with the scale of other local developments. In terms of design, although they will not have the same character as several of the more traditional houses in the village, there is no consistency in the design of the houses in the locality of the site and there is no special architectural character to the area. It appears that the houses in the locality of the site were developed in accordance with the architecture contemporary to the period and it is

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believed that the design proposed is typical of the architecture of this period and that they are the type of houses that have been designed to meet the requirement of the current market whilst including some traditional elements such as slate pitched roofs and some external stonework (shown on the indicative elevations but need to be confirmed by means of a condition). Therefore, it is considered that the design and materials of the proposed houses are acceptable for the site and that they would not have a detrimental effect on the visual amenities of the neighbourhood.

- 5.18 Therefore, it is considered that the application is in accordance with the requirements of Policies B22 and B25 of the UDP.

Impact on Designated Landscapes

- 5.19 It is considered, because of the developed nature of the area and the fact that the design and materials of the new houses are in-keeping in an acceptable manner to the site, that the development would not be harmful to the quality of the designated Landscape of Outstanding Historic Interest and, therefore, the proposal would comply with Policy B12 of the GUDP.

Transport and access matters

- 5.20 Policies CH33 and CH36 of the Gwynedd Unitary Development Plan involve assessing the impact of proposals in terms of safety on roads and streets along with providing private parking facilities.
- 5.21 The Transportation Unit has confirmed that the parking provision is sufficient for the proposal and that the accesses are appropriate subject to conditions ensuring that what is shown on the plans is implemented and that a footpath along the front of the development is provided. On the basis of ensuring the above, the Transportation Unit would not have any objections on the grounds of safety on roads and streets and, therefore, it is considered that the proposal complies with policies CH33 and CH36 of the Unitary Development Plan.

Biodiversity Matters

- 5.22 In order to protect species of birds which nest on the site, the Biodiversity Unit suggests imposing a condition to prevent clearing any vegetation from the site during the nesting period for birds. It is also suggested that new trees should be planted to mitigate for the loss of any trees during the development. To overcome this concern, imposing a condition would make it a requirement to submit a replanting scheme along with a landscaping plan prior to the start of any development. By implementing the above steps, the development would comply with the objectives of Policy B21 of the UDP.

Invasive species

- 5.23 The Biodiversity Unit has noted that Japanese Knotweed grows on the site. To ensure that it is disposed of completely, there is a need to impose a condition to introduce and implement a plan to eliminate the species from the site prior to commencing development. By imposing such a condition, it is believed that the scheme will be in accordance with policy B29 of the UDP.

Response to the public consultation

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5.24 Several objections to the scheme were raised, some of them were not valid planning considerations. The above discussion considers relevant planning considerations and as a consequence of that, on the whole it is believed that the design of the development and the likely amenity impact stemming from it would be acceptable in terms of the policies of the Unitary Development Plan, especially considering the position of the site as brownfield land within the development boundary. All material planning considerations that were raised by objectors have been duly addressed when determining this application; however, this has not changed the recommendation.

6. Conclusions:

6.1 Based on the above assessment, it is not considered that the proposal is contrary to any relevant planning policy. The development proposed is acceptable in principle and is unlikely to have an unacceptable detrimental effect on the amenities of the local area or any nearby properties.

7. Recommendation:

7.1 To approve with conditions

1. Time
2. Comply with plans
3. Slate roofs
4. Details of external materials must be submitted and approved
5. Welsh Water Condition
6. A Construction Method Statement must be submitted and approved, which will include
 - Details of any engineering work involving changes to ground levels
 - Plans for dealing with the boundaries of the site
 - Plan for eradicating Japanese knotweed
 - A landscaping and tree planting scheme including control details of these features in the long-term
7. A desktop investigation must be submitted to assess the pollution risk. If the desk-top inspection indicated that further action was needed, any precautionary and/or remedial measures would have to be agreed prior to commencing work on the development.
8. No construction work during the bird nesting season
9. Highway conditions
10. A suitable fence must be constructed around the garden of the house to the south-east.
11. Withdrawal of permitted development rights