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| PLANNING COMMITTEE | DATE: 16/01/2017 |
| REPORT OF THE SENIOR PLANNING AND ENVIRONMENT MANAGER | CAERNARFON |

Number: 1

Application Number: C16/0773/14/AM

Date Registered: 01/07/2016

Application Type: Outline

Community: Caernarfon

Ward: Seiont

Proposal: RESIDENTIAL DEVELOPMENT FOR UP TO 45 DWELLINGS (INCLUDING AFFORDABLE HOUSING) TOGETHER WITH THE CREATION OF A NEW ACCESS, UPGRADING THE EXISTING ACCESS, PROVISION OF PUBLIC AMENITY SPACES, PARKING SPACES AND LANDSCAPING

Location: FORMER YSGOL YR HENDRE SITE, Ffordd Eryri, Caernarfon, Gwynedd LL55 2LY

Summary of the Recommendation:

TO DELEGATE POWERS TO APPROVE SUBJECT TO COMPLETING A LEGAL AGREEMENT UNDER SECTION 106.

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1. Description:

1.1 An outline application to erect up to 45 dwellings, including affordable housing on the site of the former Ysgol yr Hendre Primary School, Caernarfon. Matters such as landscaping, elevations, plan and scale have been retained for consideration in a reserved matters application. The proposal can be split as follows:-

- Building up to 45 dwellings with nearly 50% being affordable housing and those houses will include social rented housing provided by a registered social landlord - CCG in this case. There will be a variety of houses to comprise 10 two-bedroom houses, 10 three-bedroom houses and 2 four-bedroom houses (private housing) with 4 two-bedroom bungalows, 2 three-bedroom bungalows, 8 two-bedroom houses, 7 three-bedroom houses and 2 four-bedroom houses (social rented housing).
- A new access will be created off the unclassified county highway (Ffordd Eryri) approximately half way down the site.
- Updating the existing access in the north-western corner of the site to serve three houses.
- Provision of public amenity spaces within the northern section of the site together with a space in the eastern corner of the site.
- Parking spaces partly within the curtilage of the dwellings and partly outside to provide community parking.
- General landscaping within the site and on its periphery to include trees, shrubs and gardens.

1.2 As part of the application the following information was submitted:-

- A planning support statement that assesses the proposal within the context of relevant local and national planning policies and guidelines.
- Transport Impact Assessment
- Arboriculture Assessment
- A community and language statement.
- Desk-top Archaeology assessment together with trial trenching.
- Ecological report.

1.3 The application site is located within an established residential area and within the Caernarfon development boundary as included in the Gwynedd Unitary Development Plan (GUDP). North of the site is the unclassified county highway (Cefn Hendre) with housing further away, east is the unclassified county highway (Ffordd Eryri) with the cemetery further away, to the south is Bryn Hyfryd housing estate and west are the housing estates of Llys y Foel, Llys Siabod and Llys Tryfan.

1.4 The site measures approximately 1.4 hectares that now comprises of vegetation together with the foundations of the former primary school. It is fairly level with some gradient down towards the east and the former play field. A number of mature broad-leaved trees grow along the site's boundary with Ffordd Eryri and there are areas of scrubland within the site itself.

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1.5 In accordance with the revised guidance of the Town and Country Planning (Environmental Impact Assessments) (Wales) Regulations 2016 there is no need any more to screen such a development as the site's area does not exceed 5ha, the proposal does not exceed 150 dwellings and does not include more than 1ha of development that it not a housing development.

1.6 You are reminded that this application was deferred at the Planning Committee on 19.12.16 as written confirmation was received from Welsh Water stating that they were withdrawing their original objection to the proposal as they would now be bringing forward the Capital Investment Programme in order to speed-up the work to improve the foul water treatment works to increase its capacity to cope with foul water deriving from the application site. To this end, Welsh Water supports the application subject to including a condition in any planning permission regarding submitting a draining plan for the site.

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.

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, 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.

2.3 Gwynedd Unitary Development Plan 2009:

POLICY A1 – ENVIRONMENTAL OR OTHER IMPACT ASSESSMENTS

Ensure that sufficient information is provided with the planning application regarding any environmental impacts or other likely and substantial impact in the form of an environmental assessment or assessments of other impacts.

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 B7 – SITES OF ARCHAEOLOGICAL IMPORTANCE

Refuse proposals which will damage or destroy archaeological remains of national importance (whether scheduled or not) or their setting. It also refuses any development that will affect other archaeological remains unless the need for the development overrides the significance of the archaeological remains.

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

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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 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 of the Plan area by ensuring that only natural Welsh slates or slates that are similar in terms of their appearance, colour and weathering properties are permitted, other than in circumstances in which the type of building or its particular setting, or the sustainability benefits, are such that another material would be appropriate. In respect of other parts of the building, development will be required to use high quality building materials that complement the character and appearance of the local area. Proposals that introduce substandard or intrusive materials will be refused.

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 open countryside will be refused with the exception of a development which is permitted under another policy within 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 CH3 – NEW HOUSES ON UNALLOCATED SITES WITHIN THE DEVELOPMENT BOUNDARIES OF THE SUB-REGIONAL CENTRE AND URBAN CENTRES

Approve the construction of houses on appropriate unallocated sites within the development boundaries of the Sub-regional Centre and the Urban Centres.

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 or more units within the development boundaries of the sub-regional centre and the urban centres, which provide an appropriate element of affordable housing.

POLICY CH18 – AVAILABILITY OF INFRASTRUCTURE

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Development proposals will be refused if there is no adequate provision of necessary infrastructure for the development, unless they can conform to one of two specific criteria which require that appropriate arrangements are made to ensure adequate provision, or that the development is carried out in phases in order to conform to any proposed scheme for the provision of infrastructure.

POLICY CH29 – SAFEGUARDING AND IMPROVING LINKS FOR PEDESTRIANS

Proposals within Centres and Villages will be refused unless they provide safe, attractive and direct footpaths for pedestrians across and out of the site where there is a clear opportunity to make such a provision.

POLICY CH30 – ACCESS FOR ALL

Proposals for residential/business/commercial units or buildings/facilities for public use will be refused unless it can be shown that full consideration has been given to the provision of appropriate access for the widest possible range of individuals.

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 CH43 – PROVISION OF OPEN SPACES OF RECREATIONAL VALUE IN NEW HOUSING DEVELOPMENTS

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.

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

Supplementary Planning Guidance (SPG): Affordable Housing.

SPG: Planning and the Welsh Language.

SPG: Housing developments and educational provision.

SPG: Housing Developments and Open Spaces of Recreational Value.

SPG: Planning Obligations.

Gwynedd Design Guidelines (2003).

2.4 National Policies:

Planning Policy Wales, Edition 9, (2016).

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

TAN 12 Design (2016).

TAN 20 Planning and the Welsh Language (2013).

3. Relevant Planning History:

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3.1 Application number C12/0297/14/R3 - demolition of school building and moving a temporary classroom was approved in April 2012.

3.2 Application no. C09A/0378/14/R3 – retrospective application for a mobile unit to include two classrooms was approved in September, 2009.

4. Consultations:

Community/Town Council: Support.

Transportation Unit: No objection in principle following the amended plans to the layout of the adjacent county highway and to the layout of the estate road and other aspects of the highway can be agreed upon if a detailed application is submitted for the development.

Biodiversity Unit: No objection subject to the development being undertaken in accordance with the recommendations in the Ecological Report.

Natural Resources Wales: No observations to make on the proposal.

Gwynedd Archaeological Planning Service: A condition is needed regarding providing archaeological details with programming any further archaeological work on the site.

Housing Strategic Unit: The proposal is acceptable on the grounds that there is a need for affordable housing in Caernarfon and the evidence submitted by the applicant in the form of Gwynedd Council's Common Housing Register (provided by the Housing Options Team) confirms this element of the planning application.

Welsh Water: Withdraw the original objection (lack of capacity and premature) as investment is now available to upgrade the water treatment works in Caernarfon for this development.

Public Protection Unit: No response.

Public Consultation: Notices were posted around the site and nearby residents were informed. The advertising period has expired and correspondence was received objecting on the following grounds:

- Is the parking provision sufficient for the proposed dwellings and their occupants and visitors to the houses? A lack of parking provision may mean that vehicles park on the Ffordd Eryri carriageway at the expense of road safety.
- A proposal of this scale and density would have a detrimental effect on the amenities of local residents on the grounds of noise, disturbance, overlooking, loss of privacy and shadowing and would create an oppressive development.

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- The design of the proposed housing would be out of character with the existing housing in the Hendre area.
- There is already sufficient social housing in the nearby areas.
- The development's cumulative impact together with the new housing development near the site of the new school would have an impact on the area's character due to an increase in traffic.
- The proposal, if approved, would have a detrimental effect on the capacity of the new school as there is no room to extend for additional pupils that may emanate from this development.

As well as the objections noted above, objections were received which were not valid planning objections. These included:

- The proposed housing would impair on the views of the mountains and would therefore depreciate the value of the houses surrounding the site and would impair on living standards.
- Has any effort been made to develop the site for industry in order to attract jobs to the area?

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The principle of developing this site for residential dwellings is based on Policies C1, C3 and CH3 of the GUDP. Policy C1 states that land within town and village development boundaries and the developed form of rural villages will be the main focus for new developments. Policy C3 approves proposals that give priority, wherever this is feasible, to re-using previously developed land located within development boundaries provided that the proposal conforms to all the other relevant policies in the Plan.
- 5.2 Policy CH3 of the GUDP states that applications for the construction of houses on appropriate unallocated sites within the development boundaries of the Sub-regional Centre and the Urban Centres, which includes Caernarfon, will be approved. The explanation to the policy states that some sites will also become available unexpectedly (as this current site) as a consequence of redevelopment or relocating another use.
- 5.3 Should any site randomly become available in the Sub-regional Centre or in Urban Centres in the Unitary Development Plan's area, then it is also a necessary to consider the requirements of Policy CH6. This policy notes that proposals to develop houses on sites that become available unexpectedly in Bangor, Blaenau Ffestiniog, Caernarfon, Porthmadog or Pwllheli that may in their entirety accommodate five or more housing units, will be refused unless a percentage (that will vary from site to site) of the units provided as part of the scheme satisfies a local need for affordable housing. The information submitted by the applicant states that 22 of the units are affordable for social rent (that will be managed by the applicant - Cartrefi Cymunedol

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Gwynedd) and 23 of the units will be open market units. To this end, it is deemed that the provision for affordable housing is acceptable on this particular site and is significantly higher than the usual percentage of 30%.

- 5.4 Despite this, it will be necessary to ensure that the development will not constitute as an over development of the site and will not lead to the loss of open spaces. To this end, bearing in mind the number of dwellings in this application together with their layout within the application site, it is considered that the proposal as submitted is not tantamount to an over development of this particular site. In addition to the above, it is considered that the figure of 45 houses is in compliance with the development density of 30 units per hectare as promoted in the Development Plan.
- 5.5 Given the above assessment and subject to the proposal being in compliance with the other policies referred to below, along with taking into consideration the observations of the Council's Housing Strategy Unit (Housing Options Team) that confirms that the type of housing proposed as part of this application address the needs of applicants on the Council's common housing register, it is deemed that the outline application as submitted, is acceptable in principle.

Visual amenities

- 5.6 The site is located on the outskirts of established housing estates of various forms, design, plan and size with a variety of external materials. The site is fairly level with a little gradient to the east and is situated in a very prominent position in the townscape with prominent views of it from four directions. There are residential dwellings to the east, south and west of the site and the cemetery is located to the north on the other side of the unclassified county highway (Ffordd Eryri). The former school building (including the mobile classrooms) was one storey in height but of a practical design rather than a striking design. Currently, only the schools foundations exist along with vegetation in the form of a few broad-leaved trees on the northern boundary and scrub within sections of the site itself.
- 5.7 As this is an outline application only a plan of the layout of the houses on the site, location of the parking spaces and the amenity areas were submitted. Details regarding design and external materials of such developments are matters to be discussed when applications are submitted for reserved matters. It is anticipated that materials similar to those on the nearby dwellings will be used here such as natural slate on the roofs together with clean brickwork and a render finish to the walls. The site is currently deteriorating in terms of visual amenities and is an eyesore in the streetscape. Approving this application is likely to be a step towards improving the visual amenities in this part of the town. On the above grounds, it is therefore considered that with appropriate conditions that the proposal complies with the requirements of policies B22, B23 and B25 of the GUDP.

General and residential amenities

- 5.8 Residential amenities are located to the north, south and west of the site and the nearest dwellings are 4m (from gable end to gable end 17 Llys y Foel) and 13.5m (from corner to corner 14 Llys Siabod) west of the rear of the proposed houses. Although only indicative plans of the location of the proposed houses have been submitted with this current application it is possible to reduce any overlooking, loss of privacy and the creation of oppressive structures (namely the main objections of nearby residents to the outline application) by re-designing the setting of some of the proposed houses in order that they do not cause significant or substantial harm to the

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amenities of nearby residents. Although objections have been received regarding disturbance undermining the amenities of local residents it has to be borne in mind that the site is located within an established residential area of a high density where domestic disturbance is already a part of the area's character together with the fact that a school existed on the site in the past with the football pitch being used by local teams regularly on weekends. Having considered these elements it is deemed that locating up to 45 houses would not significantly disturb neither the residential nor general amenities of nearby residents on the grounds of unacceptable disturbance, although it is recognised that there will be some disturbance stemming from the development during the construction work although this will only be for a temporary period. Therefore, the proposal is not considered to be contrary to policy B23 of the UDP.

Transport and access matters

5.9 A Transport Impact Assessment was submitted with the application and it gives the following results:-

- The existing access will be updated to cope with 45 dwellings.
- The site is accessible to several modes of transport such as walking, cycling and public transport that serves the local area.
- Various essential facilities are approximately 0.8 miles walking distance from the site these include shops, banks and restaurants.
- The network of local roads can cope with the increase in traffic in and out of the site without impairing on the existing safety of road users.

5.10 In response to the above assessment together with the plans submitted originally with the application indicating the location and design of the estate road and parking spaces the plans were amended in accordance with the requirements of the Transportation Unit and to this end the latest plans are acceptable and comply with the requirements of highway safety. It is therefore considered that the proposal complies with the requirements of Policies CH29, CH30, CH33 and CH36 of the GUDP.

Biodiversity matters

5.11 As referred to above, an Ecological Report was submitted with the application and in response to its contents the Biodiversity Unit states that the report's recommendations regarding ecological improvements as part of the development should be complied with. This can be secured by means of a relevant condition. The proposal, therefore, complies with Policy B20 of the GUDP.

Archaeological Matters

5.12 An Archaeological Desk Assessment was submitted with the application together with trial trenching considering the proximity of the site to a Roman cemetery on the same site as the existing cemetery east of the site itself. Gwynedd Archaeological Planning Service state that it may be possible to find cremations within the application site and if this occurred that such discoveries would be significant on the grounds of their historical importance. To this end, they request that any approval should impose a condition regarding providing details concerning programming archaeological work on the site. It is therefore considered that the proposal is acceptable based on the requirements of Policy B7 of the GUDP.

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Infrastructure matters

- 5.13 The relevant local planning policy in the context of infrastructure is Policy CH18 that states that development proposals will be refused unless there is adequate provision of necessary infrastructure for the development, namely power and water supply, means of disposing of water and sewage, means of disposal of surface water and other essential services, unless one of the following criteria can be met:-
1. That appropriate arrangements are made in order to ensure adequate provision, or
 2. The development takes place in phases in order to accord with any proposed scheme to provide additional infrastructure.
- 5.14 The explanation to this policy states that where there is inadequate infrastructure, development will not be permitted unless the situation can be rectified satisfactorily. As referred to above, Welsh Water objected to this application originally on the grounds that it was premature and the proposal, if approved, would further overload the water treatment works situated on Ffordd Santes Helen in Caernarfon. However, by now, they have confirmed that capital investment is available to upgrade the water treatment works within their investment programme in order to increase the capacity of the water treatment works to remove further foul water/surface water from the application site.
- 5.15 In addition to the above local planning policy, consideration should also be given to national advice in Planning Policy Wales, Edition 9, Chapter 12 Infrastructure and Services. It states *the adequacy of water supply and the sewage infrastructure are material in considering planning applications and appeals ... these issues require early identification when locating future development. Local planning authorities should therefore ... seek to avoid the use of sites where adequate water supply and/or drainage provision is unlikely to be achieved.* If this application is approved contrary to the strong objection of Welsh Water the development may overload the capacity of the Caernarfon water treatment works further with the potential to pollute not only the nearby land but also homes and commercial property.
- 5.16 Therefore, to this end, it is believed that the proposal cannot be in compliance with the requirements of Policy CH18 of GUDP nor with the advice in Planning Policy Wales as no sufficient infrastructure exists in the form of the capacity of the Caernarfon water treatment works for this development.

Language and Community Matters

- 5.17 Policy A2 of the GUDP states that proposals which would cause significant harm to the social, linguistic or cultural cohesion of communities, due to their size, scale or location, will be refused. The SPG states: Planning and the Welsh Language states that there will be a need to look carefully at how new developments will affect the current pattern of the fabric of society and that developments are required to comply with the requirements of linguistic and community policies.
- 5.18 For this purpose, the applicant has submitted a Linguistic and Community Statement to support the proposal and the Joint Planning Policy Unit has reached the following conclusions:-

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- The proposed affordable dwellings will be very attractive to residents and are likely to satisfy local needs.
- The development will give local people more choice within the local housing market.
- Given the size and location of the proposed dwellings, it is not expected that their price will not be out of reach of local residents. They are likely to retain the local population in the community and can contribute to having a positive impact on the Welsh language.
- It is likely that the development will be very attractive to families with children.
- Need to consider if the development would place pressure on the primary school (Ysgol yr Hendre).
- On the whole, it is deemed that neither the nature nor scale of the proposed development is likely to have any detrimental impact on the Welsh language.

5.19 Given this assessment and the abovementioned observations of the Joint Planning Policy Unit, it is believed that the proposal is in accordance with Policy A2 of the GUDP in addition to SPG: Planning and the Welsh Language.

Educational matters

5.20 The relevant document under this heading is SPG: Housing Developments and Educational Provision, which offers guidance to applicants on residential developments along with the cases where the Authority will seek a financial contribution towards local educational facilities. In relation to this, the Gwynedd school capacity statistics indicate that the capacity of Ysgol yr Hendre is 420, and in September 2015 (the academic year when the application was submitted) it was noted that 345 attended the school (with a figure of 382 for September 2016). In accordance with the formula in the SPG it is envisaged that there is potential for an additional 18 primary pupils to stem from this development. In addition the fact that a development of 136 houses are currently being built at Gwel y Llan (Ffordd Llanbeblig) on an allocated site in the GUDP for housing should be considered. However, this does not have an impact on the capacity when assessing this application. Therefore, it is considered that the capacity exists at Ysgol yr Hendre for the number of primary pupils that it is anticipated may stem from the development itself and consequently a financial contribution for this proposal will not be required.

Section 106 agreement matters

5.21 As referred to above 22 of the 45 houses subject to this application are affordable houses for social rent under the supervision of Cartrefi Cymunedol Gwynedd who is a registered social landlord but does not currently own the land. In view of this fact, the applicant will be required to sign a legal agreement under Section 106 in order to bind half the houses which are the subject of this application to affordable housing general local need now and for ever.

6. Conclusions:

6.1 Having considered the above and all the relevant matters including the local and national policies and guidance, as well as all the observations received, it is believed that this proposal is acceptable and satisfies the requirements of the relevant policies as noted above.

7. Recommendation:

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7.1 To delegate powers to the Senior Planning Manager to approve the application, subject to the applicant completing a legal agreement under section 106 in order to ensure that the 22 affordable houses out of a total of 45 houses are transferred to a housing association so that they are affordable now and for ever and subject to relevant conditions involving:-

1. Time conditions.
2. External materials including slate.
3. Landscaping
4. Highways
5. Welsh Water
6. Biodiversity
7. Removal of permitted development rights.
8. Programming archaeological work.