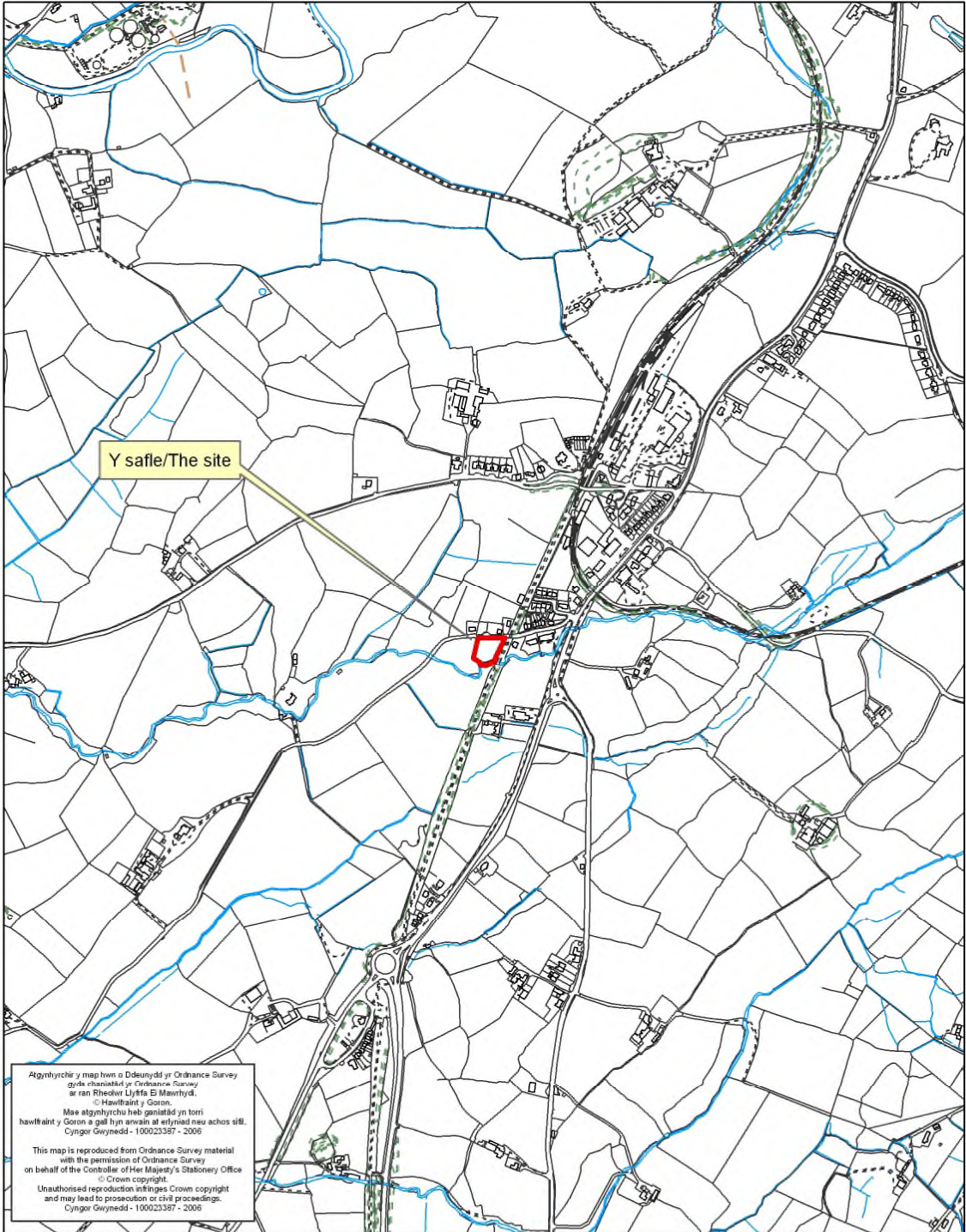


Number: 6



Rhif y Cais / Application Number : C14/0659/24/AM

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.
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Application Number: C14/0659/24/AM
Date Registered: 30/072014
Application Type: Outline
Community: Llanwnda
Ward: Llanwnda

Proposal: ERECTION OF SIX AFFORDABLE DWELLINGS AND NEW ACCESS
Location: LAND ADJ TO GLANRHYD ISAF, DINAS, LLANWENDA, CAERNARFON, GWYNEDD, LL545UE

Summary of the Recommendation: TO REFUSE

1. Description:

- 1.1 This is an outline application to build six affordable dwellings on a section of agricultural land to the south west of the village of Dinas, and opposite a third class county road. The proposal also involves creating a new access to serve the six dwellings with a turning space for vehicles located adjacent to the banks of the river Rhyd. The existing *clawdd*, which is located adjacent to the road and abut the site, will be reduced to 1m above ground level in order to create sufficient visibility along this section of the county road.
- 1.2 This is an outline application, however sketch plans have been submitted as part of the design and access statement which refers to the size and design of the proposed dwellings. It is proposed to erect six detached houses (within their own plots) with the gable ends of the two first houses facing the road and the houses themselves laid out in two rows (2 houses on one side and 4 houses on the other side) facing each other. They will be three bedroom houses with a lounge, kitchen and toilet on the ground floor and three bedrooms and a bathroom on the first floor. The surface area of the houses would be approximately 130m².
- 1.3 There is a third class county road located to the north of the site and residential dwellings located on the other side of it. To the east is the Lôn Eifion cycle route and residential dwellings, while the river Rhyd and agricultural land are located to the south and west of the site. The site is located outside the development boundary of Dinas as it is included in the Gwynedd Unitary Development Plan (GUDP). The site is located within an A flood zone as designated on the development advice maps in TAN 15 'Development and Flood Risk' and the site boundary is adjacent to the river Rhyd and there will be some flood risk associated with this.
- 1.4 In accordance with the TAN 12 on 'Design', a design and access statement was submitted with the application which includes the five statutory headings. In addition to this statement, the flood consequence assessment that was originally submitted with the previous application was resubmitted. In accordance with the requirements of the Supplementary Planning Guidance (SPG): Planning and the Welsh Language (November, 2009) a Community Linguistic Statement was submitted with this latest application.
- 1.5 The application is submitted to the committee as it involves five or more new dwellings.

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

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

2.2 Gwynedd Unitary Development Plan 2009:

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

Proposals that are likely to cause unacceptable disturbance or harm to protected species and their habitats will be refused 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 protecting 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 DESIGN - The visual character of the Plan area will be protected by ensuring that only natural Welsh slates or slates that are similar in terms of appearance, colour and weathering properties are permitted on roofs, except 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 B29 – DEVELOPMENTS ON LAND AT RISK FROM FLOODING

Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A unless they can conform to a series of criteria relevant to the features of the site and to the purpose of the development.

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 CH7 – AFFORDABLE HOUSING ON RURAL EXCEPTION SITES DIRECTLY ADJOINING THE BOUNDARIES OF VILLAGES AND LOCAL CENTRES

Permit affordable housing on rural sites directly adjoining the boundaries of Villages and Local Centres if they conform to criteria relating to local need, affordability and impact on the form of the settlement.

POLICY CH9 - NEW DWELLINGS IN OPEN COUNTRYSIDE

Refuse proposals for new dwellings in rural areas unless they are for individuals who must live on the site due to their work and a number of other criteria relevant to the location and the type of dwelling, and restrictions on ownership of the dwelling.

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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.

Supplementary Planning Guidance (SPG): Affordable Housing (November 2009).

SPG: Building new houses in the countryside (November, 2009)

SPG: Planning and the Welsh Language (November, 2009).

SPG: Housing Developments and Educational Provision (November, 2009).

2.3 National Policies:

Planning Policy Wales, Edition 7 (July 2014), Chapter 9 on “Housing”, Chapter 13 “Minimising and Managing Environmental Risks and Pollution”.

TAN 12 on “Design” (June 2009).

TAN 2 on “Planning and Affordable Housing” (2006).

TAN 15 on “Development and Flood Risk” (2004).

3. Relevant Planning History:

3.1 Application number C08A/0423/24/AM – outline application to construct six affordable houses approved in October, 2009 with a legal agreement under Section 106 on the grounds of ensuring that the affordable housing remains affordable in future.

4. Consultations:

Community/Town Council: No response

Transportation Unit: No objection in principle, given that outline permission has already been granted on this site. Need to include relevant conditions should the application be approved.

Natural Resources Wales: The site is located near the river Rhyd, and there will be some flood risk associated with this. The flood consequence assessment submitted with the previous application in 2008 remains valid. Recommend including a planning condition to earmark a river bank plot of at least 4m adjacent to the river Rhyd.

Welsh Water: Standard conditions regarding the disposal of surface/foul water from the site.

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Public Protection Unit	No response
Biodiversity Unit	Need to set a buffer zone of 3m between the river and the development to avoid any impact on the wildlife corridor down towards the banks of the river. A condition should also be included which states that any light should be directed away from the river so that it does not affect the movements of bats or otters along the wildlife corridor.
Public Consultation	<p>A notice was posted on site and neighbouring residents were notified. The consultation period has ended and correspondence was received including a petition objecting on the following grounds:</p> <ul style="list-style-type: none"> • The size of the dwellings is larger than what the Local Planning Authority guidelines approve. • The design and layout of the houses are totally incongruous with the existing houses located nearby the site and their design lacks character. • The site is located outside the development boundary of Dinas as included in the Development Plan. • The density is too high and the houses are too large and located too close to one another. • The site is at risk of flooding and is contrary to the guidelines and requirements of TAN 15 "Development and Flood Risk". • Negative impact on road safety – the existing road is unsuitable for an additional increase in transport along the narrow and winding road. An increase in transportation along the road could have an impact on the safety of the users of the nearby Lôn Eifion cycle route. • Impact on the amenities of neighbours – the proposed houses are located closely to nearby dwellings. On the grounds of loss of privacy, overlooking and overshadowing. • Proof of the need – the applicant has not proved undisputedly that there is a real need for more affordable homes outside of the development boundary and bearing in mind that other affordable homes have recently been approved in the catchment area and within the development boundary. • Approving this application could set a new precedent for other developers in future that would involve an unsustainable phased method of development that is contrary to the requirements of the Development Plan. • The proposal would involve an unreasonable extension in open countryside and in ribbon form. • Concern regarding the impact of developing this rural site on the area's wildlife. • No consultation with local residents prior to submitting the application.

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5. Assessment of the material planning considerations:

The principle of the development

- 5.1 Policy C1 of the GUDP states that land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new developments, except for development approved by another policy in the Plan. The site is outside the village development boundary and it is an application to construct six affordable homes. Therefore, it is not considered that Policy CH9 of the GUDP which relates to new housing in the countryside for full-time workers in agriculture, forestry or rural industry applies to this application. The relevant policies are Policy CH7 of the UDP along with SPG: Affordable Homes and TAN 2 “Planning and Affordable Homes” which relate to proposals for affordable homes on rural exception sites directly adjoining the boundaries of local centres.
- 5.2 Policy CH7 states that proposals for affordable homes on suitable rural exception sites immediately abutting the boundaries of villages and local centres, as an exception to normal housing policies, will be permitted if they can comply with all of the noted criteria. These include:-
1. General local need for affordable housing is proven – the applicant has submitted evidence based on affordable housing needs questionnaires completed by seven local persons (i.e. within the Caernarfon catchment) who have expressed an interest in having an affordable home on this specific site. However, there are strict criteria within local and national policies to ensure that new affordable homes are directed to sites that have been designated with the centres and the villages or other unexpected sites that become available within the development boundaries rather than meet the need for affordable homes on sites in the countryside. A number of affordable homes have recently either already been approved or are in the process of receiving permission in the Caernarfon catchment area and on sites within the development boundaries e.g. site to the rear of ‘Mount’ in Dinas which includes six affordable homes, a site in Bontnewydd which includes seven affordable homes and the site in Caeathro which includes four affordable homes. Taking the above into consideration and despite the evidence recently submitted by the applicant, it is believed that there is no justification for dealing with this latest application as an exception to usual housing policies.
 2. The development will form a reasonable extension to the village – as referred to above, the site is located outside the development boundary and does not directly adjoin the development boundary. The development boundary in Dinas closely follows the existing residential dwellings and in this part of the village it can be seen that it has been drawn around the houses located on the other side of the road (to the north not including the county road) and to the east, the boundary has been drawn along the farthest boundary of Lôn Eifion and opposite the dwelling known as Rhydafon. There are notable physical features that divide the application site from the development boundary in the form of the county road and *cloddiau*, established trees and a cycle/walking route. Taking this into consideration it is believed that this site does not conform to this clause of Policy CH7. It is therefore considered that developing this site (which does not abut the development boundary) would equate to a new housing development in open countryside. It is not

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considered that the site would form a reasonable extension to this part of the village.

3. That the development shall not form an intrusive feature in the countryside or create a fragmented development pattern – the reasons for refusing the application in relation to the second criteria also applies to the third criteria in Policy CH7. Given that the site is not located directly opposite the development boundary and there are notable physical features that separate the site from the buildings within the development site itself, it is considered that erecting six affordable homes in the proposed form and density would create a fragmented development that does not reflect the setting or the character of the residential property to the north and east of the site. To this end, it is believed that the proposal (although in the form of an outline application) does not comply with this guidance.
 4. That satisfactory arrangements are in place to restrict the occupation of an affordable house/houses on the site initially and in perpetuity – should the application be recommended for approval it would be a requirement for the applicant to sign an agreement under Section 106 in order to ensure that all the houses are affordable initially and that they remain affordable in perpetuity. Reference must also be made to the fact that the internal surface area of the proposed houses is 130m² and the guidance stipulate that an affordable two-storey three bedroom house should be no more than 100m². The proposal would therefore fail to comply with the guidance relating to the size of affordable homes.
- 5.3 The SPG: Affordable Homes (November, 2009) expands on Policy CH7 of the GUDP (along with other relevant policies), and states that there are a number of different methods for providing affordable homes, but the main considerations are that any applicant / developer must justify such applications by submitting evidence that relates to the need for this type of houses in the first place. The GUDP aims to ensure that affordable houses are located within development boundaries and particularly on land that has been specifically designated for housing or on random sites rather than developing countryside sites that are located outside development boundaries. The SPG also states that factors such as the design and quality of houses must be of a high standard and that the surface area of the proposed houses should be restricted in order to ensure affordability (see above in relation to the restrictions for three bedroom two-storey houses). In the context of this document, it is believed that the application in question does not comply with the advice it contains on grounds of the location of the site and its relationship with the development boundary. It is also believed that neither the layout of the houses on the site nor their design reflect the structures and character of the existing development pattern in this part of the village. Based on recent housing developments within the catchment and on the information submitted with the application, it is not considered that sufficient evidence has been submitted which justifies making an exception to usual housing policies.
- 5.4 TAN 2 “Planning and Affordable Homes” states that planning authorities must have policies relating to rural exception sites in order to assist with providing affordable housing in rural areas. The document states that if such applications are to be dealt with favourably, it must be proved firstly that there is a general local need for affordable housing in the area and secondly, that the development forms a logical extension to the village. Such sites must be small and on land located directly opposite the development boundary. The design of the houses should be of a high standard to assist to protect the environment and in order to ensure that such

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developments are visually integrated. To this end, and based on what has already been stated in this report, it is not believed that the proposal in question complies with this guidance.

- 5.5 Taking the above assessment into consideration, it is considered that the proposal is not acceptable in principle as it does not meet with the main principles of Policy CH7 of the GUDP, SPG: Affordable Housing or TAN 2 'Planning and Affordable Housing'.

Visual amenities

- 5.6 As referred to above, the application site is located outside the development boundary and on open agricultural land to the south west of the village. Although the application in question is an outline application, details have been submitted showing the layout of the houses on the site along with the proposed design of the houses with the design and access statement. The building pattern in this part of the village is in ribbon form with houses located adjacent to the county road. The proposed houses will be set at a square angle to the road and will run down towards the river creating a development that is incompatible with the current building pattern of this part of the village. Consequently, the proposal will involve creating a fragmented extension to the existing pattern and it is believed that it would not add to the current rural character of the village. TAN 12 "Design" states that the "relationship between a development and its urban or rural landscape or seascape is critical to its success". Developments must sustain or enhance local character along with ensuring that the scale, density, layout/setting of the development and its appearance is acceptable in its context. Given the above-mentioned assessment, it is believed that the development does not comply with the relevant guidance or policies on grounds of its unacceptable impact on the landscape and to this end it is believed that it is contrary to the objectives of Policy B23 and CH7 of the GUDP, SPG: Affordable Housing along with TAN 12 'Design'.

General and residential amenities

- 5.7 The nearest residential dwellings to the site are located to the north and to the farthest side of the county road (approximately 5m to the front curtilage of the houses and approximately 12m to the front elevation of the houses themselves) with a dwelling located approximately 16m to the east of the farthest side of Lôn Eifion. It is acknowledged that there will be some degree of noise disturbance should the development be approved, based on daily movements in and out of the site itself, however; it is believed that this degree of noise would not be unacceptable or significant given the existing residential dwellings near the application site and that the road is used by various transportation (e.g. farm machinery). It is also believed that the proposed houses would not create a situation of unacceptable overlooking (especially to the Rhydafon property located to the east of the site) given their setting within the site itself and the vegetation that skirts Lôn Eifion. In terms of residential and general amenities it is believed that the impact on the amenities of nearby residents will not be substantial or significantly detrimental in terms of disturbance and overlooking and the proposal is acceptable on the basis of the requirements of Policy B23 of the GUDP.

Transport and access matters

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- 5.8 The site is served by a third class county road which connects to the A487 trunk road via a junction located opposite the Glanrhyd Estate. The Highways Unit has confirmed that it has no objection to the application in principle, subject to including appropriate conditions should the current outline application be approved. The proposal therefore complies with the requirements of Policies B23 and CH36 of the GUDP.

Biodiversity matters

- 5.9 The site encroaches towards the banks of the river Rhyd, and should the application be approved, there would be a need to amend the plans in order to implement a 3m buffer zone between the site application and the banks of the river in order to safeguard and secure a corridor for wildlife. A condition should also be included that relates to the location and type of lighting used so that any light faces away from the corridor itself. To this end it is believed that the proposal is acceptable based on the requirements of Policy B20 of the GUDP.

Relevant planning history

- 5.10 As the above assessment mentions, a similar application was approved back in 2009 for six affordable homes on this site and since then, the relevant policy considerations have changed. This original permission came to an end in October 2012, and this current application will have to be considered within the context of adopted local and national policies and guidelines that currently exist. Within this context, this assessment confirms that the principle of the proposal is no longer acceptable and a full assessment of this has been included above.

Flooding matters

- 5.11 The site is located within an A zone according to the Development Advice maps of TAN 15 "Development and Flood Risk" (2004). Therefore, should the application be approved, there will be a need to provide an earmarked river bank plot of at least 4m opposite to the river Rhyd in order to avoid the possibility of the houses and the prospective occupiers being affected by flooding. In this respect, it is believed that the proposal complies with the requirements of Policy B29 of the GUDP and the requirements of TAN 15.

Section 106 agreement matters

- 5.12 Should the application be approved, the applicant will have to sign a legal agreement under Section 106 in order to ensure that the proposed houses are affordable homes initially and in perpetuity. In addition to this and in accordance with the requirements of the SPG: Housing Developments and Educational Provision (2009), the applicant must contribute towards two additional pupils that may derive from this development with a contribution of £24,514.00. An educational contribution will have to be made in this case as the capacity of the local school (Ysgol Felinwnda) is 30 (the number of pupils there in September, 2014 was 26) and it must also be borne in mind that planning permission has already been granted for 24 houses to the rear of "Mount" on a site that has been designated for housing in the GUDP. It is expected that 12 pupils will derive from these two sites. To this end, should the application be approved, both these matters will have to be secured by means of a 106 Agreement.

6. Conclusions:

- 6.1 Given the above assessment, it is believed that the development is not acceptable in terms of its principle, location, plan or setting and, therefore, it does not comply with

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the main principles of the relevant local and national policies relating to developing rural exception sites for affordable housing.

7. Recommendation:

7.1 To refuse – reasons:-

1. The Local Planning Authority has not been convinced that the proposal to develop a rural exception site for six homes can be dealt with as an exception to usual housing policies as the site does not abut the development boundary and does not form a logical extension to the village. Neither is it considered that the size of the houses reflects the size of affordable homes that would ensure their affordability in future. It is therefore considered that the proposal is contrary to the requirements of Policy CH7 of the Gwynedd Unitary Development Plan, SPG: Affordable Housing and TAN 2 'Planning and Affordable Housing'.
 2. The form and layout of the proposal would be urban as opposed to the existing development pattern and would create an incompatible and unacceptable feature on the periphery of the village thus having a harmful impact on the area's visual amenities, contrary to Policy B23 of the Gwynedd Unitary Development Plan.
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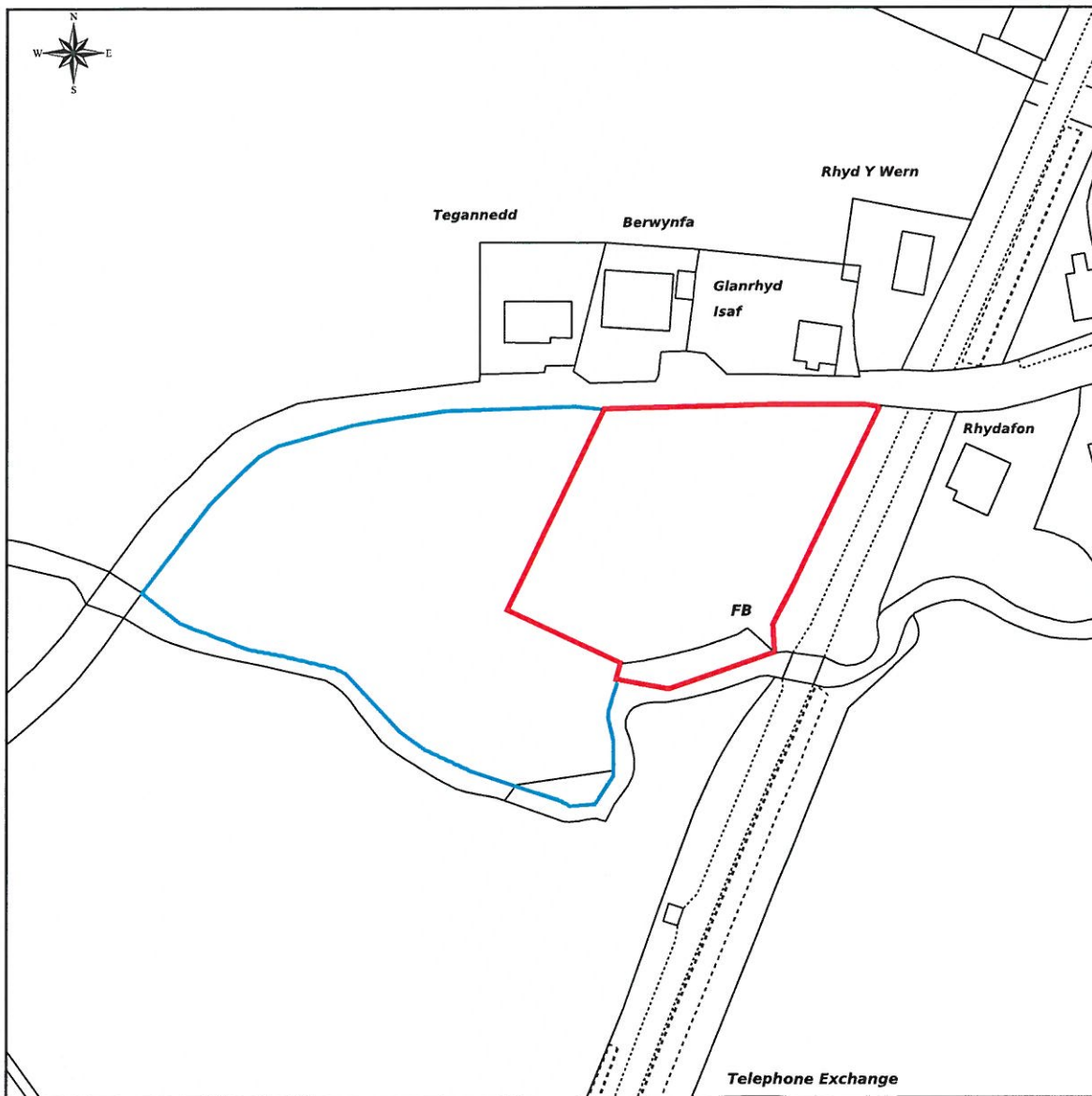
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Site Plan of LL54 5UE



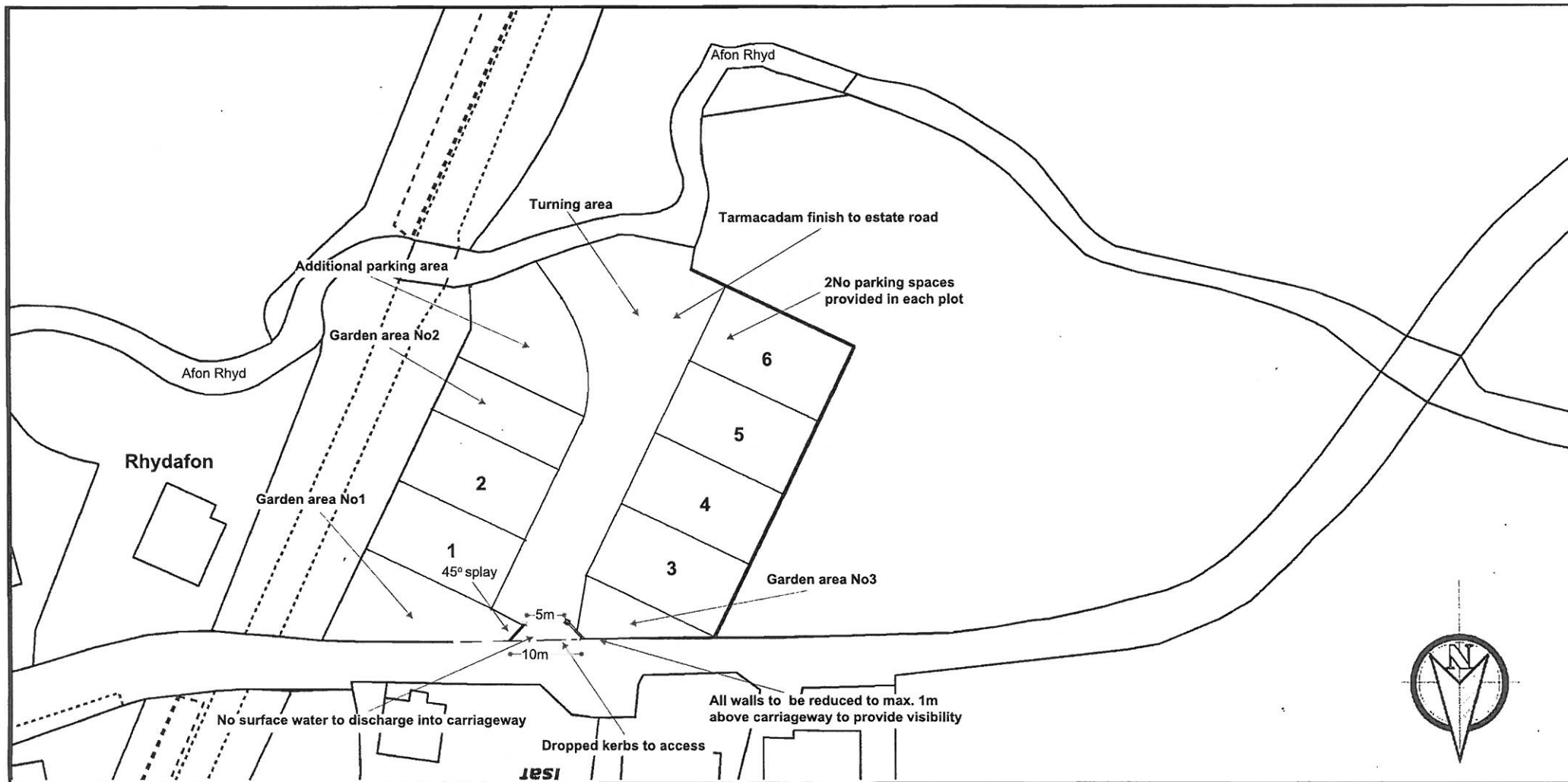
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GLANRHYD ISA
GLANRHYD
LLANWYDA
CAERNARFON
GWYNEDD
LL54 5UE

9



Land adjacent to: Glanrhyd Isaf, Glanrhyd, Llanwnda, Caernarfon, Gwynedd LL54 5UE

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