

PLANNING COMMITTEE	DATE: 03/07/2017
REPORT OF THE SERVICE MANAGER – PLANNING AND PUBLIC PROTECTION	PWLLHELI

**Number: 8**

**Application Number: C17/0438/18/LL**

**Date Registered: 10/05/2017**

**Application Type: Full - Planning**

**Community: Llanddeiniolen**

**Ward: Deiniolen**

**Proposal: Change condition 2 of application ref C09A/0396/18/AM for a residential development in order to extend the period from three years to enable the submission of a reserved matters application**

**Location: Land near Victoria Terrace, Deiniolen, Caernarfon, Gwynedd, LL553LT**

**Summary of the Recommendation:**

**TO APPROVE WITH CONDITIONS**

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## 1. Description:

- 1.1 This is a full application to change condition 2 of outline planning permission ref C09A/0396/18/AM in order to extend the time granted to submit a reserved matters application. As previously, the details related to scale, appearance, landscaping and access to the site have been reserved for consideration in the future through the submission of a reserved matters application. The proposal continues to mean developing the site for 27 houses (including five affordable dwellings for a general local need) and create a new entrance. The original application was subject to a legal agreement under Section 106 in order to provide an element of affordable housing. It is noted here that the 106 agreement will not need to be updated as its content continues to be valid, despite submitting this latest application.
- 1.2 The site is currently used for agricultural purposes. The size of the site is 0.8ha, and the western section has been earmarked as an area for biodiversity improvement and to reduce surface water run-off. A public sewer and mains water pipe cross the site along with natural water courses and the site is served by an agricultural entrance from the third class county road. The site is located within the development boundary of Deiniolen as included in the Gwynedd Unitary Development Plan and it has been designated specifically as a site to be developed for housing and the Development Brief has been prepared for it.
- 1.3 As part of this latest application, information was submitted which updates the information submitted with the original application which relates to a Community and Linguistic Statement as well as an Ecological Assessment. The remainder of the application is in accordance with those documents submitted as part of outline application number C09A/0396/18/AM.

## 2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary 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 7 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.
- 2.3 **Gwynedd Unitary Development Plan 2009 (GUDP):**

### 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

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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**

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 building elements, developments 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 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 conform to a series of criteria that are relevant to the features on the site and to the purpose of the development.

**POLICY B32 – INCREASING SURFACE WATER**

Refuse proposals that do not include appropriate flood minimisation or mitigation measures that will reduce the volume and rate at which surface water reaches and flows into rivers and other water courses.

**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 C7 – BUILDING IN A SUSTAINABLE MANNER**

Proposals for new developments or for the adaptation and change of use of land or buildings will be refused where consideration has not been given to specific environmental matters. Proposals must conform to specific criteria relating to building in a sustainable manner, unless it can be demonstrated that it is impractical to do so.

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

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

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**POLICY CH6 – AFFORDABLE HOUSING ON ALL ALLOCATED SITES IN THE PLAN AREA AND ON UNALLOCATED SITES THAT BECOME AVAILABLE 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 CH28 – IMPACT OF DEVELOPMENT ON JOURNEYS**

Proposals for large scale developments that will cause a substantial increase in the number of journeys made by private vehicles will be refused, unless they include measures to reduce the environmental impact. Developments which are planned and designed in a manner that promotes the most sustainable and environmentally acceptable modes of transport will be favoured.

**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 CH31 – PROVIDING FOR CYCLISTS**

Development proposals that do not provide specific facilities for cycling where there are obvious opportunities for doing so will be refused.

**POLICY CH32 – INCREASING ACCESSIBILITY BY PUBLIC TRANSPORT**

Proposals that are likely to lead to a substantial increase in the number of journeys made by private motor vehicles will be refused unless there is an adequate public transport service in place as an alternative, or unless the development will be effectively served by public transport in the future and that consideration has been given to promoting the use of public transport services in the planning and design of 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.

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

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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.

Gwynedd Design Guidelines (April, 2003).

Supplementary Planning Guidelines involving affordable housing, planning for sustainable development, planning obligations and housing developments and open spaces of recreational value.

Supplementary Planning Guidance: Development Briefs (November 2009) for this particular site.

**2.4 Gwynedd and Anglesey Joint Local Development Plan - LDP (Composite Version including Matters Arising Changes, January 2017).**

Policy Theme 1 - maintain and create safe, healthy, distinctive and lively communities

Policy Theme 2 - sustainable living

Policy Theme 4 - give everyone an opportunity to access a home which exists for their needs

Strategic Policy PS1 - the Welsh language and culture

Strategic Policy ISA1 - infrastructure provision

Policy ISA5 - provision of open spaces in new housing developments

Strategic Policy PS4 - sustainable transport, development and accessibility

Policy TRA2 - parking standards

Policy TRA4 - managing transport impacts

Strategic Policy PS5 - sustainable development

New Policy – development boundaries

Policy PCYFF1 - development criteria

Policy PCYFF2 - design and place shaping

Policy PCYFF3 - design and landscaping

Strategic Policy PS13 - housing provision

Strategic Policy PS15 - settlement strategy

Policy TAI16 - housing in service villages

Detailed Policy TAI1 - an appropriate mix of housing

Policy TAI9 - threshold of affordable housing and their distribution

Policy PS16 - protect or enhance natural environment

**2.5 National Policies:**

Planning Policy Wales - Edition 9 (November 2016).

Technical Advice Note 2: Planning and Affordable Housing.

Technical Advice Note 12:

Technical Advice Note 15: Development and Flood Risk

Technical Advice Note 16: Sports, Leisure and Open Spaces

Technical Advice Note 18: Transportation

Technical Advice Note 20: Planning and the Welsh Language

**3. Relevant Planning History:**

- 3.1. Application number C09A/0396/18/AM – a residential development of 27 houses together with the creation of a new access was approved in May 2014 following signing a legal agreement under Section 106 for the provision of an element of affordable housing.

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#### 4. Consultations:

Community/Town Council:	<p>Objection to the application in accordance with the foundations given on the outline application:</p> <ul style="list-style-type: none"> <li>• Must consider the effect of the development on the village of Deiniolen, not on the whole community, and erecting 27 units would be completely out of balance for the village.</li> <li>• Are public services sufficient to receive approximately 150 extra people?</li> <li>• There is no demand for housing here as there are many houses that have been for sale for a long time in the village and eight new houses are being constructed near the primary school.</li> <li>• The lights of vehicles exiting the site would affect the amenities of the residents of Victoria Terrace.</li> <li>• Where would the occupants of the proposed estate leave their cars during inclement weather?</li> <li>• What would the implications of the development be for the school and Pentre Helen?</li> <li>• Is the infrastructure (e.g. sewerage) likely to be able to cope with so many additional buildings?</li> <li>• No house should be let or sold to housing associations.</li> <li>• 15 footpaths from the houses to the pavement on the main road is quite unreasonable and they will cause a hazard to the occupiers and encourage parking on the side of the road.</li> <li>• The most beneficial use of this site would be as a playing field and car park.</li> <li>• If there must be development here, it is believed that 8-10 houses are sufficient.</li> </ul>
Transportation Unit:	No objection as it is not assumed that the proposed development would not have a detrimental impact on any road or proposed road.
Natural Resources Wales (NRW):	Of the information received, NRW are not of the opinion that the proposed development impacts the matter listed on our Check List <i>Natural Resources Wales and Planning Consultations</i>
Welsh Water:	No observations to make on extending the time but the previous Welsh Water conditions need to be included should this latest application be approved.
Public Protection Unit:	No response.
Biodiversity Unit:	No objection to extend the time but conditions need to be included relating to ecological matters in order to update the conditions of the previous application.
Housing Strategic Unit:	It appears that the application meets the need for affordable

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housing in the area as 27 applicants are on the Tai Teg register who wish to live in the area.

Land Drainage Unit: No objection, but need to include conditions in order to protect water courses crossing the site.

Public Consultation: Notices were placed on the site and nearby residents were informed. The advertisement period has ended and correspondence was received objecting the extension of this latest application based on the following grounds:

- Although it is recognised that this is an application for a time extension, objections received to the original outline application with regards to loss of privacy, light pollution, the environment, the amenities of local residents, local need for housing, character of the village, size of the development, length of the development work, floods and road safety are also relevant to this application.
- If the owner is in no position to fulfil the requirements of condition number 2 in the outline application, then the outline permission should be withdrawn until the owner is ready to submit a reserved matters application and is ready to develop the site.

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

**The principle of the development**

5.1 Decisions about planning applications must be made in accordance with the adopted development plan, unless other material considerations state otherwise. The Gwynedd Unitary Development Plan (2001-2016) is the current 'Development Plan' and the Joint Local Development Plan for Gwynedd and Anglesey (JLDP) replaces the UDP as the 'development plan' once it is adopted. The hope is that the JLDP will be adopted during July 2017.

5.2 When dealing with any planning application the statutory test should be your first consideration at all times, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other relevant considerations state otherwise. The JLDP is now a material planning consideration for the purposes of development control - see paragraph 3.1.3 Planning Policy Wales that states:

"Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies ...".

5.3 Although many policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not know for certain what the contents of the Plan will be until the Inspector submits his binding report.

5.4 Paragraph 2.14.1 of Planning Policy Wales states:

"...thus in considering what weight to give to the specific policies in an emerging Joint LDP that apply to a particular proposal, local planning authorities will need to

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consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances."

- 5.5 The principle of developing the site for a residential development has already been approved under outline application ref C09A/0396/18/AM and there has been no change in terms of the nature and details of the proposal or in the context of the local planning policies and guidelines and, although the Local Development Plan is likely to be adopted soon, the site will continue to be within the development boundary of Deiniolen in addition to being designated for a residential development within the plan itself under site reference T65 for approximately 30 houses.
- 5.6 Policies C1, CH1 and CH6 of the GUDP, and Policy TAI16 and TAI9 of the LDP are relevant to this application. Policy C1 relates to locating new development, and the main focus of the policy is to support developments within the development boundaries of towns and villages. The site continues to be within the development boundary of Deiniolen and, therefore, it is in accordance with this policy. Policy CH1 and TAI16 states that proposals to build houses on sites allocated for housing will be approved provided that criteria relating to specific features of the development in question can be met. The proposal, therefore, complies with these policies as the site continues to be designated for housing in the LDP. Policy CH6 and TAI19 states that proposals to build houses on sites allocated for housing which provide an element of affordable housing will be approved. The development, therefore, is in accordance with the policies as the situation has not changed since the period of approving the outline application.
- 5.7 It is important to note that the principle of developing the site for housing is not under consideration but, rather, the principle of extending the time to submit reserved matters that are relevant as a material planning consideration. Considering this, consideration also needs to be given to whether planning circumstances have changed since the approval of the original application and, to this end, it is confirmed that the planning situation relating specifically to the development in question has not changed.

**Design and visual and residential amenities.**

- 5.8 Policies B22, B23 and B25 of the GUDP, along with Policies PCYFF1 and PCYFF 2 of the LDP, are a consideration for this aspect of the application. This recent application does not entail any changes to the plans that have already been approved. We have an idea of the proposed houses in terms of the elevations, materials and design and it is believed that they will not have a substantial or detrimental effect on the amenities of this part of the village given that established residential areas already exist to the north and south of the site itself.
- 5.9 A rough plan of the proposed site has been submitted with the outline application, showing that the front section of the development includes houses facing the adjacent county road and they have been set in a way which reflects the setting of the adjacent houses in Victoria Terrace, and this is the built form of this part of the village. As a result of receiving this latest application, a number of local residents continue to object based on the fact that such a layout would have a detrimental impact on residential amenities through overlooking and loss of privacy, despite that the application has been amended so that the front row of houses have been set further back into the site, thus creating more of a gap and reducing any potential overlooking. Despite the proposal leading to more traffic along this part of the county

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road (which will naturally create more noise and disturbance) it is not believed that the impact would be significantly more than what already exists.

- 5.10 Therefore, it is considered that the application continues to be acceptable and complies with the relevant policies noted above.

#### **Transport and access matters**

- 5.11 Policies CH33 and CH36 of the GUDP, as well as Policy TRA2 and TRA4 of the LDP, relate to safety on roads and streets and private car parking facilities. This current application does not include any changes to what was permitted in the previous application in terms of providing a new access to the site and creating parking spaces within the site itself, and that the roads network is able to cope with the increase in traffic emanating from the development. The Transportation Unit has no objection to the extension to the time. The objectors' latest concerns have been acknowledged and have received full consideration, but there is no other evidence to demonstrate a material change in circumstances since the previous planning permission. With conditions, this latest application is considered acceptable based on the policies quoted above.

#### **Biodiversity matters**

- 5.12 Policy B20 of the GUDP, and Policy PS16 of the LDP, which are relevant here and involves protecting species and their habitats as well as protecting or enhancing the natural environment. In order to update the ecological information submitted with the previous outline application, a new ecological assessment was submitted which refers to mitigating measures and a compensation which could be followed in order to reduce any impact on the site application's biodiversity. Observations were received from the Biodiversity Unit which state that there is no objection to approving this application to extend the time period, subject to updating the conditions that were included in the previous application and, to this end, it is therefore believed that this latest proposal is acceptable and complies with the relevant policies noted above.

#### **Flooding and infrastructure matters**

- 5.13 Policies B29 and B32 of the GUDP and Policy ISA1 of the LDP relate to development on land at risk from flooding and increasing surface water. This concern has already been highlighted by local residents in the outline application and in this current application. A thorough drainage assessment of the site was commissioned in the outline application and that assessment states that the proposal will not create any additional flood risk, either to the nearby dwellings or on the site. There is no objection from Natural Resources Wales, the Land Drainage Unit or Welsh Water to extend the time period subject to the fact that the conditions included in the outline application would be included should this latest application be approved. Therefore, it is believed that this latest application complies with the conditions noted above.

#### **Language and Community Statement**

- 5.14 The Statement of Language and Community Impact was submitted as part of the Design Statement that was submitted with the application. Although no response has been received by the Joint Planning Policy Unit at the time of writing this report, it is assumed that the Unit's response would not be very different to the response submitted on the previous application when the opinion was expressed that the development was unlikely to have a detrimental impact on the Welsh language. The Unit's response will be included in the additional comments form for this meeting. To

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this end, therefore, it is believed that this latest proposal complies with the requirements of Policy A2 of the GUDP and Policy PS1 of the LDP.

**6. Conclusions:**

- 6.1 The objections to this current application to extend the time for submitting reserved matters have received full consideration and, based on the above assessment, and having considered all the relevant matters, including the objections, it is not considered that the proposal of extending the time granted for application ref C09A/0396/18/AM in order to submit the reserved matters is contrary to the other local and national policies and guidelines that state otherwise, including GDUP and LDP policies. Based on the above, it is considered that the proposal continues to be acceptable subject to including relevant conditions and as included within the previous outline permission.

**7. Recommendation:**

- 7.1 To approve – conditions:
1. 2/5 years to begin the work
  2. Submitting reserved matters.
  3. Materials and finished (including natural slate for the roofs).
  4. Access and parking.
  5. Landscaping.
  6. Removal of permitted development rights for the affordable houses.
  7. Welsh Water conditions relating to safeguarding the sewers.
  8. Conditions of Natural Resources Wales regarding land and surface water draining.
  9. Update the conditions regarding mitigation measures of the ecological assessment.