

PLANNING COMMITTEE	DATE: 06/11/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

Number: 1

Application Number: C16/0367/18/LL

Date Registered: 06/04/2016

Application Type: Full - Planning

Community: Llanddeiniolen

Ward: Deiniolen

Proposal: Full application to construct 12 houses and create an entrance and estate road

Location: Land near Capel Maes y Dref, Clwt y Bont, Deiniolen, Caernarfon, Gwynedd, LL55 3DG

Summary of the Recommendation: TO REFUSE

1. **Description:**

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- 1.1 You will recall that this application to erect 12 houses was deferred at the Planning Committee on 13.03.17 on the grounds that the members required more information regarding (i) submission of detailed plans of the drainage system for the site considering that the nearby area and the application site was open to flooding in inclement weather and (ii) further details regarding why a play area cannot be included within the application site for the prospective owners of the proposed houses? The information regarding the drainage plans has already been accepted but no further information has been received from the applicant's agent to justify why a play area cannot be included as part of the planning application.
- 1.2 To remind members, this is a full application for the construction of 12 houses on a parcel of land located to the south-west of the village of Deiniolen and which, by now, is located outside the development boundary as included in the Gwynedd and Anglesey Joint Local Development Plan (July, 2017 - LDP) along with the creation of a new entrance off the nearby class III county road. The proposal will also involve the creation of a pedestrian entrance along the eastern boundary of the site which links with public footpath number 102 Llanddeiniolen, along with the protection of a ditch that runs adjacent to the southern boundary of the site. The site is also within an area that is included on the Register of Landscapes of Outstanding Historic Interest in Wales.
- 1.3 The site measures 0.4 ha (which means a density of 34 houses for each hectare in this context), and agricultural land is located to the north, residential dwellings and public footpath number 102 Llanddeiniolen are located to the east, a class III county road is located to the south with residential dwellings further afield and a residential dwelling (which has replaced the former chapel on the site - Capel Maes y Dref) is located to the west. The site is currently used for agricultural purposes (grazing land) and slopes down towards the south where a water course/open ditch is located.
- 1.4 The application involves the erection of four three-bedroom houses (affordable houses), four two-bedroom houses (open market), along with four three-bedroom houses (open market). This mixture of housing is based on information gathered by the Council's Housing Strategic Unit Team which confirms the substantial need for 2-3 bedroom houses within the local community and offering this type of housing equates to the provision of starter homes for local families. The estate's design is in the form of a *cul-de-sac* with a private amenity area belonging to each house and parking spaces off the estate road. The design of the houses is different in order to create visual variety; however, the external materials will be consistent throughout the estate with natural slates for the roofs, smooth painted render on the walls along with white UPV-c windows and doors.
- 1.5 As part of the application, a Design and Access Statement, a Linguistic and Community Statement, along with information regarding open spaces of recreational value and educational contribution (including a financial viability assessment for this particular site) were submitted.

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.

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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 set out below, 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 and Anglesey Joint Local Development Plan (July, 2017 - LDP):-**

Policy PS1 - The Welsh Language and Culture

Policy PS2 - Infrastructure and Developer Contributions

Policy ISA1 - Infrastructure Provision

Policy ISA5 - Provision of open spaces in new housing developments

Policy TRA2 - Parking standards

Policy TRA4 - Managing transport impacts

Policy PCYFF1 – Development boundaries

Policy PCYFF2 - Development criteria

Policy PCYFF3 – Design and place shaping

Policy PCYFF4 - Design and Landscaping

Policy PCYFF5 - Carbon Management

Policy PCYFF6 - Water conservation

Policy TAI3 - Housing in Service Villages

Policy TAI16 - Exception Sites

Policy AMG5 - Local Biodiversity Conservation

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 Guidance(2003).

2.4 **National Policies:**

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Planning Policy Wales, Edition 9, (2016).

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

TAN6 Planning for sustainable rural communities (2010).

TAN 12 Design (2016).

TAN 20 Planning and the Welsh Language (2013).

3. Relevant Planning History:

- 3.1 Application number 3/18/304 - industrial development (light engineering) withdrawn in October, 1978.

4. Consultations:

Community/Town Council: Object on the grounds that the application is unnecessary considering that similar houses continue to be for sale in the village.

Transportation Unit: After receiving amended plans in relation to the design of the main entrance to the site and keeping a ditch that runs adjacent to the southern boundary of the site open, the Transportation Unit does not have concerns regarding the proposal subject to the inclusion of appropriate conditions.

Biodiversity Unit: The water course should not be closed in a culvert and a condition will need to be imposed should the development be approved so that the developer submits a method statement explaining what measures will be taken to ensure that no material is washed into the water course during the construction work.

Housing Strategic Unit: The proposal is acceptable on the grounds that there is a need for affordable housing (two and three bedroom houses) in the area and the evidence submitted by the applicant and by this Unit confirms this element of the planning application.

Natural Resources Wales: NRW concludes that the proposal in its current form would be unlikely to have a detrimental impact on surface water or on the historic landscape subject to the inclusion of a condition relating to the submission of a water management plan for the site.

Welsh Water: Condition regarding the submission of a drainage plan for the site.

Public Protection Unit: No response.

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Flood Risk and Coastal
Erosion Management
Unit:

Standard response in relation to the need to safeguard
the water course that runs through the site.

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Public Consultation:

A notice was posted on the site and nearby residents were notified. The advertising period has ended and a number of letters and a petition were received from local neighbours objecting on the following grounds:

- The proposal does not respect the local infrastructure, nature or the important historic pattern of the area based on the scale of the houses.
- Proposal is out of character with the area.
- The number of affordable houses being proposed here and on other sites is low compared with the local need for them.
- Many properties already for sale in the area have not been sold; therefore, there is no need for such an application. The real need in Deiniolen is for houses for the elderly and social housing.
- Approving the proposal would involve a substantial increase in traffic using the local roads which are sub-standard due to their condition and lack of pavements.
- A number of houses in Clwt y Bont and Deiniolen have experienced flooding in the past and there is concern regarding further flooding should this application be approved.
- The proposal would have a detrimental impact on the amenities of local residents based on noise nuisance and busyness.
- Some of the proposed houses would affect the privacy of a nearby dwelling on the grounds of overlooking and would be contrary to the requirements of the Human Rights Act.

After re-advertising the application as a result of receiving amended plans, other objections were received on the following grounds:-

- Continuing concern regarding flood risk as the area surrounding the site is at regular risk of flooding. The Council is already aware of the seriousness of this situation and the culvert cannot cope with more water. A solution to the problem is to install a drain through the site in question.
- Approving 12 new houses in Deiniolen cannot be justified as other applications have already been approved for houses near Rhiw Goch and opposite Victoria Terrace, along with eight houses near the primary school.
- Difficult to believe that the primary school would be able to cope with a substantial increase in the number of children that would attend the school.
- The contents of the original objection letters is also relevant to this amended application.

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5. Assessment of the material planning considerations:

The principle of the development

- 5.1 It is required to make decisions about planning applications in accordance with the adopted development plan, unless other material considerations note otherwise. The Gwynedd and Anglesey Joint Local Development Plan (LDP) is the adopted 'Development Plan' to be considered in the context of this application.
- 5.2 When the application was originally submitted to the Planning Committee in April, the Gwynedd Unitary Development Plan was the adopted development plan, and at the time, the site was located within the development boundary and was designated for houses. However, due to the period of time it took to prepare the detailed drainage plan for approval by the Local Planning Authority, the previous plan was superseded by the current LDP in July 2017. In the LDP, the site is no longer located within the development boundary, although it abuts it.
- 5.3 The principle of developing this site for residential dwellings is based on Policy PCYFF1, Policy TAI3 and Policy TAI16 of the LDP. Policy PCYFF1 states that proposals will be approved within development boundaries in accordance with the other policies and proposals in the Plan, national policies and other material planning considerations. Outside the development boundaries, proposals will be refused unless they are in accordance with specific policies in the Plan or national planning policies or that the proposals show that its location in the countryside is essential.
- 5.4 Policy TAI3 states that houses within service villages that meet the strategy of the Plan are ensured through housing designations along with windfall sites within the development boundary.
- 5.5 Policy TAI16 states that if can be shown that a local need has been proven for affordable housing that cannot be addressed within a reasonable timescale on a market site within the development boundary which includes a requirement for affordable housing, as an exception, proposals for 100% affordable housing plans immediately adjacent to development boundaries that form a logical extension to the settlement will be approved.
- 5.6 Considering the above assessment, and despite the fact that four of the 12 proposed houses are affordable, it is not believed that the application does not comply with the current policy referred to above on the grounds of (i) the site, in its entirety, is located outside the development boundary as included in the LDP; (ii) the proposal does not show that its location in the countryside is essential (i.e. it is not for a house/houses relating to any rural enterprise as referred to in document TAN6 Planning for Sustainable Rural Communities along with Planning Policy Wales, Chapter 9 Housing) and (iii) the proposal is not for 100% affordable housing (although it is believed that the proposal forms a logical extension to this part of the village). Therefore, to this end, it is believed that the proposal is acceptable in principle in relation to the context of the LDP's policies and national advice.

Visual amenities

- 5.7 The site is located on the south-western outskirts of Deiniolen with established houses of various form, design, plan and size with various external materials located nearby. The site is on a gradient towards the south and is located in a prominent place on the outskirts of the village and can be easily seen from the nearby right of

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way. Residential dwellings are located to the east, south and west and open agricultural land is located to the north.

- 5.8 Existing external materials will be used on the houses including natural slate roofs, smooth painted render on the walls and white coloured UPV-c openings. The elevations of the houses will include architectural features including roof lights, porches and horizontal slates. The layout of the houses within the site has been determined by the site's topography, the location of the ditch, the layout of the nearby dwellings and the design of the estate road to the Council's adopted standard and despite this, it is not believed that the development as a whole will create a discordant development in the street scene. The ridge of the roofs of both houses closest to the road are slightly lower than the ridges of the other houses on the site in order to reduce their scale and presence in this section of the street scene.
- 5.9 Although the site and the extended area are included in the register of Landscapes of Outstanding Historic Interest in Wales, it is believed, considering the scale, design and density of the development, that it will not undermine this designation. To this end, therefore, it is believed that the proposal is acceptable based on the requirements of Policy PCYFF3 and PCYFF4 of the LDP.

General and residential amenities

- 5.10 The dwellings located closest to the site are located 6m away (from the front of plot 9 to the gable end of Crud y Gwynt) and 30m away (from the eastern gable end of the house on plot 8 to the front of Bryn Clegyr to the east of the application site) and 11m away (from the back of the house on plot 2 to the eastern gable end of Awelon) to the west of the site. Houses are also located to the south of the site on the other side of the county road with the front of the house on plot 12 located 18m to the north of the gable end of Number 1 Stad Hafod. Although objections have been received from the occupants of Awelon, 1 Stad Hafod, Crud y Gwynt and Bryn Clegyr (along with the occupiers of other houses located further away from the site) based on residential amenities (creation of oppressive structure leading to loss of light, loss of privacy and overlooking), it is believed in this case that the proposal, which has been amended to take these objections into account, is now acceptable on the grounds of residential amenities. Communal overlooking already exists between the houses in the planning application's catchment area and although an element of additional overlooking will be inevitable, it is not believed that this will be of a scale that is substantially more than the existing.
- 5.11 The houses on plots 9 and 10 have been located further into the site in order to reduce overlooking into the front garden of Crud y Gwynt and in order to reduce any oppressive impact (and loss of light) on the occupants of this house. It is believed that there is sufficient space (which also includes vegetation and is located on higher ground) between Bryn Clegyr and the gable ends of plots number 8 and 9 that would not cause substantial direct overlooking into the Bryn Clegyr property itself. There will be an element of overlooking as well from the rear of plots number 1-4 to the gable end and front curtilage of Awelon (to the west of the application site) from the windows on the ground floor however this will be at eye level only. It is not believed that there will be overlooking from the windows on the first floor down towards the curtilage of Awelon as these will be windows with opaque glass for the bathrooms. The front of the houses on plots 9-12 that face the county road and the northern gable end of 1 Stad Hafod (and the northern gable end of Plas Eryri to a degree), however it is not believed that any overlooking will be substantial considering the space between the houses themselves and the fact that a relatively busy road is located between

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them. It is acknowledged that an element of disturbance will derive from the development during the construction work although this will only be temporarily. Therefore, it is not believed that the proposals will be contrary to the requirements of Policy PCYFF2 of the LDP.

- 5.12 The occupants of Crud y Nant state that approving the application would be contrary to the Human Rights Act, Protocol 1, Articles 1 and 8 that relate to safeguarding and protecting the individual's right to privacy and to enjoy their property in peace. Taking local planning policies along with relevant national planning advice in the context of privacy and amenities into account, it is believed that the development is acceptable based on these amenities and that this is not contrary to the requirements of the Human Rights Act.

Transport and access matters

- 5.13 It is proposed to construct a new entrance to the development along the nearby class III county road along with the creation of a pedestrian only entrance in the eastern boundary of the site and adjacent to the Bryn Clegyr property. In accordance with the requirements of the Transportation Unit, the original plans were amended for the entrance and ditch and the proposal is now acceptable subject to the inclusion of appropriate conditions. It is therefore believed that the proposal is acceptable based on the requirements of Policy TRA2 and TRA4 of the LDP.

Biodiversity matters

- 5.14 Observations were received from the Biodiversity Unit which state that in order to compensate for the current grazing land, the developer must leave a 2m buffer along the water course/ditch that runs along the southern boundary of the site. The water course should not be closed in a culvert. The developer must submit a method statement explaining what measures will be taken to ensure that no material is washed into the water course during the construction work and this can be ensured by including a relevant condition on any planning permission. It is therefore believed that the proposal conforms to the requirements of Policy AMG5 of the LDP.

Flooding matters

- 5.15 As referred to above, additional information was submitted in response to the concerns of Members relating to flood and land drainage matters on the site. This information was submitted in the form of a drainage strategy and detailed design with eligible advisers and the report concludes that the flow of surface water from the site into the adjacent land can be managed if compliance can be ensured with the mitigation measures recommended in the report itself. A second consultation was undertaken with Welsh Water and they have responded by stating that the drainage arrangement included in the report is acceptable in principle and subject to including Welsh Water advice notes for the applicant should the application be approved. It is also relevant to note that Natural Resources Wales states that it would be possible to approve the application should a condition be included that relates to submitting a water management plan. Taking the above into account, therefore, it is believed that the proposal is acceptable on the grounds of flood impact and land drainage and complies with the requirements of Policy ISA1, PCYFF2 and PCYFF6 of the LDP.

Linguistic and Community Matters

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5.16 Policy PS1 of the LDP states that the Councils will promote and support the use of the Welsh language in the Plan area by e.g. asking for a Welsh Language Statement. The SPG: Planning and the Welsh Language states that there is 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 national policies. To this end, the applicant has submitted a Linguistic and Community Statement to support the proposal and the Joint Planning Policy Unit has concluded as follows:-

- The proposed affordable dwellings will be very attractive to residents and are likely to satisfy local housing needs.
- The development will give local people more choice within the local housing market.
- Considering the size and location of the proposed houses, it is not expected for prices to rise out of the reach of local residents and are likely to retain the local population in the community and could contribute towards a positive impact on the Welsh language.
- It is likely that the development will be very attractive to young families in the area.
- The development could have a positive impact on the local primary school by increasing the number of pupils attending; however, it must be considered whether or not the development could place excessive pressure on Ysgol Gwaun Gynfi. However, it is noted that the development would mean that the number of pupils at the school would continue to be lower than the capacity.
- On the whole, it was not believed that the nature or scale of the proposed development was likely to have a detrimental impact on the Welsh language.

5.17 Given this assessment and the above-mentioned observations of the Joint Planning Policy Unit, it is believed that the proposal is in accordance with Policy PS1 of the LDP in addition to SPG: Planning and the Welsh Language.

Educational matters and open spaces of recreational value

5.18 As referred to above, one of the reasons why the application had been deferred at the April Committee was in order to receive additional information from the applicant regarding why a play area cannot be included as part of the development. Although this information has not been received, the applicant has already confirmed why this is not possible by referring to the viability of the development. A viability assessment was submitted with the application which states that the development would not be viable should the educational contributions and contributions for the creation of an open space would be required. This information was assessed by the Joint Planning Policy Unit and they concluded that the development would not be viable should a contribution be needed to provide an open space within the site along with an educational contribution for the local school.

5.19 Paragraph 18 of the SPG: Planning Obligations, state that the Council is eager not to endanger the viability of development plans by aiming for too many contributions from developers and Welsh Government is of the opinion, provided that the infrastructure required for realising the development is protected, the provision of affordable housing should be given priority. This principle of being flexible and fair with the applicant/developer when using planning obligations is also expressed in Planning Policy Wales (2016), Chapter 3, Development Control. Therefore, to this

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end it is believed that the proposal is acceptable based on the requirements of Policy ISA1 and PS2 and the relevant SPG.

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/objections received, it is not believed that this proposal, in its current form, is acceptable in principle and that it is contrary to the requirements of the relevant policies as noted above.

7. Recommendation:

7.1 To refuse:-

1. The proposal is unacceptable on the basis of principle and is contrary to the requirements of Policy PCYFF1 (development boundaries), TAI3 (houses in service villages) and TAI16 (exception sites) of the Gwynedd and Anglesey Joint Local Development Plan and to Technical Advice Note 6 on Planning for Sustainable Rural Communities along with Planning Policy Wales, Chapter 9 Housing as it involves erecting new houses in the countryside and outside the development boundaries of Deiniolen without justification.