

PLANNING COMMITTEE	DATE: 18/12/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

Number: 9

Application Number: C17/0893/18/AM

Date Registered: 12/09/2017

Application Type: Outline

Community: Llanddeiniolen

Ward: Bethel

Proposal: Erection of seven houses (including two affordable houses), along with new accesses.

Location: Land opposite Stâd Rhoslan, Bethel, Caernarfon, Gwynedd, LL55 1YB

Summary of the Recommendation: TO DELEGATE THE RIGHT TO APPROVE.

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1. Description:

- 1.1 Members may recall that this application was deferred in the 27.11.17 meeting to enable Officers to consult with Welsh Water following the recent flooding in Bethel. A reply has been received from Welsh Water who continue to confirm (for the third time) that there would be sufficient capacity to accommodate the site without detriment to Welsh Water assets and apparatus. This is based on an analysis of the hydraulic capacity of the local sewerage system and the anticipated foul flows generated from the development (consisting of foul flows from only 7 properties). With reference to the flooding on 22.11.17 in the village of Bethel no customer flooding issues have been reported to Welsh Water.
- 1.2 This is an outline application for the erection of five detached houses and two semi-detached affordable houses. The plan includes creating new accesses from the adjoining class III county road to the site located opposite Stâd Rhoslan in the village of Bethel. Matters such as landscaping and design have been retained for consideration in a reserved matters application.
- 1.3 The five detached houses would be two-storey four bedroom houses on the open market, and the semi-detached affordable houses would have three bedrooms. It is anticipated that the fabrication of the houses will reflect the fabrication of the surrounding houses including natural slate roofs and rendered walls. It is intended to locate the parking spaces in front of the houses with gardens in the form of a lawn at the front and towards the rear of the houses.
- 1.4 The application site is located within the Bethel development boundary as contained in the Joint Local Development Plan and the area has also been designated for houses in the Gwynedd Mapping Document (reference T58). Bethel has been recognised in the LDP as a *Service Village* which means that it has more of a strategic role to play on the basis of housing provision, not only within the village itself, but also within the surrounding villages/clusters. There is agricultural land to the north of the site, the class III county road lies to the east with Stâd Rhoslan further afield, a private drive is located to the south with residential dwellings further afield, and agricultural land is located to the west. The site is on level ground and measures approximately 0.32 ha, and there is currently agricultural land with *cloddiau* along its edges.
- 1.5 As part of the application, a Design and Access Statement was submitted which assess the proposal within the context of relevant local planning policies and the Part One Extended Species Survey.

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 Local 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

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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 and Anglesey Joint Local Development Plan 2011-2026 (LDP) adopted 31 July 2017:

Policy PCYFF1 – development boundaries.

Policy TAI3 - housing in service villages.

Policy TAU8 - mix of appropriate housing.

Policy TAI15 - threshold of affordable housing and their distribution

Policy PCYFF2 - development criteria.

Policy PCYFF3 - design and place shaping.

Policy PCYFF4 - design and landscaping

Policy ISA1 - infrastructure provision.

Policy TRA2 - parking standards

Policy TRA4 - managing transport impacts.

Policy AMG5 - local biodiversity conservation

Supplementary Planning Guidance (SPG): Affordable Housing.

SPG: Housing Developments and Educational Provision.

SPG: Housing Developments and Open Spaces of Recreational Value.

2.4 National Policies:

Technical Advice Note (TAN) 2 Affordable Housing.

TAN 12 Design.

3. Relevant Planning History:

3.1 Application 3/18/348B – erection of agricultural dwelling refused September 1985 on policy grounds.

3.2 Application no. 3/18/348C – erection of eight dwellings refused May 1988 on policy grounds and then on appeal.

3.3 Application no. 3/18/348D – erection of a dwelling refused on policy grounds in 1994.

3.4 Application no. C08A/0058/18/AM – erection of eight affordable dwellings and a new access not yet determined on the grounds of sewerage concerns. An appeal was made to the Planning Inspectorate against the failure to determine the application and the Inspector decided that it had not been demonstrated that circumstances were sufficient

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to justify an exception to the usual controls governing new development outside designated settlement boundaries.

- 3.5 Application no. C11/0306/18/AM - erection of eight affordable dwellings for local need together with a new access (re-submission of an application previously dismissed on appeal) refused on policy grounds in Januray 2012.

4. Consultations:

Community/Town Council: Object on the grounds of sewerage problems along with the history of several planning applications on the site being refused.

Transportation Unit: No objection subject to including relevant conditions.

Natural Resources Wales: Of the information submitted, NRW are of the opinion that the proposed development does not impact the matters listed on *Natural Resources Wales Check-list and Planning Consultations (2015)*.

Welsh Water: No objection but with a condition which states that surface water or/and run-off drainage should not be permitted to connect directly or indirectly with the public sewer. In addition to this, they state that they have no objection to the water supply element of the outline application.

Public Protection Unit: No response.

Tai Teg: Encourage affordable housing units as part of planning applications - need to ensure that the affordable units fulfil the requirements of Design and Quality Standards and that the developers contact Tai Teg /the Housing Association which is operational in Gwynedd to discuss selling/buying the affordable property.

Housing Strategic Unit: Based on the information submitted by the applicant it seems that the plan partly meets the demand for affordable housing in the area. There would be a need to consider awarding a discount of approximately 30% on both affordable units if they are not affordable in the first place.

Education Information Officer: Capacity for 37 children at the local primary school.

Biodiversity Unit: Need to conform to the mitigation measures included in Part 9 as included in the Part One Extended Species Survey.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has expired and

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correspondence was received objecting on the following grounds:

- A faulty sewerage system that serves the village. The existing sewerage system is not sufficient to cope with more houses and improvements have not been carried out by Welsh Water to upgrade the public sewer system.
- The site's history of previous applications and appeals being refused on policy grounds.
- Erecting houses on a wet site such as the application site would cause water to accumulate and overflow to the nearby houses.
- A residential development near the narrow county road in this part of the village would cause disruption to road safety on the grounds of lack of pavements, increase in transport and lack of parking spaces (cars parking on the road).
- The land in question is rich on the basis of biodiversity.
- The proposal would mean overlooking and loss of privacy for houses on Stâd Rhoslan.
- The site is located in open countryside.
- There is sufficient land within the village without the need to develop land on the outskirts of the village itself.
- The need for affordable housing has been met by other sites within Bethel.

As well as the above objections, objections were received that were not material planning objections and these included:

- The owner of the land of the application site continues to restrict access along the public footpath which crosses the site (Footpath Number 3 Bethel).
- The site should not have been included within the development boundary as included in the Local Development Plan in the first place as this was not the wish of Bethel residents.

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 Policy PCYFF1, Policy TAI3 and Policy TAI15 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 planning policies and other material planning considerations. Policy TAI3 states within *Service Villages* that houses to meet the strategy of the Plan are ensured through housing designations along with windfall sites within the development boundary. The policy estimates that it would be possible

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to locate 12 units on this site on a development density of 30 units per hectare. Although the figure which is subject to this application is lower than the 12 units referenced in the policy itself, the information submitted by the applicant states that several physical and practical restrictions means that it would not be possible to erect houses on the whole site. These restrictions are based on the requirements of the Transportation Unit to create a new footpath on the front periphery of the site, several new accesses to service the houses, the need for parking spaces, and space to turn within the site make it necessary for the houses to be situated 12m from the front of the site which is adjacent to the county road. In addition to the Transportation Unit's restrictions, the main sewerage pipe which crosses the site must be avoided as it is prohibited to build within 3m of the pipe itself according to the requirements of Welsh Water. Although the development boundary as included in the LDP is set further back beyond the boundary noted in the current application, the site's depth will now reflect the depth of the nearby curtilage of Cefn Cynrig in order to try to prevent the development from protruding into open countryside to the west.

- 5.2 Policy TAI 8 states that every new residential development should contribute towards improving the housing balance and meet the needs of the entire community. To this end, the applicant has submitted information based on conducting local research of the housing market in Bethel which concludes that there is a great demand for self-build land for houses of a comfortable size for local families that are in need of larger homes but are not eager to leave the local area. Policy TAI15 states that at least 30% of the houses on the application site will be expected to be affordable and to this end it is deemed that the provision of two affordable houses out of the seven proposed houses is acceptable based on the objectives of this particular policy.
- 5.3 Whilst considering the above assessment it is believed that the principal of developing the site for five open-market houses along with two affordable houses is acceptable in principle and complies with the relevant local planning policies.

Visual amenities

- 5.4 This site is located on the western outskirts of the village with an established residential area to the east and the south along with open agricultural land to the north and the west. The nearby houses are of various design, plan and size with a variety of external materials. The application site is flat in nature with the remainder of the field sloping down to the west towards the stream.
- 5.5 The site is situated in the south eastern corner of the field with the intention of following this part of the village's ribbon development pattern. As this is an outline application only a plan of the layout of the houses on the site, location of the parking space, access and amenity areas (gardens) 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 and a render finish to the walls. On the basis of the above, it is therefore considered that, with appropriate conditions, the proposal complies with the requirements of Policy PCYFF3 of the LDP.

General and residential amenities

- 5.6 The proposed houses will face the houses which are adjacent to the county road (including the dwellings of Stâd Rhoslan) with a void between them varying from 25m up to 27m. The ridge of the nearest house, which is located to the south of the site (number 5 Cefn Cynrig), is located approximately 29m away from the ridge of the first

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dwelling with a private drive, *clawdd* and a public right of way (public footpath number 3 Llanddeiniolen) located between them. An objection was received from the occupants of one of the dwellings which faces the site on the grounds of loss of privacy and overlooking. Considering the distance and the void between the front elevation of the proposed houses and the front of the existing dwellings, it is not considered that any overlooking would be considerably more (if at all) compared to the current situation which exists between the front elevation of the Cefn Cynrig dwellings and the front elevation of the Stâd Eryri dwellings slightly below the application site. Considering the above assessment it is not believed that there would be any significant or detrimental overlooking or loss of privacy as a result of the proposal, and therefore, it is not considered that the proposal is contrary to Policy PCYFF2 of the LDP.

Transport and access matters

- 5.7 The site plan submitted with this application is based on the initial discussions between the applicant and the Transportation Unit. It was agreed to create a footpath to run along the front periphery of the site in order to improve access to the site itself to walkers and to ensure their safety. It was also agreed that the accesses to serve the houses would be shared so that the number of accesses reduces to four rather than creating a new access for every house. There are parking spaces for two cars per house with plots one to five benefiting from additional parking in the form of garages. The Transportation Unit has no objection to this arrangement subject to the inclusion of appropriate conditions. It is therefore deemed that the proposal conforms to the requirements of Policy TRA2 and TRA4 of the LDP.

Biodiversity matters

- 5.8 In accordance with the requirements of the Biodiversity Unit a Part One Extended Species Survey was submitted with the application which concluded that a new *clawdd* will be need to be reconstructed on the north-west periphery of the site by using indigenous species, undertake any work on the site outside of the nesting period, landscape by using indigenous species along with using bat bricks / bird boxes inside and outside of the new houses. These mitigating measures can be ensured by setting a relevant condition on any planning permission. It is therefore deemed that the proposal conforms to Policy AMG5 of the LDP.

Infrastructure matters

- 5.9 As referred to above, objections have been received by the public about the suitability of the existing public sewer system in the village to cope with more houses, especially when improvements have not been carried out by Welsh Water to increase the system's capacity to take more surface water and foul water. The objectors elaborate by stating that the application should be refused until an audit has been carried out and improvements have been made to this system.
- 5.10 As part of the statutory consultation process, Welsh Water was consulted and a response was received from them stating that if the Local Planning Authority intended to approve the application that a condition preventing any surface water or/and run-off drainage from connecting directly or indirectly with the public sewer should be included. This would prevent a hydraulic overload of the public sewer system and would protect the health and safety of existing residents and to ensure that there will be no corruption of / or damage to the environment. This is a standard planning condition.

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- 5.11 Given the concerns stated in regards to the capacity difficulties and problems of the current system, the applicant contacted Welsh Water to inquire whether there were any historical problems with the system in Bethel. The response stated:
- An invite was received by the Community Council in January 2017 to discuss the matter, and Welsh Water was not aware of any problems at the time with the application site, other than the pumping station was being overloaded.
 - In November 2015, residents of Stâd Eryri contacted Welsh Water, stating that the nearby sewer was blocked, however after investigating the matter it was discovered that the problems was caused by stones and rubble in the pipe. This matter was investigated by Welsh Water themselves in December and the debris was cleared from the public sewer.
 - Welsh Water is currently responding to a separate inquiry in regards to the system's capacity to cope with a new development and this inquiry is currently ongoing.
- 5.12 Whilst recognising the local residents' objections in regards to existing problems with the public sewerage system to cope with more dwellings in Bethel, Welsh Water's formal response to the planning application must be considered, which states that the proposal on the site is acceptable subject to including appropriate conditions. It must also be considered that it is a matter for Welsh Water to respond to the concerns in regards to the capacity of the public sewerage system in Bethel, and as referred to above, this is a matter separate to the application submitted on this particular site.
- 5.13 In addition to the above, it should be noted that during the discussion of housing designations for the LDP that Welsh Water was one of the statutory consultants, and in relation to this particular site, they did not have any objection to its designation for houses.
- 5.14 Taking the above observations into account and specifically Welsh Water's response as statutory consultants on this subject, it is deemed that the application is acceptable on the grounds of the requirements of Policy ISA1 of the LDP regarding infrastructure provision.

Section 106 agreement matters

- 5.15 As referred to above, two of the seven proposed dwellings must be affordable for the general local need, and to this end, the applicant must sign a Section 106 legal agreement in order to bind the two houses for affordable housing general local need. It is therefore deemed that the proposal is acceptable on the grounds of the requirements of Policy TAI15 of the LDP.

Educational matters

- 5.16 Policy ISA 1 of the LDP states that educational contribution provision is a factor that should be considered when discussing applications for residential developments, and proposals are only approved when adequate infrastructural capacity exists or will be provided in a timely manner. Within the context of the village's educational facilities, the primary school has a capacity of 177 with 140 children currently attending the school. Therefore, this means that there is an available capacity of 37 in the school, and when considering these figures in addition to the second designated site within the village for dwellings, the applicant will not be required to contribute financially towards local educational facilities.

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6. Conclusions:

- 6.1 Having considered the assessment above and all the relevant matters including the local and national policies and guidance, as well as all the observations/objections received about the application, it is deemed that this proposal is acceptable and satisfies the requirements of the relevant policies as noted above.

7. Recommendation:

- 7.1 To delegate powers to the Senior Planning Manager to approve the application, subject to completing a 106 Agreement or adhering to an appropriate condition that two of the seven houses that are subject to this application are affordable and to relevant conditions relating to:

1. Time conditions.
2. Reserved Matters
3. External materials including slate.
4. Landscaping.
5. Highways.
6. Withdrawal of permitted development rights on the two affordable houses.
7. Welsh Water condition regarding the disposal of surface water/run-off drainage from the site.
8. Biodiversity