

PLANNING COMMITTEE	DATE: 01/04/2019
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	PWLLHELI

**Number: 1**

**Application Number: C17/0512/03/AM**

**Date Registered: 07/09/2017**

**Application Type: Outline**

**Community: Ffestiniog**

**Ward: Teigl**

**Proposal: Outline application with all matters reserved to erect seven detached single storey dwellings for the elderly with associated developments**

**Location: Former Gwylfa Garage Site, Manod Road, Manod, Blaenau Ffestiniog, Gwynedd, LL41 4AR**

**Summary of the Recommendation: TO REFUSE**

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## 1. Description:

1.1 An outline application with all matters reserved to erect seven single-storey dwellings for the elderly with associated developments.

1.2 The site is located within the development boundary of Blaenau Ffestiniog and within the area of Manod. To the north of the site there is an adjacent public playing field, a football field adjacent to the eastern boundary, and the A470 trunk road along the western boundary, with residential houses beyond and to the south. The site has already been developed due to its historical use as a garage, and previously as a chapel. All the buildings associated with the previous uses have been demolished and the site has been cleared.

1.3 The submitted plans show the proposed development to erect seven single-storey houses, consisting of one detached house and six semi-detached houses, to include the following:

- Living room, kitchen, bathroom, one bedroom

Externally, the buildings are to be finished with smooth render with a natural slate roof and individual gardens to the front and rear, parking spaces for each site and additional parking spaces within the site.

1.4 The agent later advised that the plan would be amended at the applicant's request. Revised plans were submitted, proposing a development to include six new two-storey houses, in three semi-detached pairs, to include the following:

- Four houses to include - Ground floor - living room, kitchen, utility room, garage  
First floor - three bedrooms, bathroom
- Two houses to include - Ground floor - living room, kitchen, toilet  
First floor - two bedrooms, bathroom

Externally, the buildings are to be finished with a combination of stone cladding and render with slate roofs and individual gardens to the front and rear, parking spaces for each site and additional parking spaces within the site.

1.5 Despite the above instruction to change the plan from the plan that was originally submitted, the necessary information to validate the change, including the amended forms, have not been submitted. As expected for this type of application, detailed information was also requested, but no further information has been received. Therefore, the application must be considered as originally submitted, as an application for seven houses for elderly people.

## 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 seven well-being goals

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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 **Anglesey and Gwynedd Joint Local Development Plan 2011-26, adopted 31 July 2017**

PS 1 - the Welsh language and culture

ISA 1 - infrastructure provision

TRA 2 – parking standards

TRA 4 – managing transport impacts

PCYFF 1 - development boundaries

PCYFF 2 – development criteria

PCYFF 3 - design and place shaping

TAI 1 - housing in the sub-regional centre and the urban service centres

TAI 8 - an appropriate mix of housing

TAI 15 - threshold of affordable housing and their distribution

In addition to the above, it is also considered that the following are relevant:

Supplementary Planning Guidance (SPG) – Affordable Housing

SPG – Planning and the Welsh Language

SPG – Housing Mixture

### 2.4 **National Policies:**

Planning Policy Wales – version 10 2018

Technical Advice Note (TAN): 12 Design

TAN 2: Planning and affordable housing

TAN 20: Planning and the Welsh language

### 3. **Relevant Planning History:**

3.1 Application C05M/0025/03/AM – Demolition of garage and construction of seven dwelling houses – approved 19.09.06

Application C04M/0227/03/LL – demolish existing office/showroom and siting of a portacabin in its place - approved 07.01.05

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#### 4. Consultations:

Community/Town Council:	No objection, but would wish to see more stone used on the front elevation of the houses.
Transportation Unit:	No objection, but an improvement to the site's parking arrangements was suggested. Amended plans were subsequently received, the arrangements have now been accepted, and standard conditions are suggested.
Natural Resources Wales:	Considerable concerns, suggested that a contaminated land condition should be included to alleviate the noted concerns. This matter is discussed further in the report.
Welsh Water:	Advice and standard conditions
Public Protection Unit:	Suggest standard contaminated land conditions. This matter is discussed further in the report.
Housing Strategic Unit:	There is local need for housing on the general register, but it is not known how much of this demand is specifically for housing for elderly people, and it would be desirable to have a housing association involved in the proposal.
Welsh Government Trunk Roads Agent:	Initial concern about elements of the proposal and a lack of information. Further information/amendments were received, and a series of relevant conditions have been suggested.
Public Consultation:	A notice was posted on the site. The advertising period has expired and no letter / correspondence of objection has been received.

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

##### The principle of the development

- 5.1 It is a requirement that planning applications be determined in accordance with the adopted development plan, unless material considerations state otherwise. In this case, the Gwynedd and Anglesey Joint Local Development Plan is relevant, and proposed plans that do not comply with the relevant policies in this plan will be refused unless material considerations indicate otherwise.
- 5.2 This site is located within the development boundaries of Blaenau Ffestiniog, and therefore the principle of a development of this type is acceptable and is in accordance with the general requirements of policy PCYFF 1. In the same manner, policy TAI 1

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ensures that new houses are built to meet the LDP strategy on designated sites and windfall sites within the development boundary. The planning history must also be considered where it is seen that the land use for a residential development has already been accepted and approved in the past.

- 5.3 Given that the previous application has been approved and that the site continues to be within the development boundary, it must now be considered whether the site is suitable for the type of housing that is being proposed, and the relevant requirements involved in doing so.

#### **Visual amenities**

- 5.4 The site is located within a mixed residential area, with terraced houses the most prominent type within the nearby residential developments. Nearby houses have common elements in relation to their design, are similar in size, with exterior materials that are in-keeping with each other.
- 5.5 It is seen that the proposal (although only an outline application has been submitted), is likely to include houses that are different to the majority of nearby terraced houses. However, as this is an outline application, indicative plans were submitted shown showing the size, form and setting of the houses on the site, along with parking spaces, accesses and amenity spaces (gardens). The final details relating to the design, form, setting and exterior materials of the development would be a matter for discussion when an application for the reserved matters or a full application is submitted. It is anticipated that materials similar to those on the nearby houses will be used here such as natural slate on the roofs and elements of natural stone on the external walls.
- 5.6 As is now mandatory for outline applications, plans were submitted providing the details on the likely form and scale of the houses. It is not considered that the submitted details are unacceptable, or that single-storey houses within an area that predominantly includes two-storey houses are unacceptable. It is accepted that the majority of the buildings within the local built pattern are two-storey houses, but single-storey houses would not be wholly unacceptable within the streetscene.
- 5.7 Based on the above it is considered, with a further application for reserved matters and appropriate conditions, that the proposal complies with the relevant requirements of Policy PCYFF3 of the LDP.

#### **General and residential amenities**

- 5.8 The proposal involves showing the likely setting of the site to include the entrance, the estate road and the houses themselves. If a similar pattern is followed when submitting the full application, it is not believed that the development, based on its location and form within the local area, would have an unacceptable impact on the amenities of the residents of nearby houses. The site's previous and historical use as a garage, and before that as a place of worship, must also be considered, as the element of disruption due to the scale of those associated activities would be far greater than would be expected from residential use as is now proposed.
- 5.9 Therefore, it is not considered that the proposal would be likely to have a detrimental impact on the amenities of neighbours or cause an unacceptable disturbance to them, that would be contrary to the requirements of policy PCYFF 2 LDP.

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### **Transport and access matters**

- 5.10 Given the site's location and its proximity to the A470 trunk road, observations were received from the Welsh Government's Trunk Roads Agent in addition to observations from the Council's Transportation Unit. Information/amendments were requested by both bodies originally, and having received them, it was confirmed that the proposal would be acceptable subject to the inclusion of a series of conditions in relation to the access and the site layout and parking spaces.
- 5.11 As an outline application with all matters reserved has been submitted, the details of the entrance and layout would be matters to be agreed upon subsequently. However, the detailed plan is not likely to be significantly different to the indicative plans submitted with this application. Nevertheless, with the inclusion of conditions as suggested by the Welsh Government Trunk Road Agent and the Council, it is believed that it is possible to ensure that this element is acceptable, and that it therefore complies with the requirements of the relevant policies TRA 2 and TRA 4.

### **Linguistic Matters, Housing Mix and Affordable Housing**

- 5.12 In addition to the assessment here, observations were received from the Joint Planning Policy Unit in relation to the application, raising a number of matters, and requesting a formal response about the proposal and how the development would meet the requirements of relevant policies.
- 5.13 It is not clear how the houses would be 'affordable' i.e. what mechanism will be used to ensure that the units are affordable and therefore, what affordable provision and how many units are being offered in reality. Evidently, more specific information is needed on how this development meets the affordability needs or an agreement to ensure a pro rata contribution. It is the responsibility of the applicant/agent to demonstrate clearly through a viability assessment pro-forma the circumstances that justify a lower affordable housing contribution. It also unclear from the evidence, how it can be ensured that these houses serve the needs of elderly people specifically, and what justification exists.
- 5.14 The requirements of Policy TAI 15, which promotes affordable housing on the site (the preferable method of adding to the affordable housing stock) are relevant as the Policy notes the threshold as a development that provides two or more affordable units. An indicative target of 10% of properties being affordable is set for sites in Blaenau Ffestiniog, based on social rent tenures. It is therefore expected that one house is specifically noted as an affordable house in order to conform with the requirements of TAI 15 and the guidance in SPG: Affordable Housing. The plans show moderately sized units, and given their location within a built area as here, it is possible that these unit would be 'affordable' in any case. However, no evidence or confirmation has been submitted to support the mix and provision offered, and the likely method of provision, despite requests for the information. This shortcoming means that the full information is not available and, therefore, the proposal cannot be fully assessed.
- 5.15 Criterion 3i of Policy TAI 15 reinforces Policy TAI 8 in its expectation that each development achieves an appropriate mix based on the tenure, type and size of affordable housing, to contribute to the variety of housing. This is also supported by SPG – Housing Mixture. There is no justification in the application for the provision of seven houses of the same type, and the proposal does not meet the requirements of these policies/SPG.

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- 5.14 As a result of the above assessment, and the insufficient information/confirmation from the agent, it is not believed that the proposal addresses nor meets the relevant requirements of policies TAI 8, TAI 15 or ISA 1.
- 5.15 Part 1c of policy PS 1 states that a linguistic statement needs to be submitted for developments of five or more residential units, unless it addresses evidence of need and demand for housing recorded in a housing market assessment and other relevant local sources of evidence. As no information was submitted to support the provision of seven houses of the same type (i.e. there is no evidence that the proposal responds to the identified need and demand locally for housing), it is considered that a linguistic statement is required (the matter was referred to the agent), but no statement has been received. Consequently, it is impossible to fully assess the proposal in relation to a suitable type and mix for the site, and whether there is a local need for this type of housing. Therefore, it is considered that the proposal is acceptable in relation to the relevant requirements of part 1c of policy PS 1.

### **Pollution Matters**

- 5.16 Due to the historic use of the site as a garage, observations were received from Natural Resources Wales (NRW) and the Public Protection Unit in relation to pollution matters. Significant concerns were highlighted by NRW due to the proximity of the site to nearby watercourses. However, it is suggested that conditions could be imposed if a decision was taken to approve.
- 5.17 Similarly, Public Protection advises that standard conditions should be included due to the site's previous use and the likelihood that the land has been contaminated.
- 5.18 Planning Policy Wales advises: *“Where land contamination issues arise, the planning authority will require evidence of a detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land, unless it can already be established that remedial measures can be employed. Where it is known that acceptable remedial measures can overcome contamination, planning permission may be granted subject to conditions specifying the necessary measures and the need for their implementation, including provision for remediating any unexpected contamination which may arise during construction. If contamination cannot be overcome satisfactorily, the authority may refuse planning permission”*.
- 5.19 In this case, it is believed that conditions could be included as suggested above. However, if a further application was submitted in future, it is believed that it would be beneficial to submit a land survey to ensure that development would be possible and that it would be viable to develop this type of site. Criterion 7 of policy PCYFF2 states that the developments will be refused if they have an unacceptable adverse impact on matters relating to pollution, and therefore, in order to conduct a full assessment it is considered that it would be appropriate to receive a suitable survey beforehand. It is not considered reasonable in this case to request this expensive information as there are other basic unacceptable matters that are unresolved.

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**6. Conclusions:**

- 6.1 Having considered the above and all the relevant planning matters including the local and national policies and guidance, as well as the observations received, it is believed that this proposal as submitted is unacceptable as no evidence has been submitted to confirm the demand for seven houses of one type, and that this is therefore contrary to the relevant requirements of the policies adopted in the Gwynedd and Anglesey Joint Local Development Plan.

**7. Recommendation:**

**7.1 To Refuse – reasons**

- 1 The proposed development does not offer a suitable mix of dwellings and does not provide any affordable dwellings and it is therefore considered that the proposal is contrary to the relevant requirements of policies ISA 1, TAI 8 and TAI 15 and relevant requirements within both the Affordable Housing and Housing Mix Supplementary Planning Guidelines.
- 2 The application as submitted, does not provide evidence to confirm the need for the units as proposed, as a consequence, the proposal does not comply with part 1c of policy PS1 as the effect on the Welsh language cannot be assessed.