

<b>PLANNING COMMITTEE</b>	<b>DATE: 18/11/2024</b>
<b>REPORT OF THE ASSISTANT HEAD OF DEPARTMENT</b>	

**Number: 4**

**Application Number: C24/0385/18/AC**

**Date Registered: 17/05/2024**

**Application Type: Varying a Condition**

**Community: Llanddeiniolen**

**Ward: Deiniolen**

**Proposal: Varying condition 2 of planning permission C20/0485/18/AC (amendment to planning permission number C17/0438/18/LL for a residential development) to allow a further three years for the approval of reserved matters.**

**Location: Victoria Terrace, High Street, Deiniolen, Gwynedd LL55 3LT**

**Summary of the Recommendation: Approve with conditions**

PLANNING COMMITTEE	DATE: 18/11/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

## 1. Description:

- 1.1 This is a full application to vary condition 2 of planning permission C20/0485/18/AC to extend the time given to submit a reserved matters application on the original outline permission (C09A/0396/18/AM). The reserved details relate to scale, appearance, landscaping and access and they are to be considered in the future through a separate application. The proposal continues to involve developing the site for 27 houses (including five affordable dwellings for general local need), the creation of a new access and provision of an amenity space. 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 this aspect of 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 still located within the development boundary of Deiniolen as included in the Gwynedd and Anglesey Local Development Plan, 2017 (LDP) and it has been designated specifically as a housing allocation site under reference T65. Since the last planning permission, the application has formally been included within the Slate Landscape of North West Wales UNESCO World Heritage Site.
- 1.3 As part of this latest application, information was submitted which updates the information submitted with the original application, including:
- Preliminary Ecological Assessment (including a Green Infrastructure Statement)
  - Water Conservation Statement
  - Welsh Language Statement
  - Housing Mix Statement

## 2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in 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 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 2011-2026 (LDP) adopted 31 July 2017:-**
- PS1 - The Welsh Language and Culture.
- PS2 - Infrastructure and developer contributions.
- ISA1 - Infrastructure provision.

PLANNING COMMITTEE	DATE: 18/11/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

ISA5 - Provision of open spaces in new housing developments.

TRA2 - Parking standards.

TRA4 - Managing transport impacts.

PS4 - Sustainable transport, development and accessibility.

PS5 - Sustainable development.

PS6 - Mitigating the effects of climate change and adapting to them.

PS 20 - Preserving and where appropriate enhancing heritage assets

PCYFF1 - Development boundaries.

PCYFF2 – Development criteria.

PCYFF3 – Design and place shaping.

PCYFF4 - Design and landscaping.

PCYFF5 - Carbon management.

PCYFF6 - Water conservation.

TAI3 - Housing in service villages.

TAI8 - Appropriate mix of housing.

TAI15 - Threshold of affordable housing and their distribution.

AT 1 - Conservation areas, World Heritage Sites and Landscapes, Parks and Registered Historic Gardens

Supplementary Planning Guidance (SPG): Housing Mix.

SPG: Open Spaces in New Housing Developments.

SPG: Housing Developments and Educational Provision.

SPG: Affordable Housing.

SPG: Maintaining and Creating Distinctive and Sustainable Communities

## 2.4 National Policies:

Future Wales: The National Plan 2040

PLANNING COMMITTEE	DATE: 18/11/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Planning Policy Wales (Edition 12 - February 2024)

Technical Advice Notes (TAN)

Technical Advice Note (TAN) 2: Planning and Affordable Housing.

TAN 12: Design.

TAN 15: Development and Flood Risk.

NCT16: Sports, Leisure and Open Spaces.

TAN 18: Transport.

TAN 20: Planning and the Welsh Language.

**3. Relevant Planning History:**

C20/0485/18/AC - Varying condition 2 of planning permission number C17/0438/18/LL for a residential development in order to extend the period of 3 years to allow for the submission of a reserved matters application - Approved 10/09/21

C17/0438/18/LL - vary condition 2 of planning permission C09A/0396/18/AM for a residential development in order to extend the period by 3 years to enable the submission of a reserved matters application which was approved in July 2017.

C09A/0396/18/AM - a residential development for 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.

**4. Consultations:**

Community/Town Council:	No response received
Transportation Unit:	No objection
Natural Resources Wales:	No observations to offer
Welsh Water:	Request a condition to protect the public sewer and guidelines for the developer
Biodiversity Unit:	No response received
Public Protection Unit:	No response received
Water and Environment Unit:	Due to the size and nature of the development, an application will need to be submitted to the SAB for approval before construction work commences.
Housing Strategic Unit:	See the following regarding the need for affordable housing in the Deiniolen area.
	Number of applicants registered with Housing Options for a social

property: 94

Number of bedrooms	Need as a %
1 bed	29%
2 beds	45%
3 beds	19%
4 beds	6%
5 beds	1%

Number of applicants registered with Tai Teg for an intermediate property: 21

Number of bedrooms	Need as a %	rent	buy
1 bed	5%	5%	0%
2 beds	24%	10%	14%
3 beds	52%	19%	33%
4+ beds	19%	5%	14%

\*Note that figures could be duplicated between the social and intermediate need and between the rent and buy need.

Cadw:

No objection

Language Unit

Generally, despite offering a thorough analysis of the area's linguistic situation - including the ward and nearby wards - there is insufficient evidence in terms of current data to support an opinion with a positive impact.

There is some information that was not included in the language assessment but we acknowledge that some of the information has been included in other parts of the application pack. It should have been ensured that this information is also shown as evidence in the Language Assessment itself, or that there was reference at least to the page where that information is included in the other documents. The data referred to in terms of local demand in the housing mix statement, is based on the Llanddeiniolen 2009 Housing Needs Survey, social housing register figures, Tai Teg June 2021 register and the Assessment of the Gwynedd Local Housing Market 2018 - 2023, and some of it is dated as a result. It is noted that there was a demand for two and three bedroom houses. Unfortunately, there is no reference to a possible price for 22 of the houses that would be on the open market, therefore it is difficult to anticipate whether the houses

PLANNING COMMITTEE	DATE: 18/11/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

would be within reach of local households' income.

The potential number of residents for the housing mix is a total of 141 people if each home was full to capacity. It is important to remember that only a small number of new residents in a village is needed to have an impact on the percentage of Welsh speakers and to change the linguistic composition. (Reference is made in the report to the fact that the number of Welsh speakers in the village is over 70%, which is the rate to maintain a living language). As a result, using current data and information is extremely important to provide a full picture of the possible impact on the Welsh language.

The proposal to create an information pack about local culture and language to potential buyers and using a Welsh name is welcomed.

**Public Consultation:**

Notices were posted near the site and nearby residents were notified. Correspondence was received objecting to the application on the following grounds:

- The development would be harmful to biodiversity
- The development would add to the transport problems that already exist on the road near Victoria Terrace
- Concern regarding the impact on water flow and the risk of flooding in surrounding houses.
- The density of the development is inappropriate for the location.
- The quality of the development is insufficient in terms of environmental requirements.
- There is a lack of infrastructure in the village to cope with the increase in population

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

**The principle of the development**

- 5.1 This is a full application to vary condition number 2 of planning permission C20/0485/18/AC to extend the period of three years to allow for the submission of a reserved matters application for a further three years. The principle of developing the site for residential use has already been accepted under outline application number C09A/0396/18/AM with the following applications, C17/0438/19/LL and C20/0485/18/AC was approved to extend the period by three years every time and the approval, determined in accordance with the Development Plans at the time and other relevant policies, continue on the site and establish the principle for this latest application. Therefore, it is important to consider whether the planning circumstances or situation have changed since the previous application was approved.
- 5.2 The Local Planning Authority determined the outline application based on the policies of the Gwynedd Unitary Development Plan and the applications to extend the period of 3 years considered the Anglesey and Gwynedd Joint Local Development Plan (the current Development Plan).

PLANNING COMMITTEE	DATE: 18/11/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

- 5.3 The relevant policies that involve the acceptability of the principle of this latest application are Policies PCYFF 1, PCYFF 2, TAI 3, TAI 8, TAI 15 and PS 1 of the LDP. Policy PCYFF 1 approves proposals within development boundaries in accordance with the other policies and proposals in the LDP, national planning policies and other relevant planning considerations. The site continues to be within the development boundary of Deiniolen and, therefore, it is in accordance with this policy. Policy PCYFF 2 seeks to ensure the most efficient use of land, including achieving densities of a minimum of 30 housing units per hectare for residential development unless there are local circumstances or restrictions on the site that justify a lower density. The western side of the site has been earmarked as an area for biodiversity improvement and to reduce surface water run-off, therefore it is not practically possible to achieve a density of 30 units per hectare in this particular case. Due to this, it is still believed that the lower density of this site is acceptable based on the requirements of Policy PCYFF 2.
- 5.4 The indicative supply level for Deiniolen over the plan's period is 45 units and the indicative supply is expected to be met through the T65 housing designation site for 30 units (this site) and that the other 15 units will be provided through windfall sites, and, therefore, it is possible to support the proposal under Policy TAI 3. Policy TAI 15 identifies the threshold for affordable housing of two or more residential units for developments within Service Villages, and that the 10% of the development should be for affordable housing. In this case, it is proposed to provide 5 affordable homes that equates to 18% of the development of 27 houses and it is anticipated that these would be a mix of social housing and intermediate housing. It is therefore believed that the proposal continues to meet the affordable housing requirements noted within Policy TAI 15 and the legal agreement that ensures that the 5 houses would be affordable housing and was originally signed by the application remain valid.
- 5.5 The proposal provides a broad mix and variety of housing based on 2 four-bedroom houses, 4 two-bedroom houses, 4 four-bedroom houses and 17 three-bedroom houses. The Housing Mix Statement submitted confirm that the mix of housing proposed meets the need and is acknowledged within the Gwynedd Housing Needs Assessment, as well as the assessment for the village of Deiniolen which shows the need for two and three-bedroom affordable housing and two, three and four-bedroom open market housing. It is therefore considered that the development continues to comply with current housing policies and the supplementary planning guidance that relates to Planning Obligations, Affordable Housing and Housing Mix, and therefore, the proposal complies with the requirements of Policy TAI8 of the LDP.
- 5.6 Given that the site has been designated as T65 for housing in the Joint Local Development Plan, there would be an expectation for the site to prepare units to address the growth level within the Plan's operational period. The LDP period is from 2011 to 2026 and, therefore, varying this condition would allow a further three years to approve reserved matters which go beyond the LDP period. In response to that concern, the applicant noted that the Covid period and the financial troubles as a result of the September 2022 budget created an economic climate where it was not possible to secure the development of the site, however, it was alleged that there was no long-term barrier which prevented the development from progressing. Whilst accepting that there were temporary barriers to the development of the site, as well as the fact that accepting this application would extend the planning permission less than a year after the final date of the LDP, it is believed that extending the period to submit full details once again would be reasonable. However, if the necessary details are not received within the new approved period, it is likely that a different policy context would be in place and the principle of the whole development would have to be re-considered at that time.

#### **Design and visual and residential amenities.**

- 5.7 Policies PCYFF2 and PCYFF3 of the LDP are considerations for this aspect of the application. This latest application does not involve any change to the plans that have already been approved and it is acknowledged that the development will not have a substantial or detrimental effect on

<b>PLANNING COMMITTEE</b>	<b>DATE: 18/11/2024</b>
<b>REPORT OF THE ASSISTANT HEAD OF DEPARTMENT</b>	

the amenities of this part of the village, especially considering that established residential areas already exist to the north and south of the site.

- 5.8 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 positioned in a way which reflects the layout of the adjacent houses in Victoria Terrace, and this is the built form of this part of the village. Having said that, the design of the houses must be carefully considered when a reserved matters application is submitted to ensure that the details of the design of the houses fit the site appropriately and that there would be no significant harm to the amenities of local residents. Given the above, it is believed that this application continues to be acceptable based on the requirements of Policy PCYFF2 of the LDP.

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

- 5.9 Policies TRA 2 and TRA4 of the LDP relate to safety on roads and streets and 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 and an entry road within the site. Despite the objections received in relation to the suitability of the entrance proposed, the Transportation Unit had no objection to the proposals. With appropriate conditions, this latest application is considered acceptable based on the policies quoted above.

#### **Biodiversity matters**

- 5.10 Policy AMG5 of the LDP applies here and involves protecting species and their habitats as well as protecting or enhancing the natural environment. To update the ecological information submitted with the previous applications, a new ecological assessment was submitted which refers to improvements and mitigation measures that could be followed to reduce any impact on the application site's biodiversity. It is acknowledged that the site has improved as a wildlife habitat since the last assessment, due to the reduction in the grazing intensity and additional mitigation steps are proposed to ensure that no loss in terms of biodiversity derives from this development.
- 5.11 Chapter 6 of Planning Policy Wales (PPW) deals with green infrastructure, net benefit to biodiversity, the protection afforded to Sites of Special Scientific Interest and trees and woodlands. A Green Infrastructure Statement was submitted as part of the Ecological Assessment and this notes steps to avoid and reduce the impact on biodiversity, as well as offering improvements by providing appropriate habitats for a variety of species.
- 5.12 Given this statement, as well as the other improvements and mitigation measures included in the Initial Ecological Assessment, it is believed that there are no additional biodiversity matters arising which have any material influence on the decision and, therefore, by imposing an appropriate condition to ensure that the recommendations of the submitted documents are achieved, it is believed that the application meets the requirements of Policy PS 19 of the LDP.

#### **Flooding and drainage matters**

- 5.13 Policy ISA1 and PS6 of the LDP relate to developments on land at risk from flooding and increasing surface water. This concern has already been highlighted by local residents in both previous applications and to this end, a thorough drainage assessment of the site was commissioned for the outline application which 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 Council's Water and Environment Unit or from Welsh Water to extending the time period, provided the conditions included with the outline permission are



<b>PLANNING COMMITTEE</b>	<b>DATE: 18/11/2024</b>
<b>REPORT OF THE ASSISTANT HEAD OF DEPARTMENT</b>	

included should this latest application be approved. Therefore, it is believed that this latest application complies with the conditions noted above.

### **Linguistic matters**

- 5.14 Policy PS1 of the LDP notes when a Welsh Language Statement will need to be submitted with planning applications and one of those times is when a development provides more than the indicative provision for the settlement. In this case, as extant permission was in place for this development, the houses already form part of the land bank of houses with permission in Deiniolen, and therefore, there will be no change in terms of the projected housing supply included in the LDP. However, an update of the Welsh Language Statement was submitted for the site and that concluded that, on balance, the intention would have a positive impact on the Welsh language and its future in Deiniolen, creating opportunities for occupants to continue to live within the local community and, therefore, it would maintain the local population where a high percentage of the population continues to speak Welsh. Observations from the Language Unit note that there is insufficient evidence in terms of current data to support the opinion of positive impact, and refer to information regarding the need for housing, such as dated information. It is noted that observations from the Housing Strategic Unit confirm the need for the type of housing submitted and the assessment above in paragraphs 5.3-5.6 confirms that there is no objection to the principle of the proposal or the need for the houses which form part of the application. It is possible that a small percentage of prospective occupants would be non-Welsh speaking but it is considered that it would be possible to raise awareness of the language by undertaking mitigation measures such as including information packs for prospective occupants to promote the language and to have bilingual sale adverts for the development and it is noted that it is anticipated that the majority of the children that would derive from the development would attend local schools where there is emphasis on Welsh-medium learning.
- 5.15 To ensure that the proposal is fully compliant with the specific requirements of Policy PS 1, specifically, criteria 4 and 5 which note the need to ensure bilingual signs and a Welsh name for the new development, it is proposed to reiterate a standard condition that would require details to be agreed in relation to these elements. In doing so, it is believed there would be a positive impact on the local community and it would add to the linguistic character of the local area and protect it. Given the above assessment, the development can be considered acceptable based on the requirements of Policy PS1 and SPG: Maintaining and Creating Unique and Sustainable Communities.

### **Heritage Matters**

- 5.16 The proposed development is located within the Dinorwig Slate Quarry Mountain Landscape component of the North Wales Slate Industry World Heritage Site. Cadw confirmed that this designation would not prevent the proposed development from happening, but it would need careful consideration in the detailed designs when they are submitted to ensure that the identified Outstanding Universal Values of the World Heritage Site is in danger. In addition, there are several registered monuments located within 2km of the proposed development, but topography, buildings and current vegetation would prevent or substantially screen every view from them. Consequently, the proposed development will have no impact on the location of these registered monuments.
- 5.17 Consequently, it is therefore believed that this proposal is acceptable under the requirements of policies PS 20 and AT 1 of the LDP.

### **Use Class**

- 5.18 As this proposal has been assessed against the expected growth level of Deiniolen to provide residential units in C3 use class (Dwellings, used as sole or main residences), it is considered that

PLANNING COMMITTEE	DATE: 18/11/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

it would be reasonable to impose a condition on the permission removing the permitted development rights within Class C to prevent the change use to Class C5 (Dwellings not used as sole or main residences) or Class C6 (Short-term lets) without applying for planning permission.

## 6. Conclusions:

- 6.1 Having considered all the relevant matters including the objections received, it is not considered that the proposal of extending the time given under permission number C20/0485/18/AC in order to submit reserved matters was contrary to the policies or the relevant local and national guidance. It is important to remember that planning permission for 27 houses are in place for this site and that the proposal has already been accepted following an assessment under the current Development Plan and the site forms part of the current land bank to build houses. It is also important to remember that agreement 106 is already in place for the site to ensure appropriate contribution towards affordable housing. It is therefore not believed that it is possible to question the principle of the development at this time and, based on the above assessment, it is believed that the proposal continues to be acceptable subject to including relevant conditions as submitted within the previous applications, and amending them as appropriate.

## 7. Recommendation:

- 7.1 To approve the application subject to the following conditions:-

1. Commencement of the work.
2. Submitting reserved matters.
3. Materials and finishes (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.
10. Agree on details regarding Welsh names for the development together with advertising signage informing and promoting the development
11. Restrict the use to C3 use class residential dwellings

Notes: Need to submit a sustainable drainage system application to be agreed with the Council.