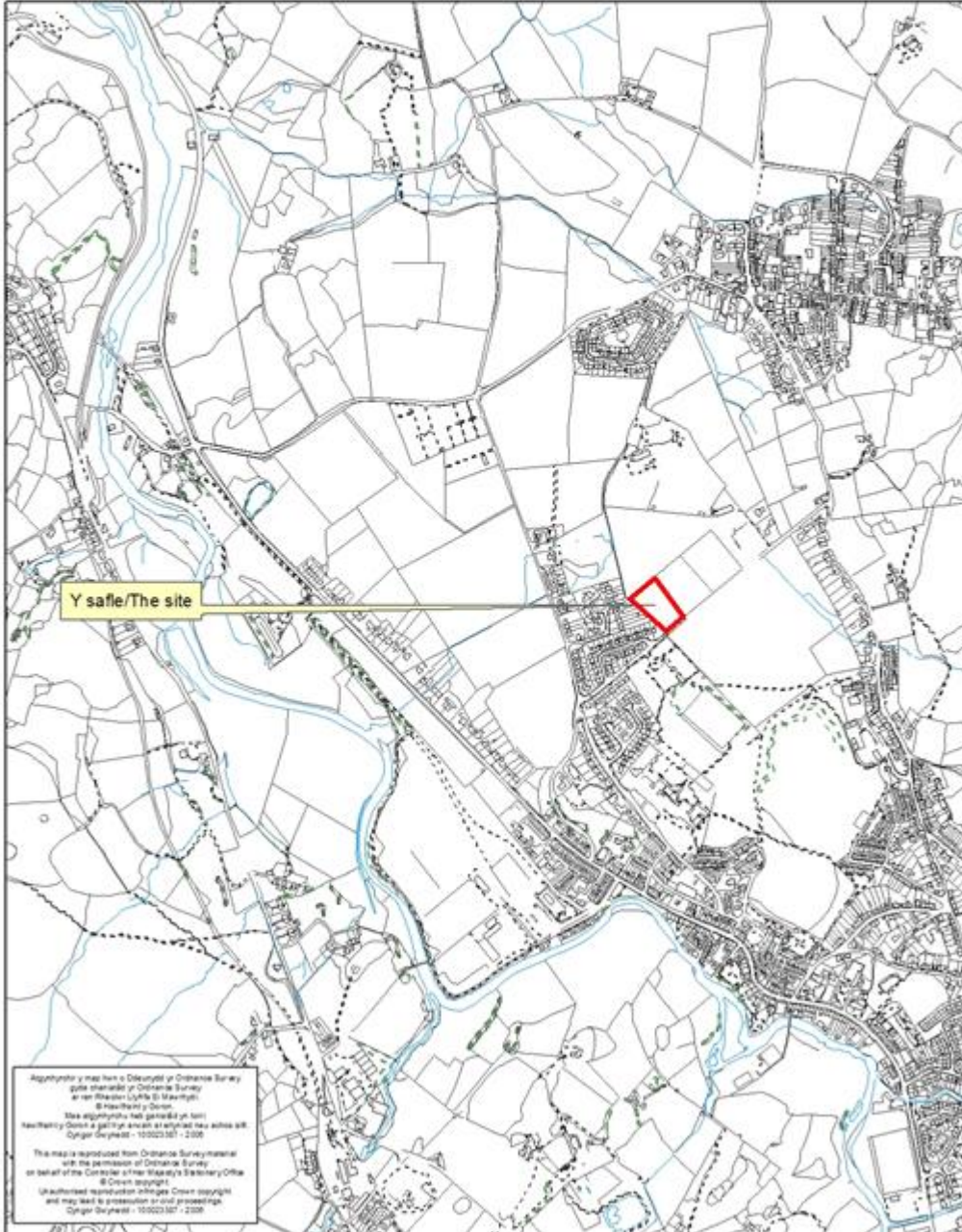


Number 9



Rhif y Cais / Application Number : C16/0725/13/AM

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.
Location Plan for identification purposes only. Not to scale.



PWYLLGOR CYNLLUNIO	DYDDIAD: 05/09/2016
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO AC AMGYLCHEDD	CAERNARFON

Number: 9

Application No: C16/0725/13/AM
Date Registered: 23/06/2016
Application Type: Outline
Community: Bethesda
Ward: Ogwen

Proposal: OUTLINE APPLICATION FOR THE ERECTION OF 18 DWELLINGS (INCLUDING 4 AFFORDABLE UNITS) ALONG WITH A NEW VEHICULAR ACCESS, INNER ESTATE ROAD AND FOOTPATH (AMENDED PLAN FROM THAT WHICH WAS PERMITTED ON APPEAL REF C13/0766/13/LL - APPEAL APP/Q6810/A/14/2215839).

Location: FORMER SITE OF GREY GARAGE, COETMOR NEW ROAD, BETHESDA, BANGOR, LL573DT

Summary of the Recommendation: TO REFUSE

1. Description:

- 1.1 Members are reminded that this is a site where an application for a residential development to construct 24 residential units including 16 affordable units) was previously refused and subsequently approved as a result of a Planning Inspector's decision at Appeal.
- 1.2 A more recent proposal was submitted with a variation to the plan so that the total number of units reduced from 24 to 18 and all would now be two storey houses, in contrast to the previous assortment of houses and flats. 11 of the houses allowed under this proposal were affordable.
- 1.3 The current proposal is an outline proposal for the same number of dwellings as has already been accepted, i.e. 18, but with the proportion of affordable houses changing from 11 to 4 (that is, from 61% to 22% of the total). The proposed development would be a mixture of two or three bedroom houses, with detached, semi-detached and terraced houses. The affordable houses would be distributed across the site among the open market houses.
- 1.4 The site is partly located within the development boundary of Bethesda which is designated as a Local Centre in the Gwynedd Unitary Development Plan (July 2009). The site is in a prominent location adjacent to Coetmor New Road, with the residential houses of Maes Coetmor to the west/south west, Plas Ffrancon Leisure Centre to the south and open lands surrounding it to the north and east. A public footpath runs past the site's western boundary.
- 1.5 Historically, the site has been used as a garage / lorry depot, this use has now ended and the site has been cleared of any buildings which stood there in the past. This site is considered to be previously developed land and is therefore defined as a Brownfield site.
- 1.6 The following information was submitted with the application:

- Welsh Language Impact Assessment

PWYLLGOR CYNLLUNIO	DYDDIAD: 05/09/2016
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO AC AMGYLCHEDD	CAERNARFON

- Design and Access Statement
- Stage 1 Report - Phase 2 - Land Contamination Inspection and Risk Assessment

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 Unitary Development Plan.

2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act, and in making 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. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed decision.

2.3 Gwynedd Unitary Development Plan 2009:

POLICY B22 – BUILDING DESIGN - Promote good building design by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and character of the local landscape and environment.

POLICY B23 – AMENITIES - Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area.

POLICY B25 – BUILDING MATERIALS - Safeguard the visual character by ensuring that building materials are of a high standard and are in keeping with the character and appearance of the local area.

POLICY B27 – LANDSCAPING PLANS - Ensuring that permitted proposals incorporate soft/hard landscaping of high standard which is appropriate for the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

Policy B30 - Ensure that proposals for developing contaminated land or buildings are refused unless they conform to a series of criteria aimed at managing or restricting the pollution.

POLICY C1 – LOCATING NEW DEVELOPMENT - Land within town and village development boundaries and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

POLICY C3 – RE-USING PREVIOUSLY USED SITES - Proposals will be approved that prioritise re-using land and buildings previously developed and located within or around development boundaries, provided that the site or the building and the use are suitable.

PWYLLGOR CYNLLUNIO	DYDDIAD: 05/09/2016
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO AC AMGYLCHEDD	CAERNARFON

POLICY CH4 – NEW DWELLINGS ON UNALLOCATED SITES WITHIN THE DEVELOPMENT BOUNDARIES OF LOCAL CENTRES AND VILLAGES – Approve proposals for the construction of new dwellings on unallocated sites within the development boundaries of Local Centres and Villages if they conform to criteria aimed at ensuring an affordable element within the development.

CH7 – AFFORDABLE HOUSING ON RURAL EXCEPTION SITES DIRECTLY ADJOINING THE BOUNDARIES OF VILLAGES AND LOCAL CENTRES – Permit affordable dwellings on rural sites directly adjoining the boundaries of Villages and Local Centres provided they conform to criteria relating to local need, affordability and impact on the form of the settlement.

POLICY CH33 – SAFETY ON ROADS AND STREETS - Development proposals will be approved provided they conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

POLICY CH36 – PRIVATE CAR PARKING FACILITIES - Proposals for new developments, extension of existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council's current parking guidelines and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

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

Expect that new housing developments of 10 or more dwellings, in areas where the existing open spaces provision cannot meet the needs of the development, provide suitable open spaces of recreational value as an integral part of the development.

2.4 Supplementary Planning Guidance

The Council's Supplementary Planning Guidance is a material planning consideration, and the following are relevant in this case:

- Affordable Housing
- Planning and the Welsh Language
- Housing Developments and Educational Provision
- Housing developments and open spaces of recreational value
- Building New Houses in the Countryside

2.5 National Policies:

Planning Policy Wales - Edition 8, 2016.

TAN 2: Planning and Affordable Housing

TAN 6: Planning for Sustainable Rural Communities

TAN 12: Design

3. Relevant Planning History:

3.1 C15/0128/13/LL - Substitute the type of dwelling units permitted under the previous appeal (ref. APP/Q6810/A/14/2215839) on plots 5,6,7,8,11 & 12 from flats to a total of 18 two-storey dwellings (including 11 affordable houses) - Approved 24/08/15

3.2 C14/0226/13/LL - Re-submission of a previously refused application for the erection of 24 residential units comprising of semi-detached houses and flats (to include 16

PWYLLGOR CYNLLUNIO	DYDDIAD: 05/09/2016
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO AC AMGYLCHEDD	CAERNARFON

affordable units), creation of a new vehicular access and estate road - Refused 19/05/14

3.3 C13/0766/13/LL – erection of 24 residential units comprising of semi-detached houses and flats, creation of new vehicular access and estate road - refused 23.01.14 – approved on appeal (APP/Q6810/A/14/2215839) 02.09.14

3.4 C10A/0206/13/AM - renewal of outline application C07A/0052/13/AM for demolition of existing building and erection of eight dwellings – approved 15.12.12.

C07A/0052/13/AM - demolition of existing buildings and erection of eight dwellings – approved April 2007.

4. Consultations:

Community/Town Council: To approve the application but desirable to see six affordable units and 2-bedroomed units to satisfy need.

Transportation Unit: Comments
Recommend provision of an estate road that conform with the Council's adopted roads needs.
Recommend standard conditions on roads and parking.

Footpaths Unit Comments
There is a need to ensure that Public Footpath number 5 in the Community of Bethesda which runs along the south western boundary of the site is protected.

Biodiversity Unit Comments
The site is now an ideal habitat for reptiles.
Suggest a condition to introduce a Reasonable Avoidance Measures document prior to the commencement of any work to mitigate the effect on reptiles.
A condition is needed to ensure that any work to clear vegetation takes place outside the bird nesting season

Gwynedd Archaeological Planning Service Not received

Fire Service Not received

North Wales Police Not received

Natural Resources Wales: Comments
Suggest standard conditions in relation to contaminated land and surface water

Housing Strategic Unit: Comments
On the basis of all the information presented the proposal partly addresses the local housing need. As the level of need is so high, more affordable houses must be considered.
A discount of approximately 20% needs to be considered if they are not affordable in the first place.

PWYLLGOR CYNLLUNIO	DYDDIAD: 05/09/2016
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO AC AMGYLCHEDD	CAERNARFON

Welsh Water: Comments
Condition required to ensure a drainage proposal for the site is presented and accepted.
Standard observations for the developer.

Public Protection Unit: Not received

Public Consultation: A notice was posted on the site and nearby residents were notified. The consultation period has ended and correspondence was received including the objections below, based on material planning grounds:
Concern that the number of affordable houses has fallen compared to the original consent
The Inspector consented to the houses beyond the development boundary because they were affordable
Concern about the capacity of the water drainage system and its ability to cope with the additional need

5. Assessment of the material planning considerations:

5.1 The principle of the development

5.1.1 Any development must be assessed on the grounds of local and national adopted policies along with other material considerations such as statutory and public consultation responses. Evidently in this case there is also a need to consider the Planning Inspector's decision in approving the construction of 24 dwelling units on the site along with the Council's later decision to allow 18 dwelling units rather than the 24 that were approved on appeal.

5.1.2 Whilst acknowledging the importance of considering aspects of what was noted in the previous appeal decision, it is also important to consider the specific circumstances of this application according to the requirements of the Unitary Development Plan.

5.1.3 The main material considerations when deciding on a planning proposal are the policies included in the Unitary Plan and, in principle, the Local Development Authority supports proposals to use previously developed sites (brownfield) rather than developing on greenfield sites and this is in accordance with Policy C3 of the UDP. Any proposal, however, must also comply with other relevant policies of the UDP.

5.1.4 Policy C1 of the UDP presumes against constructing new residential housing on land outside the adopted boundary as defined by the Unitary Plan unless the development is approved by another policy in the Plan.

5.1.5 The proposed development is situated either side of the Bethesda development boundary i.e. part is within the boundary and part is outside the boundary. No part of the site has been specifically designated for housing in the UDP. In this case, this is an application to change one element of the application that was approved at Appeal, namely to change the assortment of houses and offer 4 affordable units and 14 open market houses, compared with the 11 affordable houses and 7 market houses proposed in the previous permission (and the 16 affordable houses and 8 market houses that were permitted in the appeal prior to that).

PWYLLGOR CYNLLUNIO	DYDDIAD: 05/09/2016
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO AC AMGYLCHEDD	CAERNARFON

- 5.1.6 Planning permission C15/0128/13/LL includes 7 open market houses on the part of the site within the development boundary with two affordable units also on this part of the site. The intention was for 9 affordable units to be erected on the part of the site that was outside the boundary. Likewise, the proposal that was permitted on appeal also included affordable houses only on the part of the site that stands outside the defined development boundary of the settlement. Bearing in mind the nature of the site (i.e. that part of it is within the development boundary and part of it outside the boundary), the principle of developing residential units on this site must be considered in accordance with policies CH4 and CH7 of the UDP.
- 5.1.7 Policy CH4 permits constructing new housing on unallocated sites within the development boundaries of Local Centres such as Bethesda, in principle, provided the proposal satisfies three criteria, one of which relates to ensuring that a proportion of the units are affordable houses. The plan presented with this application shows the exact location of the affordable houses but it is possible, depending on the distribution of these houses, that the part of the plan that stands within the development boundary could meet the needs of policy CH4.
- 5.1.8 Policy CH7 presents an exception to the general development policy of the UDP by allowing the development of affordable houses on suitable sites directly on the outskirts of villages and local centres. This policy contains four criteria that each proposal must comply with, namely:
1. **a local need for affordable houses was proved** - the figures for Tai Teg on the Gwynedd Council General Housing Waiting List show that there is a definite need for affordable houses in the Bethesda area which, for the purposes of the UDP, is located within the Bangor Catchment Area
 2. **that the development forms a reasonable extension to the Local Centre** - in considering the appeal decision for the site, it is agreed that the part of the plan that stands outside the development boundary forms a reasonable extension to the town
 3. **that the development would not form an unacceptable extension into the countryside** - it has again been accepted that, in concluding, the decision on appeal is that the development would not harm the countryside
 4. **that adequate arrangements are available to restrict the occupancy of the house initially and in perpetuity to those who can prove a general local need for an affordable house.** - considering that four affordable houses have been proposed across the whole site it would be impossible for the proposed development to meet this criterion as the intention is to erect 9 houses on the part of the site that stands outside the development boundary, so that at least five of these houses are open market houses.
- 5.1.9 The applicant explains that the reason for presenting this application is the delay caused by waiting for the original planning consent. The budget allocated by the Welsh Government as support grant for this proposal was subsequently given to other proposals which meant that the previous Registered Social Landlord pulled out of the plan. The applicant also makes these points in support of the plan, the response to these points are in italic type:
- that the Planning Inspector had declared that the development boundary that crosses the site follows a logical and defensible line
 - the site is on brownfield land
 - the site should be treated as one site, distributing the affordable houses across the site and not artificially because of a boundary that is only found on a map

PWYLLGOR CYNLLUNIO	DYDDIAD: 05/09/2016
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO AC AMGYLCHEDD	CAERNARFON

Response : Whilst what was said in the previous appeal decision has been noted in terms of attributing sufficient weight to the fact that the site itself had been previously developed and that the site boundaries are defensible and logical, this proposal is different because Policy CH7 does not support the development of open market houses outside a development boundary. The fact that the site has been previously developed is not a reason for going against the policy principles of the adopted Development Plan.

- the development will contribute toward the general lack of housing identified by the Joint Housing Land Availability Study 2015 which showed a 1.7 year scarcity in the provision of land for houses in the county.

Response : Whilst noting that the Gwynedd Planning Authority does not have a 5 year supply of land for houses (as mentioned in the JHLAS 2015 report), it is not believed that this justifies a development that proposes the development of open market houses outside the development boundary. In this respect, the JHLAS 2015 report notes the following points:

- *If using the figure for annual need as noted in the UDP (i.e. 279 units per year) as opposed to the residual figure up to the end of the term of the Plan, the land supply figure would be greater than five years ($1703 / 279 = 6.1$ years).*
- *This highlights that that the residual method by now gives an unrealistic level of construction for the area, which is 524 units per year. This annual requirement far exceeds the true rate of average annual completion for the next ten years (179 units per year).*
- *It is an annual construction proportion that has never been achieved since Cyngor Gwynedd came into existence in 1996. It is therefore believed that a sufficient land supply exists to meet the annual building rate ($1703 / 179 = 9.5$ years).*
- *It is believed that the annual figure noted in the UDP was not achieved due to economic issues, especially so the impact of the recession on the availability of mortgages and the provision of funding for the construction industry.*

5.1.10 Whilst accepting the validity of the information presented by the applicant, including the conclusions of the Welsh Language Impact Assessment, nothing changes the fact that Policy CH7 has been created as an exception to the remainder of the UDP policies in order to ensure an extra supply of affordable houses in addition to that which can be ensured with planning boundaries. Furthermore, the accepted need persists for affordable houses within the area. There is no provision in the UDP's policies to allow open market houses outside the development boundary. It must be remembered also that this development boundary went through the UDP's adoption process and its present location is part of the Gwynedd Council adopted planning policy.

5.1.11 As a result of the above, this proposal is considered to be in complete contradiction to policy CH7 of the UDP and Policy C1 which declares that new developments should be concentrated within development boundaries.

5.2 Visual amenities

PWYLLGOR CYNLLUNIO	DYDDIAD: 05/09/2016
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO AC AMGYLCHEDD	CAERNARFON

5.2.1 The submitted plans show a proposal to erect housing of a standard design and finish. It is not considered that there is a uniform pattern for developments within the area in terms of design and finish and, although this is only an outline application, it has been confirmed that the intention is to use materials that reflect other local buildings. Consequently, from the standpoint of Policies B22 and B25 of the UDP, the proposal is not considered to be unacceptable.

5.2.2 The proposal to landscape the site is acceptable, and in receiving the relevant plans with the detailed application, it is not considered that the proposal is contrary to the requirements of policy B27.

5.3 General and Residential Amenities

5.3.1 The principle of a residential development on this site has already been supported by means of the previous approval and the approval granted on appeal. Consideration was given to the overall impact of this development on the amenities of nearby residents and on the area's general amenities and it is considered that developing the site would continue to be acceptable in relation to these matters.

5.3.2 Concern has been raised in the past about the impact of this development on nearby houses in respect of drainage matters etc. It is considered that matters relating to drainage and pollution can be controlled by including relevant conditions, thereby ensuring that the requirements of policies B23 and B30 are met.

5.4 Transport and access matters

5.4.1 The Transportation Unit does not object to the application and suggest that relevant conditions and guidance should be included. Therefore it is considered that the development is acceptable in terms of transportation and access matters, and satisfies the requirements of policies CH33 and CH36.

6. Conclusions:

The main issue to be considered with regards to this application is whether there are sufficient material considerations to justify an exception of the usual strict regulation over new housing developments in rural Gwynedd. It is acknowledged that this is a single site in terms of historical boundaries and use; however, the development boundary (for whatever reason) clearly shows that only half the site is included within the development boundary and therefore by terms of definition, it is considered that the land outside this boundary is considered to be a rural area.

6.2 The Unitary Development Plan and previous Appeal cases in the County have confirmed that sites within development boundaries must be prioritised for the construction of new housing (with an element of affordable units). Only in some specific situations, either for developments that are entirely for affordable houses or for single houses to support rural ventures, that it is possible to deviate from this principle. Based on the application in its submitted form and the information provided, it is not considered that there is any justification for developing open market units outside the development boundary in this case, even after accepting that part of the site that is outside the boundary is acceptable as a rural exception site for affordable houses.

7. Recommendation:

7.1 To refuse - reason

PWYLLGOR CYNLLUNIO	DYDDIAD: 05/09/2016
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO AC AMGYLCHEDD	CAERNARFON

1. The part of the proposal that means developing houses for the open market outside the development boundary for the Bethesda Local Centre is not acceptable because developing open market houses outside the designated development boundaries is contrary to the adopted local and national policies including policies C1, C3 and CH7 of the Gwynedd Unitary Development Plan and the Supplementary Planning Guidance: Building New Houses in the Countryside, Planning Policy Wales Chapter 9 (Edition 8, 2016) together with Technical Advice Note 6: Planning for Sustainable Rural Communities (2010).