

PLANNING COMMITTEE	DATE: 07/09/2015
REPORT OF THE SENIOR MANAGER PLANNING AND ENVIRONMENT SERVICE	CAERNARFON

Number: 2

## REPORT TO THE PLANNING COMMITTEE

<b>DATE OF THE PLANNING COMMITTEE:</b>	7 September, 2015
<b>DESCRIPTION AND LOCATION OF APPLICATION:</b>	Application no. C13/0611/18/AM A residential development of 17 houses (including two affordable units), along with a new access.
<b>REPORT BY:</b>	Senior Manager, Planning Service, Environment and Public Protection (Temporary)
<b>RECOMMENDATION:</b>	To accept the recommendation, namely to delegate the right to approve the application subject to the applicant signing a Section 106 legal agreement for the provision of an element of affordable housing

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### **1. PURPOSE**

- 1.1 A report on the cooling-off period for this application was reported upon at the meeting of 27.07.15, with the officers' recommendation to approve the proposal as the applicant had submitted information which responded to the concerns of the Planning Committee regarding over-development and the lack of a play area provision when the original planning application was submitted to the Planning Committee back in March 2015.
- 1.2 However, the Committee decided to defer making a decision on the application to confirm that the Language and Community Statement had been received and assessed appropriately by the Joint Planning Policy Unit. The Joint Planning Policy Unit confirms that the Statement has been received and assessed appropriately by the Unit and that this had been included as part of the report that had been submitted originally to the Planning Committee on 02.03.15.

### **2. DESCRIPTION and BACKGROUND**

- 2.1 This is an outline application to build 17 two-storey houses including two affordable houses on a site to the south-west of Deiniolen/Clwt-y-bont on a plot of brownfield land included within the village development boundary. The proposal also involves constructing a vehicular access to the adjoining class III county road. Previously, an International Safety Components factory was located on the site, but by now, the site has been cleared of the former climbing goods production factory's structure. At present, the front of the site is used as an informal parking space.
- 2.2 A previous application for 17 houses (including two affordable houses) was approved in July, 2010 with a Section 106 agreement to bind two of the 17 houses as affordable homes. However, no reserved details application was submitted within the statutory period and the permission has now lapsed.
- 2.3 As referred to above, the application was submitted to Committee on 02.03.15 with the officers' recommendation to delegate the right to approve the application subject

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to the signing of a 106 agreement involving affordable housing for local need and relevant conditions. It was recommended to approve with relevant conditions and subject to a section 106 agreement for affordable housing, as the application, based on the evidence, was considered acceptable and complied with local and national planning policies. A copy of the report and the plans submitted to the Planning Committee on 02.03.15 can be seen in **Appendix 1**. Both further explain the background of the application.

2.4 In order to respond to the concerns highlighted by the Committee regarding over-development and the provision of a playing field, the additional information is submitted under the following headings:-

- Over-development - there is no increase in the number of houses proposed in this latest application in comparison with the application that was previously approved in 2010. The Gwynedd Unitary Development Plan, along with Welsh Government requirements, has recommended a density of 30 residential units per hectare on accessible sites that have been designated for residential developments in the Unitary Plan. This density of 30 residential units per hectare is also relevant to other sites located within development boundaries but that have not been specifically designated for housing - such as the site of this application at Rhiw Goch. In relation to this application, the density of the development in question is 24 units per hectare, which is lower than what is expected of designated sites. Therefore, to this end, it is believed that it would be very difficult to justify that this development reflects an over-development of the site and, in truth, it is arguable that it underachieves the above density of 30 units per hectare.
- **Provision of a playing area** - the Local Member had a concern regarding the lack of a pavement along the nearby road to children's playing fields located in Deiniolen and Clwt-y-bont, and it would be dangerous for children to walk along the road to get to them. In order to respond to this concern, the applicant has amended the site plan by locating a children's playing area in the north-eastern corner of the site of the application - locating this playing area in this spot will create a safe area for the children and will reduce the risk of collisions with vehicles. The surface area of the playing field is around 249m<sup>2</sup> with a direct access to it from the estate itself. No details have been submitted with this outline application regarding who will be responsible for undertaking maintenance work on this playing field, or if it means installing playing equipment on it, but this could be confirmed by including a relevant condition should the application be approved.

2.5 During the discussion on the application, the Committee also expressed concern regarding how affordable the houses that are the subject of this application are for the local population. The applicant has submitted a market/sale value estimation of the houses included in the application as follows:-

3 two-bedroom houses for £106,000 (with one of them being affordable with a discount of 20%), 6 three-bedroom houses with a garage for £130,000 (with one of them being an affordable house with a discount of 20%), 2 three-bedroom houses with a garage for £149,000 and 6 three-bedroom houses with a garage for £168,000.

2.6 It is considered that these prices are 'affordable' in comparison with average house prices in Deiniolen/Clwt-y-bont and given the location of the site together with the design and size of the proposed houses, it is believed that they are also synonymous

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with constructing affordable units to address general local housing need in the Caernarfon catchment area.

### **3 POLICY CONTEXT**

#### **National Planning Guidance**

#### **Planning Policy Wales (Version 7, February 2014) and Technical Advice Note (TAN).**

- 3.1 Before reaching a decision on this application, it will be necessary to consider National Planning Policy which is a material planning consideration in making decisions on planning applications. It provides a policy framework for Local Planning Authorities, so that they can prepare effective development plans, and the Welsh Ministers and Planning Inspectors will consider these when determining planning applications that are both called in and submitted on appeal.
- 3.2 Chapter 3 on 'Making and Enforcing Planning Decisions' states that decisions on planning applications should be made in accordance with the adopted development plan, unless material considerations indicate otherwise. In this case, it is not considered that there are relevant considerations which note otherwise, and that the proposal conforms to the policies of the local development plan and relevant national advice. Should this application be approved, including relevant conditions and agreeing on a legal contract involving the provision of an element of affordable housing, would ensure that the proposed development conforms to relevant planning guidelines and policies on a local and national level.
- 3.3 Chapter 8 on 'Transport' states that when determining applications the authority should consider the effect of the proposal on travel demand, the level and nature of public transport, and the accessibility of the site by various means of travelling. It also states the need to consider the effect of the transport infrastructure and the traffic generated on the environment, as well as the effect on the safety and convenience of other users of the transport network.
- 3.4 Chapter 9 on 'Housing' states that the need for affordable housing in the community is a material planning consideration, and that new residential developments should be integrated into the current pattern of dwellings and that they should be well-linked.
- 3.5 Chapter 13 on 'Minimising and Managing Environmental Risks and Pollution' states that the planning system plays an important role in preventing or mitigating the detrimental impacts of any environmental risks when using land, today and in the future. When dealing with planning applications, local planning authorities should consider matters involving flood risks, contaminated land, water quality, noise and light pollution as matters that are relevant to planning. To this end, this application can be approved by including relevant conditions involving flood prevention and surface water problems, along with the need to assess the potential risk of pollution on the site for a residential development.
- 3.6 TAN 2 on 'Planning and Affordable Housing' states that land use planning is one way of securing affordable housing provision.
- 3.7 TAN 12 on 'Design' states that it will be required to justify applications by submitting design and access statements in order to explain the design principles and concepts applied to the development or the work, referring to details involving character, movements, environmental sustainability, community safety and access.

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- 3.8 TAN 15 on 'Development and Flood Risk' states that planning authorities will need to be satisfied that developments are justified and that the possible consequences of flooding can be managed at present and for the future.
- 3.9 TAN 18 on 'Transport' deals with matters involving integrating transport and land use planning by, for example, promoting settlement patterns that are efficient in terms of resources and travel, ensuring good parking, ensuring that new developments are located where there is good access, or where there will be good access by public transport and cycling and encouraging a high standard of street design.
- 3.10 TAN 20 on 'Planning and the Welsh Language' explains how the Welsh language should be taken into account when preparing development plans and when determining planning applications where the needs and interests of the Welsh language may be a material consideration.
- 3.11 In the context of the national planning policies and advice, it is believed that the proposal complies with the requirements and aims of these documents given the information and evidence that was submitted to support the planning application.

### **Local Planning Policies**

#### **Gwynedd Unitary Development Plan (GUDP) and Supplementary Planning Guidelines (SPG)**

- 3.12 A great deal of the policies in the GUDP, along with the advice included in the SPG, are relevant to this proposal and these have already been mentioned in the Committee report on 02.03.15. Nevertheless, it is believed that the policies below set the planning background for a residential development on this site.
- 3.13 Policy A1 of the GUDP refers to environmental impact assessments or assessments of other impacts. Natural Resources Wales originally objected to the application based on flood risks within and around the site, and given that the site itself is located within a Zone A according to Technical Advice Note 15. As a result of this objection, a flood consequence assessment was submitted and given the addendum of the assessment, NRW has now withdrawn its objection subject to the inclusion of appropriate conditions in order to ensure that the development can be safely undertaken without worsening the current situation. In addition to NRW's concerns, the Public Protection Service has also responded to the application by stating that there is a possibility that the application site is contaminated given its previous industrial use. To this end there will be a need to undertake a desktop survey in order to assess the potential risk of pollution on the site and this requirement can be ensured by including appropriate conditions should the application be approved.
- 3.14 Policy A2 of the GUDP refers to protecting the social, linguistic and cultural fabric of communities. To this end, a Linguistic and Community Statement was submitted with the application and in response to its content the Joint Planning Policy Unit came to the conclusions that the scale of the development would not likely cause a significant growth in the population which could detrimentally impact the Welsh language. It will be necessary to ensure that a percentage of the houses are affordable houses, that the proposed houses make the development attractive to the local population and, therefore, is beneficial to the Welsh language. It is not considered that the development will likely have an impact on the local primary school. It is also

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considered within the above context that the proposal is acceptable based on the advice included in the SPG: Planning and the Welsh Language (2009).

- 3.15 Policy B10 of the GUDP states that Landscape Conservation Areas should be safeguarded and enhanced. The southern part of the site is located within a Landscape Conservation Area as included in the GUDP, and in this specific case and given the considerably urban character nearby which includes dwellings and industrial structures along with the unkempt condition of the site at present, it is not believed that the proposal would impact on the integrity of the landscape around the site of the application. It is also considered that the proposal is acceptable based on the advice included in the SPG: Landscape Character (2009).
- 3.16 Policy B23 of the GUDP states that proposals will be refused if they have a detrimental impact on the amenities of the local neighbourhood. Given the proposed layout of the houses on the site in relation to the location of the nearby dwellings it is believed that there would be no significant impact on residential amenities or on general amenities in terms of overlooking and loss of privacy.
- 3.17 Policy C1 of the GUDP is a specific policy that supports applications for new developments within the development boundaries of towns and villages and the developed form of rural villages. The site in question is located within the Deiniolen/Clwt-y-bont development boundary as included in the GUDP, and the principle of housing developments has been accepted by the Planning Committee in 2010 when a previous application for 17 houses was approved (and two of those houses were affordable).
- 3.18 Policy C3 of the GUDP states that proposals that prioritise, wherever possible, re-using land or the use of previously developed land or buildings located within or surrounding development boundaries will be permitted provided the proposal is in keeping with all other relevant GUDP policies.
- 3.19 Policy CH4 of the GUDP states that in principle, proposals to build new houses on unallocated sites within the development boundaries of villages will be approved provided they conform to a number of criteria involving the supply/type of affordable housing. In this case, it is intended to propose 2 affordable houses and this figure is a reflection of the content of the previous application, which was approved by the planning committee in 2010. At that time, the Planning Committee accepted the applicant's justification to reduce the number of affordable housing from four to two based on the developmental viability of the site, and this situation has not changed since 2010. To this end, it is believed that the proposal conforms with the guidance included in the SPG: Affordable Housing (2009)
- 3.20 During the Planning Committee meeting in March this year, the Members questioned the need for more housing in Deiniolen, despite the fact that the site was located within the development boundary. In response to this concern it is vital to refer to the housing needs in the Caernarfon dependency catchment area which includes Deiniolen and Clwt-y-bont. Statistics (noted in the Senior Planning and Environment Service Manager's report to the Planning Committee on 02.03.15) clearly show that there is a shortfall of 227 residential units in the Caernarfon dependency catchment area during the life of the Plan and, therefore, from this stance the proposal as submitted is acceptable on the basis that it contributes towards filling this shortfall. To remind Members, the Unitary Development Plan identifies housing needs during the life of the Plan itself (2001-2016) with a figure of 1,384 units in the Caernarfon dependency catchment area. From this figure, 236 account for units that have been

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allocated and 529 account for units on windfall sites which gives a total of 765 units that are needed in the Caernarfon catchment area. However, 538 units have already been completed and as a result of these current figures, it is clear that a shortfall of 227 units remains in the Caernarfon dependency catchment area.

- 3.21 Policies B29, B30 and B32 relate to development on land at risk of flooding, polluted sites and increasing surface water. A flood consequence assessment was submitted with the application which concluded that the flood and surface water risk could be effectively managed on the site and in the surrounding area. Should the application be approved, relevant conditions should be imposed which respond to the possibility that the land is contaminated due to its previous industrial use.
- 3.22 Policies CH33 and CH26 of the GUDP involve road safety and private car parking facilities. The Transportation Unit is of the opinion that the layout of the houses and the footway, the visibility splays and the parking spaces are acceptable based on statutory requirements subject to the inclusion of relevant conditions should the application be approved.
- 3.23 Policy CH43 of the GUDP involves the provision of open spaces of recreational value in developments of ten or more houses. The plan has been amended by the applicant, not only to conform with the requirements of this policy but also to respond to the local member's concerns, and to this end it is believed that the proposal now responds to the concerns highlighted by the Planning Committee in March this year, and that it is now acceptable based on the policy and the advice given in SPG: Housing Developments and Open Spaces of Recreational Value (2009).
- 3.24 In the context of the above assessment, it is believed that the proposal in question is acceptable based on the relevant evidence that forms part of this report and that the application conforms to local planning policies and national advice, subject to the inclusion of relevant planning conditions and ensuring that a 106 Agreement is in place to ensure that two of the houses are affordable for general local need.
- 3.25 The Planning Committee must have robust reasons and evidence for overturning the officers' recommendation on developments that, based on the evidence in front of them, comply with the development plan and national planning advice and guidelines. In this particular case, it is not believed that there is sufficient evidence or reasons to overturn the officers' recommendation, as the information and evidence submitted undoubtedly confirms that the proposal is in accordance with relevant local and national policies.

#### **4. RISKS OF REFUSING THE APPLICATION FOR THE COUNCIL**

- 4.1 As is outlined above, refusing the application would undermine policies on a local and national level based on the fact that the site is located within the Deiniolen/Clwty-bont development boundary as included in the GUDP, the site is a site that can be defined as a previously used site along with the fact that the principle of developing the site for residential use (17 residential units) has already been accepted by the Planning Committee in 2010, and the context of local and national planning policies and guidance has not changed since this period.
- 4.2 Refusing the application would create an inconsistency involving previous decisions on applications in terms of using sites (which includes this particular site) that are located within development boundaries and which are suitable for this type of development. Sites located within development boundaries but that have not been

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specifically allocated for residential development play an important part in the Council's strategy for meeting the need for 1,384 additional houses in the Caernarfon catchment area during the life of the Unitary Plan (2001-2016). As mentioned above, there is a shortfall of 227 houses in the Caernarfon dependency catchment area and approving this application would contribute towards reaching this figure.

- 4.3 The risk of refusing the application without robust evidence introduces the risk that an appeal will be submitted to the Planning Inspectorate, with the likelihood that the appeal would be approved. This would also incur the risk of financial costs against the Council for refusing an application without robust evidence.
- 4.4 It is believed that the information and evidence included in this report, which reiterates the information submitted to the Committee on 2 March 2015, fully responds to those concerns outlined in paragraph 2.3 above. It is believed that there is no evidence to justify refusing the application on the grounds of over-development or the lack of provision of a recreational play area for the children of the estate. The latest information submitted with the application further proves that the application conforms to the policies of the GUDP and relevant national policies and guidance and the applicant could use this evidence to support his case against the Council in an appeal scenario. The applicant could also use the evidence to try and claim costs against the Council as part of the appeal process.

## **5. OPTIONS FOR THE COMMITTEE**

- 5.1 If it is the Planning Committee's intention to refuse the application, the options that are open to the Committee in determining the application include the following, where the level of risk for the Council is also highlighted, starting with the option that poses the greatest risk:
1. Refuse the application on the grounds of over-development of the site in terms of building density. Refusing the application for 17 houses on this site (which corresponds to a building density of 24 houses per hectare in comparison with the density of 30 units per hectare which is suggested both nationally and in the Unitary Development Plan) on the grounds of over-development would be very hard to justify, especially given that the site is located within the development boundary, on previously developed land, which has already received planning permission in 2010 for 17 houses. Refusing for this reason would pose a significant risk for the Council and would pose a significant and real risk of costs against the Council should the application go to appeal.
  2. Refuse the application on the grounds that it is an over-development which would have an impact on the area's general amenities. In response to this refusal reason, it is believed that the proposal as it was submitted for 17 houses would not have a detrimental impact on general amenities (including residential amenities along with visual amenities) considering the location and setting of the houses and their density in relation to nearby structures, together with the site's former industrial use and its current unkempt condition. A real risk of costs being claimed against the Council would remain should the application go to appeal.
- 5.2 Therefore, it must be realised that there are significant risks associated with refusing the application, which include financial risks for the Council. In order to ensure that the Council avoids the above risks, and due to the fact that the evidence shows that the the application complies with the Unitary Development Plan and national planning policies, the recommendation is:

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5.3 To delegate the right to approve in accordance with the recommendation in the report (Appendix 1) and subject to signing a Section 106 agreement to ensure that two of the houses are affordable for general local need, as well as planning conditions relating to:-

1. Submit reserved details within a specific period together with the start date of the development.
2. Natural slate.
3. Natural Resources Wales conditions
4. Desktop survey condition to assess pollution risk (and any associated mitigating work)
5. Highway conditions
6. Welsh Water conditions.
7. Removal of permitted rights from the affordable units.
8. Condition involving agreeing on the future maintenance of the playing field together with provision of playing equipment.





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Application Number: C13/0611/18/AM  
Date Registered: 27/06/2013  
Application Type: Outline  
Community: Llanddeiniolen  
Ward: Deiniolen

Proposal: RESIDENTIAL DEVELOPMENT OF 17 HOUSES (INCLUDING TWO AFFORDABLE UNITS) TOGETHER WITH A NEW ACCESS

Location: RHIWGOCH, CLWT-Y-BONT, CAERNARFON, LL553DE

Summary of the Recommendation: TO DELEGATE THE RIGHT TO APPROVE SUBJECT TO THE APPLICANT SIGNING A SECTION 106 LEGAL AGREEMENT

## 1. Description:

- 1.1 This is an outline application to erect 17 two-storey houses including two affordable houses on a site to the south-west of Deiniolen on a plot of land included within the village development boundary.
- 1.2 The proposal also involves creating a vehicular opening to the adjacent county road which is a third class road that serves Deiniolen and Clwt y Bont. The site is 94m wide, 76m deep with a surface area of 0.69 hectares. The site has already been cleared of the structure of the former climbing products factory ("International Safety Components"). At the moment, the front section of the site is used as an informal car park.
- 1.3 Although this is an outline application, details have been submitted relating to the size of the proposed houses – they would have a surface area of approximately 133m<sup>2</sup> and a height of 5.2m to the soffit and approximately 7.8m to the ridge. Blueprints of the design of the houses were also submitted which show a simple design resembling that of nearby dwellings with natural slate roofs, walls of rough plaster render and uPVC windows/doors.
- 1.4 In accordance with the requirements of Technical Advice Note 12 on 'Design' (2009) a Design and Access Statement was submitted with the application. Additionally, and in line with the requirements of the Supplementary Planning Guidance: Planning and the Welsh Language, a Community Linguistic Statement was submitted to support the application. A flood consequence assessment was also submitted after receiving the initial response of Natural Resources Wales (NRW) as the site is within an A Zone according to the development advice map referred to in TAN 15, 'Development and Flood Risk' (July, 2004). In addition to this assessment an addendum was submitted which responds to NRW's concerns relating to flood risk within and around the site itself.
- 1.5 A previous application for 17 houses on the site (including two affordable houses) was approved in July, 2010 with a Section 106 agreement to bind two of the 17 houses as affordable. However, a reserved details application was not submitted within the statutory time.

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## **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 planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

### **2.2 Gwynedd Unitary Development Plan 2009:**

#### **POLICY A1 – ENVIRONMENTAL OR OTHER IMPACT ASSESSMENTS**

Ensure that sufficient information is provided with the planning application regarding any environmental impacts or other likely and substantial impact in the form of an environmental assessment or assessments of other impacts.

#### **POLICY A2 – PROTECTING THE SOCIAL, LINGUISTIC AND CULTURAL FABRIC OF COMMUNITIES**

Safeguard the social, linguistic or cultural cohesion of communities against significant harm due to the size, scale or location of proposals.

#### **POLICY B3 – DEVELOPMENTS AFFECTING THE SETTING OF LISTED BUILDINGS**

Ensure that proposals have no effect on the setting of Listed Buildings and that they conform to a series of criteria aimed at safeguarding the special character of the Listed Building and the local environment.

#### **POLICY B10 – PROTECTING AND ENHANCING LANDSCAPE CONSERVATION AREAS**

Protect and enhance Landscape Conservation Areas by ensuring that proposals conform to a series of criteria aimed at avoiding significant damage to recognised features.

#### **POLICY B22 – BUILDING DESIGN**

Promote good building design by ensuring that proposals conform to a series of criteria aimed at safeguarding 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 protecting the recognised features and amenities of the local area.

#### **POLICY B25 – BUILDING MATERIALS**

Safeguard the visual character of the Plan area by ensuring that only natural Welsh slates or slates that are similar in terms of their appearance, colour and weathering properties are permitted, other than in circumstances in which the type of building or its particular setting, or the sustainability benefits, are such that another material would be appropriate. In respect of other parts of the building, development will be required to use high quality building materials that complement the character and appearance of the local area. Proposals that introduce substandard or intrusive materials will be refused.

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**POLICY B29 – DEVELOPMENTS ON LAND AT RISK FROM FLOODING**

Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A unless they can conform to a series of criteria relevant to the features of the site and to the purpose of the development.

**POLICY B30 – CONTAMINATED LAND OR BUILDINGS**

Ensure that proposals for developing contaminated land or buildings are refused unless they can conform to a series of criteria aimed at controlling or restricting the contamination.

**POLICY B32 – INCREASING SURFACE WATER**

Refuse proposals that do not include appropriate flood minimisation or mitigation measures that will reduce the volume and rate at which surface water reaches and flows into rivers and other water courses.

**POLICY C1 – LOCATING NEW DEVELOPMENT**

Land within the development boundaries of towns and villages 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 DEVELOPED SITES**

Proposals that give priority to re-using previously developed land or buildings that are located within or near development boundaries will be permitted provided the site or building and the proposed use are appropriate.

**POLICY CH4 – NEW DWELLINGS ON UNALLOCATED SITES WITHIN THE DEVELOPMENT BOUNDARIES OF LOCAL CENTRES AND VILLAGES**

Approve proposals to build new dwellings on unallocated sites within the boundaries of Local Centres and Villages provided they conform to criteria aimed at ensuring an affordable element within the development.

**POLICY CH18 – AVAILABILITY OF INFRASTRUCTURE**

Development proposals will be refused if there is no adequate provision of necessary infrastructure for the development, unless they can conform to one of two specific criteria which require that appropriate arrangements are made to ensure adequate provision, or that the development is carried out in phases in order to conform to any proposed scheme for the provision of infrastructure.

**POLICY CH29 – SAFEGUARDING AND IMPROVING LINKS FOR PEDESTRIANS**

Proposals within Centres and Villages will be refused unless they provide safe, attractive and direct footpaths for pedestrians across and out of the site where there is a clear opportunity to make such a provision.

**POLICY CH30 – ACCESS FOR ALL**

Proposals for residential/business/commercial units or buildings/facilities for public use will be refused unless it can be shown that full consideration has been given to the provision of appropriate access for the widest possible range of individuals.

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### 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, extensions to 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 DEVELOPMENTS

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.

Supplementary Planning Guidance:-

- Affordable Housing (2009)
- Planning Obligations (2009)
- Housing Developments and Open Spaces of Recreational Value (2009)
- Housing Developments and Educational Provision (2009)
- Planning and the Welsh Language (2009)
- Landscape Character, (2009).

Gwynedd Design Guidelines, (April, 2003).

### 2.3 National Policies:

Planning Policy Wales, Edition 7, July 2014, Chapter 3 – ‘Determining and Enforcing Planning Decisions’, Chapter 9 ‘Housing’ and Chapter 13 ‘Minimising and Managing Environmental Risks and Pollution’.

TAN 2 on “Planning and Affordable Housing”, (2006).

TAN12 on “Design”, (2009).

TAN 16 on “Sports, Leisure and Open Spaces”, (2009).

TAN 18 on “Transport”, (2007).

TAN 20 on “Planning and the Welsh Language”, (2000).

### 3. Relevant Planning History:

- 3.1 Application number C05A/0084/18/AM – residential development refused in March, 2005.
- 3.2 Application number C05A/0292/18/AM – residential development including two affordable homes (re-submittal of an application that was refused under reference C05A/0084/18/AM) was approved in July, 2010 and was subject to a Section 106 legal agreement relating to the supply of affordable homes.

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#### 4. Consultations:

Community/Town Council:	Not received.
Transportation Unit:	Relevant conditions.
Biodiversity Unit:	No response.
Natural Resources Wales (NRW):	Initial objection as the site is located in an A Zone and there are flood problems in the area. A flood consequence assessment was submitted in response to this objection, however, NRW remained concerned about the implications of the development on flooding within the site itself and the surrounding area. To this end an addendum to the original assessment was submitted and this additional information demonstrates that flood risk can be managed with appropriate conditions should the application be approved. Observations were also made in relation to bats and contaminated land and the safe disposal of waste from the site.
Welsh Water:	Standard conditions relating to the discharge of foul water and surface water from the site.
Public Protection Unit:	A condition for a desktop survey to assess the flood risk on the site.
Flood Risk and Coastal Erosion Management Unit:	Include conditions relating to watercourses flowing through the site and near the site along with the need for the applicant to submit a flood consequence assessment. Also refer to the existence of other watercourses and tributaries that also need to be considered. The Unit has been working with NRW in relation to including a flood consequence assessment.

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Public Consultation: A notice was posted on the site and nearby residents were notified. The consultation period came to an end on 25.02.15 and correspondence was received objecting on the following grounds:-

- Approving the application would mean creating more unwanted housing in Deiniolen and the catchment area.
- Approving the application would have linguistic and social implications in the Welsh heartland.

The following observations are submitted in response to the above observations:-

- The Joint Planning Policy Unit has assessed the Linguistic and Community Statement submitted as part of the application and has concluded that should the application be approved it is not anticipated that it would have a detrimental impact on the Welsh language or on the local community in Deiniolen.

In addition to the above, an objection was received that was not a valid planning objection, on the grounds that the condition of the surface of the existing road that serves the site would deteriorate further given the increase in the number of vehicles that would be used should this application be approved.

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

### **The principle of the development**

5.1 The principle of developing this site for residential dwellings has already been accepted with the approval of the previous application in July 2010. In addition to this, the site is located within the Deiniolen development boundary as shown in the Gwynedd Unitary Development Plan (GUDP). The policies that apply here in relation to approving the principle of developing the site are Policies C1, C3 and CH4 of the GUDP. Policy C1 states that land within town and village boundaries and the developed form of rural villages will be the main focus for new developments. Policy C3 approves proposals that give priority, wherever possible, to the use of previously developed land or buildings located within or adjacent to development boundaries will be permitted provided the proposal is in keeping with all other relevant policies within the Plan.

5.2 The GUDP notes housing needs during the lifetime of the Plan itself (2001-2016) with a figure of 1,384 units in the Caernarfon dependency catchment area (outside the National Park). From this figure, 236 account for units that

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have been allocated (i.e. sites that have received planning permission but work has not commenced) and 529 account for units on random sites that will become available which gives a total of 765 units that are needed in the Caernarfon catchment area. However, 538 units have already been completed on undesignated sites and therefore it can be seen that a deficit of 227 units still remains in the Caernarfon catchment, and therefore, from this perspective, it is believed that this existing proposal to construct 17 houses in this particular site in Deiniolen is acceptable in terms of need.

- 5.3 Policy CH4 states that in principle, proposals to build new dwellings on unallocated sites within the development boundaries of villages will be approved provided they conform to a number of criteria relating to the supply/type of affordable homes. In this case it is intended to provide two affordable homes out of the total of 17 houses and this reflects what was approved under the previous application in July 2010. In the original application, the applicant had justified reducing the number of affordable homes from four to two on the grounds of significant infrastructure costs (financial evidence was submitted by the applicant by referring to the work to clear and decontaminate the site and works to the culvert crossing the site) and the Planning Committee agreed to reduce the number of affordable homes from four to two. In terms of the objectives and the aims of the above policies it is believed that the proposal of developing the site for housing is acceptable in principle.
- 5.4 In order to provide an update on the viability of the development since the original application was submitted in 2005, the applicant has provided an update of the financial evidence by stating that the costs submitted with the original application have increased significantly by today and that these costs relate to:-
- (i) the latest Natural Resources Wales (NRW) requirements on grounds of reducing flood risk within the site and around the site itself.
  - (ii) interest costs on the site have increased.
  - (iii) professional fees have increased due to NRW requirements.
  - (iv) demolition work in order to assess the condition of the site.
- 5.5 Policy CH4 along with the advice given in SPG: Affordable Housing state that the proportion of affordable home will vary from site to site and there are exceptional circumstances as to why provision may not need to be on site. The exception should be based on the nature of the site rather than the circumstances of the applicant/developer; that the development is the minimum required to address the established need and that there is a clear balance of advantage to the community in allowing the exception. In this respect, although there will only be two affordable dwellings subject to the legal agreement, the other houses that are part of the development are houses that will appeal to local people and to families and will be competitively priced, therefore helping to keep local Welsh-speaking people in the area. This has already been stated by the Joint Planning Policy Unit in its observations on the community and linguistic statement submitted with the application.



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- 5.6 Taking the situation and the above context into consideration and that the Joint Policy Unit has confirmed that the types of houses on offer make the development attractive to the local population (families and children) it is believed that the principle of including two affordable homes on this site is acceptable and complies with the objectives and the advice included in Policy CH4 of the GUDP and the relevant SPG.
- 5.7 In this particular case and on grounds of a density of 30 units per hectare (namely the figure referred to in the GUDP) it is believed that the number of units to be built here is acceptable. To this end, it is believed that the proposal, as submitted, is acceptable in principle.

### **Visual amenities**

- 5.8 The site is located to the south-west of Deiniolen/Clwt y Bont on an artificial plateau created in a depression in the land that extends downwards to the south-west. It is a relatively prominent site along the adjacent public road but is partly screened from the north and the east due to the topography of the surrounding landscape. Directly to the south of the site and below lies the structure of Melin Sarn, which is a grade II\* listed building and is used for industrial purposes B1/B2/B8 - workshops and goods storage. It is not believed that developing this site for residential dwellings would have a significant effect on the setting of the mill structure given the location of the site in relation to the mill itself. It should also be remembered that a large structure has been on the site for years in the form of an industrial structure and the design and scale of this latest proposal is more domestic in nature and should not have as much of an impact on the setting of the mill.
- 5.9 The southern part of the site (where the site runs parallel to the county road) is located within the Landscape Conservation Area as included in the GUDP. The main aim of the designation is to safeguard, enhance or restore the recognised character and quality of these areas. In this particular case and given that the relatively urban character nearby that includes dwellings and an industrial structure and also taking into consideration the unkempt condition of the site as it is, it is believed that the proposal would not affect the integrity of the landscape surrounding the site. It is believed that the proposal is likely to improve the existing situation.
- 5.10 Although this current application is an outline application, the design and access statement submitted with the application refers to the type of houses that are proposed here. The proposed houses will have a simple design and will use the materials seen in the area as natural slate, rough plaster render and uPVC windows/doors. It can be ensured that the proposed houses will have a suitable design and materials by including a relevant condition should the application be approved.
- 5.11 The site is currently deteriorating on grounds of visual amenities (with vegetation being prominent on the site by now) and it is an eyesore in the landscape. Approving this application is likely to be a step towards improving the visual amenities in this part of the village. In terms of the above

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assessment it is believed that the proposal is acceptable on grounds of the requirements of Policy B3, B10, B12, B22, B23 and B25 of the GUDP and also complies with the advice contained in TAN 12 on Design (2009), Gwynedd Design Guidance (2003) and SPG: Landscape Character, (2009).

### **General and residential amenities**

- 5.12 Residential dwellings are located a stone's throw from the site on the other side of the county road. Given the proposed layout of the houses on the site in relation to the location of the nearby dwellings it is believed there would be no impact on their residential amenities or on their general amenities on grounds of overlooking and loss of privacy. In addition to this, no response was received to the application from local residents. It is therefore believed that the proposal is acceptable based on the requirements of Policy B23 of the GUDP.
- 5.13 Policy CH43 of the GUDP states that open spaces of recreational value will be provided in developments of ten houses or more. In this case however, it is believed that it is not practical on grounds of the design and plan of the site to allow the inclusion of an amenity area for the prospective occupants. Every house will have its own private amenity space and purpose built open play areas have already been established and located within the village itself for the local population.

### **Transport and access matters**

- 5.14 The proposal will create a new formal access from the adjacent third class county road and create a new estate road to serve the proposed houses. There is already an entrance to the site from the time it was used for industry. The Transportation Unit does not have any objection to the application, subject to including relevant conditions on any permission. In addition to this, it would be required for the developer to build and design the estate road to be adopted by the Council. It is believed that the proposal, in terms of its location and scale, would not cause a significant increase in vehicular journeys that would be likely to have a detrimental impact on the area's amenities.
- 5.15 The Design and Access Statement submitted with the application refers to the site being accessible to pedestrians, cyclists and public transport users as it is located near the established road network. It also notes that the houses have been designed in order to create suitable access to the broadest possible range of individuals. Given the above considerations, it is believed that the proposal is acceptable in terms of the requirements of Policy CH29, CH30, CH33 and CH36 of the GUDP.

### **Biodiversity matters**

- 5.16 The observations of Natural Resources Wales (NRW) recommend submitting a scheme to incorporate features to avoid direct lighting as the proposal is located next to a river corridor where bats can use this linear feature for foraging and migrating. This can be secured by including a planning condition should the application be approved.

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## **Flooding matters**

- 5.17 As referred to above NRW originally objected to the application on grounds of the site being entirely located within an A Zone according to TAN 15 on Development and Flood Risk (July, 2004). In light of the above a flood consequence assessment was submitted, however; its contents did not convince NRW that the flood risk could be effectively managed on the site or in the surrounding area. As a consequence, a meeting was held between the applicant's agent, NRW officers and the Council's Land Drainage Officer and to this end an addendum to the assessment was submitted emphasising that the main problem was the lack of maintenance work on the drainage infrastructure within the site itself in the past.
- 5.18 Given the contents of the addendum, NRW has withdrawn its objection subject to including suitable conditions should the application be approved in order to ensure that the development can be undertaken safely without exacerbating the current situation within and outside the site. The conditions relate to submitting details to be agreed in relation to an agreement to control the watercourse that runs through the site, additional plans indicating the levels of the houses, the drives and the site boundaries along with submitting a surface water management plan. Subject to including these conditions, it is believed that it would be possible to comply with Policies B29, B32 and CH18 of the GUDP.
- 5.19 In addition to the above comments from NRW, the Public Protection Service has also responded to the proposal by stating the possibility that the application site might have been contaminated given its original use as an explosives store. To this end there will be a need to undertake a desktop survey in order to assess the potential risk of pollution on the site itself for developing housing. This requirement can be secured by including appropriate conditions should the application be approved. It is therefore believed that the proposal is acceptable based on the requirements of Policy B30 of the GUDP.

## **Language and Community Matters**

- 5.20 Policy A2 of the GUDP states that proposals which would cause significant harm to the social, linguistic or cultural cohesion of communities, due to their size, scale or location, will be refused. The SPG: Planning and the Welsh Language states that there will be 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 local and national language policies.
- 5.21 For this purpose, the applicant has submitted a Linguistic and Community Statement to support the proposal and the Joint Planning Policy Unit has reached the following conclusions:-
- It is not believed that the scale of the proposal is likely to cause significant growth in the population that would have a detrimental impact on the Welsh language.

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- There will be a need to ensure that a percentage of the houses are affordable homes that will appeal to the local population.
- The mixture of houses proposed makes the development attractive to the local population, and therefore beneficial to the Welsh language.
- The development is not likely to have a detrimental impact on the local primary school.

5.22 Given this assessment and the abovementioned observations of the Joint Planning Policy Unit, it is believed that the proposal is in accordance with Policy A2 of the GUDP in addition to SPG: Planning and the Welsh Language.

### **Section 106 agreement matters**

5.23 The applicant has submitted information that states that the costs submitted with the original application have increased significantly by now and a substantial portion of the costs relate to the latest requirement from Natural Resources Wales on grounds of reducing flood risk within and around the site. There are also pollution matters on the site that need to be resolved. Policy CH4 along with the advice given in SPG: Affordable Housing state that the proportion of affordable homes will vary from site to site and there will be exceptional circumstances where it will not be viable to provide the desired number. To this end it is believed that the proposal is acceptable based on the requirements of Policy CH4 of the GUDP if two affordable homes can be secured through a 106 agreement.

### **Educational matters**

5.24 The relevant document under this heading is SPG: Housing Developments and Educational Provision (2009), which offers guidance to applicants on residential developments along with the cases where the Local Planning Authority will seek a financial contribution towards local educational facilities. In relation to this, the Gwynedd school capacity statistics for 2014 indicate that there is capacity within the secondary school (Ysgol Brynrefail) and in the local primary school (Ysgol Gwaun Gynfi) along with nearby schools in the catchment which include Ysgol Cwm y Glo and Ysgol Penisarwaun for the number of children that will derive from this development (it is estimated that seven pupils will derive from the development itself). To this end, it is believed that there is no need for an educational contribution from the applicant should this application be approved.

## **6. Conclusions:**

6.1 Taking the above assessment into consideration, it is believed that the proposal is acceptable and complies with the relevant local and national planning policies and guidelines.

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**7. Recommendation:**

7.1 To delegate powers to the Senior Planning Manager to approve the application, subject to the applicant signing a legal 106 agreement to ensure that two of the 17 proposed houses are affordable homes for general local need, and in accordance with the following conditions:-

1. Standard conditions in relation to the commencement of the work/submitting details of reserved matters.
2. Natural slate.
3. NRW conditions.
- 4 Undertake a desktop survey to assess pollution risk (and any required work).
5. Highways conditions.
6. Welsh Water conditions.
7. Withdrawal of permitted rights from the affordable units