

PLANNING COMMITTEE	DATE: 05/02/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

**Number: 3**

**Application Number: C23/0574/26/AC**

**Date Registered: 25/07/2023**

**Application Type: Vary Condition**

**Community: Waunfawr**

**Ward: Bontnewydd**

**Proposal: Application to vary condition 1 on planning permission C18/0993/26/LL (to extend planning permission C09A/0412/26/LL to erect 12 new houses and associated work) to extend the time given to commence the work for another five years.**

**Location: Hen Gapel, Caeathro, Gwynedd, LL55 2ST**

**Summary of the Recommendation: TO DELEGATE POWERS TO THE HEAD OF PLANNING TO APPROVE THE APPLICATION, SUBJECT TO AGREEING ON A DISCOUNT FOR THE AFFORDABLE UNITS AND AMENDING THE 106 AGREEMENT IF REQUIRED AND IN ACCORDANCE WITH THE CONDITIONS.**

PLANNING COMMITTEE	DATE: 05/02/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

## 1. Description:

- 1.1 This application is to vary condition 1 on planning permission C18/0993/26/LL to extend the period of the planning permission on the site for another 5 years. Planning permission C18/0993/26/LL itself was to amend condition number 1 of planning permission C09A/0412/26/LL to erect 12 residential dwellings, create a new entrance and drainage work on a plot of land measuring approximately 0.5 hectares within the development boundary of the Local Village of Caeathro, as defined by the Anglesey and Gwynedd Joint Local Development Plan.
- 1.2 The development of this site has been prevented in the past due to the concerns of Welsh Water regarding the capacity of the sewerage system to cope with the foul water that derives from the site. Those concerns have by now been resolved. The applicant explains that they want to sell the site, however, to ensure that the site is attractive to a new developer they are eager to secure an extension of 5 years for the commencement of the development.
- 1.3 The site is currently used as pasture and the proposal includes five types of houses which vary from two-bedroom semi-detached houses to detached four-bedroom houses, and of the 12 dwellings, four of them would be affordable (a 106 Agreement is already in place to control the occupation of these properties). Externally, each dwelling would have a natural slate roof, a natural stone façade, painted render and uPVC windows/doors. Due to the slope of the land engineering work would be required to create platforms for the dwellings themselves and in order to build the estate road and the new entrance.
- 1.4 It should be noted that current application C21/1245/26/LL for 25 houses (including 7 affordable houses) remains outstanding with no decision on this site.
- 1.5 The following information was received in support of the application:
  - Initial Ecological Assessment
  - A water vole and otter survey report
  - Welsh Language 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 made in accordance with the Development Plan unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to 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 recommendation.
- 2.3 **Anglesey and Gwynedd Joint Local Development Plan. (July 2017)**

PLANNING COMMITTEE	DATE: 05/02/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

PS 5 – Sustainable development

ISA 1 - Infrastructure provision

TRA2 - Parking standards

TRA4 - Managing transport impacts

PCYFF 1 – Development Boundaries

PCYFF 2 – Development criteria

PCYFF 3 – Design and place shaping

PCYFF 4 - Design and landscaping

PCYFF 5 - Carbon management

PCYFF 6 - Water Conservation

TAI 4 - Housing in local, rural and coastal villages

TAI 15 - Threshold of affordable housing and their distribution.

AMG 5 - Local biodiversity conservation

Supplementary Planning Guidance (SPG)

Housing Developments and Educational Provision

Housing Developments and Open Spaces of Recreational Value

Planning Obligations

Affordable Housing

Housing Mix.

## **2.4 National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Letter of the Welsh Government's Minister for Climate Change, dated 11 October 2023 announcing an update to chapter 6 of Planning Policy Wales with immediate effect.

### Technical Advice Notes (TAN)

TAN 2 Planning and Affordable Housing

TAN 12 Design (2016)

TAN 18 Transport (2007)

NCT20: Planning and the Welsh Language (2013).

PLANNING COMMITTEE	DATE: 05/02/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

### 3. Relevant Planning History:

C23/0576/26/RA: Application to discharge planning condition 10 (foul water treatment infrastructure) on planning permission C18/0993/26/LL (variation to condition 1 on planning permission C09A/0412/26/LL to erect 12 new houses and associated work). - Approved 19/09/23

C21/1245/26/LL: Construction of 25 houses (including 7 affordable houses with a financial contribution towards 0.5 unit), new entrance to vehicles and pedestrians and associated work - Current application.

C18/0993/26/LL: Amend condition 1 of planning permission C09A/0412/26/LL in order to extend the time granted to commence work to a further five years - Approved 06/06/19

C09A/0412/26/LL - Construction of 12 houses including 4 affordable houses, new entrance and drainage work was approved subject to signing a legal agreement under Section 106: Approved 30/06/14

### 4. Consultations:

Community/Town Council:	No response received
Transportation Unit:	No objection
Welsh Water:	No objection. Offer guidance for the developers
Biodiversity Unit:	An update was required to the previous Ecological Report - an update to the ecological information was submitted as a result of these observations
Land Drainage Unit:	No additional observations to those provided for the previous application.
Strategic Housing Unit:	Confirm that the proposal addresses the need in the area.
Education Department:	No response received
Cadw:	No response received
Language Unit:	State concern that the Language Statement does not use the latest data from the 2021 census.
Public Consultation:	A notice was posted on the site and the advertising period has expired. No observations were received in response to the public consultation.

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

#### The principle of the development

- 5.1 The application before you entails extending the implementation period of the development by an additional five years by amending condition 1 of application C18/0993/26/LL and there are no changes to the plan. It is important to consider whether circumstances or the local and national

<b>PLANNING COMMITTEE</b>	<b>DATE: 05/02/2024</b>
<b>REPORT OF THE ASSISTANT HEAD OF DEPARTMENT</b>	

- planning policy situation have changed since the application was originally approved. The proposal can only be considered differently if there is evidence of a substantial change in circumstances in the context of these policies.
- 5.2 Application C09A/0412/26/LL namely the original application is assessed against the policies in the Unitary Development Plan, i.e. the Development Plan in effect at that time. Application C18/0993/26/LL was assessed later on. This extended the original permission against the policies within the Local Development Plan, and therefore as the Local Development Plan continues to be in effect, there is no change in the local planning policy situation since this previous application was assessed.
  - 5.3 The site of the application is entirely located within the Caeathro development boundary as contained in the LDP, and therefore the proposal complies with the requirements of Policy PCYFF 1 of the LDP that aims to locate new developments within the development boundary.
  - 5.4 The relevant policies relating to developing houses within the boundaries of a local village such as Caeathro are TAI 4 and TAI 15. These secure open market housing with a percentage of affordable housing, provided that the size, scale, type and design of the development are in keeping with the character of the settlement.
  - 5.5 The indicative housing supply level in Caeathro for the period of the LDP is seven units, which includes a 10% slippage allowance. All these units are to be provided on windfall sites. In the period from 2011 to 2023, a total of 1 unit was completed in Caeathro. The windfall land bank, i.e., sites with extant planning permission on sites not allocated for housing, in April 2023, was 12 units. Please note that the 12 units with extant planning permission on the site of this application are all of the units in the windfall land bank in the settlement.
  - 5.6 Policy PS 17 in the Plan states that 25% of the Plan's housing growth will be located within Villages, Clusters and Open Countryside. A survey of the situation in relation to the provision within all the Villages, Clusters and Open Countryside in April 2022 (2023 information is not currently available) indicates that 1,565 units from the total of 1,953 units (without the 10% slippage allowance) have been completed, and that 592 were in the land bank (and likely to be completed). This data reflects the fact that the Plan inherited several permissions granted by the Local Planning Authorities, based on the previous development plans' requirements and relevant planning considerations. As there is already planning permission for this site it is included within the land bank figures and they are not in addition to this. Currently, this site can be approved against expected provision within the Villages, Clusters and Countryside category (based on the completion rate so far).
  - 5.7 Policy TAI 8 of the LDP promotes proposals that will contribute towards improving the balance of housing and will meet the needs noted for the entire community. The Local Housing Market Assessment (LMHA) states the need for specific types of housing in the area. The LHMA reports that the biggest need for housing is currently for smaller dwellings with one or two bedrooms, but the data also showed that the need for larger dwellings (5+ person) will increase. This application offers a mixture of two, two-bedroom units that would meet the need for smaller units highlighted in the LMHA with two three-bedroom units to provide for larger families. The remaining eight houses will be three and four-bedroomed open market houses and it is believed that the housing mixture is appropriate and meets the recognised need for housing in the local area.
  - 5.8 Considering the context and requirements of the above policies together with the fact that this is a site with extant planning permission and already within the development land bank, it is believed that the proposal is consistent with the policies noted and therefore the principle of extending this planning permission is acceptable especially as it will be of assistance to ensure that these houses are delivered.

PLANNING COMMITTEE	DATE: 05/02/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

### **Visual amenities**

- 5.9 The site is located in a fairly visible place in the centre of the village and near a busy road. Most of the houses will be visible from nearby public places but they will not be visible from afar as they would be seen in the context of existing housing developments within the village. The proposal involves erecting two-storey houses consisting of natural slate roofs, natural stone work walls and painted render together with clean brickwork. The existing dwellings that are located around the site have different and eclectic appearances that vary from painted render to traditional clean stonework and pebble dash of different colours. Although the proposed houses would be of a modern design and materials, it is not believed that they would significantly affect the visual amenities of this part of the village.
- 5.10 Policy TAI 4 of the LDP states that it should be ensured that the residential developments within local villages must be acceptable and in keeping with the character of the settlement and the local area in terms of scale, size, type and design of the construction. Although the design and external appearances of the proposed houses are different to the existing houses in the vicinity, it is believed that they add to the variety and mix of dwellings that currently surround the site, and that their scale and materials would not lead to the creation of an unsuitable or incongruous development. The design, appearances, materials, layout or form of the houses have not changed since the previous application was approved in 2014. It is therefore considered that the proposal remains acceptable based on the requirements of Policy TAI 4, PCYFF 3 and PCYFF 4 of the LDP.

### **General and residential amenities**

- 5.11 Considering the setting of these proposed houses in relation to the surrounding existing houses, together with the distance between them, and as the situation has not changed since the previous application, it is not believed that the development would create any significant amenity harm to the amenities of nearby residents in terms of impacts such as over-looking, loss of privacy or creating oppressive structures. Therefore, it is deemed that the proposal is acceptable on the grounds of the requirements of Policy PCYFF 2 of the LDP.

### **Transport and access matters**

- 5.12 The previous site plan has been amended to take into consideration the requirements of the Transportation Unit with respect to designing the estate road to adoption standards together with the main entrance/pavement to the site from the trunk road. It is also considered that the parking spaces are acceptable. To this end, and considering that the plans submitted and approved as part of the previous application have not changed, and that the Transportation Unit have confirmed that they have no objection, it is believed that this current proposal is acceptable based on the requirements of Policy TRA 2 and TRA 4 of the LDP.

### **Biodiversity matters**

- 5.13 In response to the initial observations of the Biodiversity Unit a Preliminary Ecological Evaluation was submitted in support of the application together with a report of further surveys regarding protected species such as otters and water voles. The results and conclusions repeat the results of the 2019 and 2021 ecological surveys/reports to support previous applications, and the reports conclude that the site has not significantly changed since the previous surveys.

PLANNING COMMITTEE	DATE: 05/02/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

- 5.14 On 11 October, the Welsh Government published an update to Chapter 6 of Planning Policy Wales (PPW), which deals with green infrastructure, net worth to biodiversity, the protection afforded to Sites of Special Scientific Interest and trees and woodlands. In this case, in considering that there is no significant change in the nature of the habitat on the site since approving the previous applications, and the current conditions on the site regarding submission of an Ecological Construction Management Plan together with an Ecological Management Plan may be repeated to protect the existing biodiversity characteristics, it is believed that the proposal is consistent with PPW and complies with the requirements of Policy AMG 5 of the LDP.

#### **Flooding matters**

- 5.15 Although the site is not situated within a flooding zone as a result of concerns that the site has become flooded in the past, a Flood Consequence Assessment was received with the previous application which included mitigation measures (which include surface water management) and a plan to redesign and re-route an existing culvert which runs through the site. The Land Drainage Unit have confirmed that they have no further comments to that proposed on the previous application, and an existing condition requires the submission of a comprehensive drainage scheme for the development. It is, therefore, believed that the proposal is acceptable based on the requirements of Policy ISA 1, PCYFF 5 and PCYFF 6 of the LDP.

#### **Infrastructure matters**

- 5.16 Welsh Water originally objected to the proposal because the village's sewerage system (the sewage treatment works) was unable to deal with any additional use which would have put added pressure on the system at the time. However, the latest situation is that Welsh Water has carried out engineering work in order to increase the capacity of the public system to cope with additional housing in the village. To this end, Welsh Water has no objections to this current application to extend the period to commence work on the site. Therefore, the proposal is acceptable based on the requirements of Policy ISA 1 of the LDP.

#### **Linguistic and Community Matters**

- 5.17 As the proposal will lead to more units than the indicative housing provision and in accordance with Policies PS 1 and PS 5 of the LDP, a Language Statement to support the application was submitted and concludes that the impact of the development on the Welsh language in the community will be neutral. The Statement proposes improvements such as:
- A commitment to use local contractors during the construction work
  - The site will provide four affordable units to meet with identified local need; and
  - Commitment to provide a Welsh name for the development.
- 5.18 The Language Unit noted that the applicant should have used the latest data, that is now available from the 2021 Census, when drafting this Statement and that this has not occurred. The Language Unit's concerns were conveyed to the applicant and a revised statement has been received and the response of the Language Unit is awaited and the matter will be further reported in the committee.

PLANNING COMMITTEE	DATE: 05/02/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

- 5.19 The amended statement continues to report a neutral impact, and in considering that the plan continues to be the same as the one already approved and that the previous planning permission remains extant, there is no evidence that approving the extension to the planning permission is likely to change the impact of the development on the Welsh language within the community compared to what has already been approved and therefore it is considered that the proposal is consistent with the requirements of Policy PS1 and PS5 of the LDP.

### **Affordable housing**

- 5.20 As the proposal is for two or more houses, Policy TAI 15 states that at least 30% of the units in a development in Caeathro must be affordable. The development contains four affordable houses, which equates to 33%; as such, it is considered that the proposal complies with the requirements of Policy TAI 15 and it is believed to be acceptable in terms of type, size and tenure of the affordable units. A 106 agreement is already in place to ensure that the units would be continually affordable. The agreement ensures that the affordable units shall either be transferred to a Registered Social Landlord or should this not be practicable, are sold at a discount of 30% of the market price in accordance with the normal procedure for affordable housing. It is noted in order to ensure that the existing discount continues to be acceptable there now needs to be a further discussion and to receive current prices for the affordable units, together with amending the 106 agreement, if required.

### **Educational Provision Matters**

- 5.21 The legal agreement under Section 106 that exists for the development approved in 2014 includes an education contribution of £61,285 for Ysgol Gynradd Bontnewydd as there was insufficient capacity within the school at that time. Based on the information in the SPG: Housing Developments and Educational Provision, the development of 12 houses is likely to result in five school pupils. The current assessment has confirmed that the primary school continues to be over capacity. The latest SPG: Housing Developments and Educational Provision supersedes the previous SPG which means that the figure per pupil has been reduced, and based on the information in the current SPG there would be an expectation for a total contribution of £50,480, which is less than the figure in the existing 106 condition. In addition, there is a proposal to build a new school in Bontnewydd, although there is no certainty of the school's construction time-schedule compared with the housing development time-schedule that is the subject of this application. To this end, it would be possible for the applicant to amend the 106 agreement later on the grounds of the current information at the time.

### **Open amenity spaces**

- 5.22 On the basis that there is no change in the scale or the type of development to what was approved previously together with the fact that the children's play area continues to exist in the village, and there is no change in the relevant planning policy there is no justification to provide an amenity area as part of the proposal. It must also be borne in mind that the houses have private gardens which also provide a play area and a suitable amenity for the occupants of the new houses. The proposal, therefore, complies with the requirements of policy ISA 5 of the LDP.

## **6. Conclusions:**

- 6.1 Taking into consideration the above assessment it is believed that the proposal to amend condition 1 of planning permission number C18/0993/26/LL to extend the time given to



PLANNING COMMITTEE	DATE: 05/02/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

commence work on the construction of 12 houses (four of them affordable) for a further five years on this site is acceptable in principle and in respect of location, scale, density, visual/residential amenities, road safety and infrastructure matters and, therefore, complies with the policies noted in this assessment. Indeed, it would also extend the period of the planning permission as a result of the historical difficulties to connect with the sewerage system, and offers an opportunity to realise the plan that contributes to delivering housing in accordance with the LDP strategy.

## **7. Recommendation:**

- 7.1 To delegate powers to the Head of Planning to approve the application, subject to agreeing on a discount for the affordable units and amending the 106 agreement if required and in accordance with the conditions.
1. Five years
  2. In accordance with the plans.
  3. Slate on the roof.
  4. Highway conditions - entrance, estate road, turning space, kerbs, footway, height of wall/hedge/fence
  5. Details of fencing and flooding diversion
  6. Plan of system to control surface water
  7. Environmental Management Plan - to include lighting scheme and biodiversity improvements.
  8. Construction environmental management plan
  9. The applicant should adopt and comply with plan number TR-01-VR in the Tree Restrictions Preliminary Report (03.06.13) submitted with application number CO9A/0412/26/LL, and to also appoint a tree specialist and ensure that the restrictions are lifted.
  10. All the work on the trees must be carried out in accordance with British Standard 5837: 2012.
  11. Landscaping.
  12. Removal of permitted delegated rights from the affordable units
  13. To agree on external finish.
  14. The southern gable-end window of dwelling 5 on plan number BP/CB/12 submitted as part of application number CO9A/0412/26/LL must be of opaque glass and permanently closed.
  15. Welsh names must be used for the development permitted here to include the name of the houses and the streets.
  16. The houses hereby permitted must only be used for residential use within the C3 Use Class as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) and not for any other use, including any other use within C Use Classes.