ATISN 20778 - ITEM 017

Iles, Nicholas (LGHCCRA - Planning - Planning)

From:

Iles, Nicholas (ESNR-Planning)

Sent:

30 July 2021 09:46

To:

ArchiSpec

Subject:

RE: gA1476505 S77 Call In request - Llwydlo Fach A200773

Dear Mr

The call-in requests were made by members of the public.

The reasons for requesting call-in are:

- The application site lies within the 'other locations' as identified in the adopted Local Development Plan where development is strictly controlled.
- The proposal conflicts with national planning policy on affordable dwellings.
- The site is not located in a sustainable location.

I see no reason why you should not continue to proceed on the issue of completion of the Section 106, as you say, the 'Direction' only stops the Council from issuing a planning consent.

Yours sincerely

e-bost - e-mail:

Nick Iles

Cangen Benderfyniadau - Decisions Branch Y Gyfarwyddiaeth Gynllunio - Planning Directorate Llywodraeth Cymru - Welsh Government Parc Cathays - Cathays Park Caerdydd - Cardiff CF10 3NQ Ffon - Tel:

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

From:

Sent: 28 July 2021 09:26

To:

Subject: RE: qA1476505 S77 Call In request - Llwydlo Fach A200773

Dear Mr Isles

Thank you for your reply and we await your decision.

Were you able to advise the reason for this call-in request, i.e. member of public / LPA or the Directorate itself, and on what grounds it was requested, as both our Clients and ourselves remain at a loss? Your published information simply states "call-in request".

I also have a procedural query - your stop notice confirms that the initial Direction does not prevent the LPA from continuing to process or consult on the application. I assume that this applies also to the S106 Agreement which can proceed to final version in readiness for signing? Since this will be required irrespective of your decision i.e. even if calledin, an Inspector will expect to see the agreed draft S106 in place for consideration. You may be aware that it is this LPA's normal procedure that they require to produce this themselves to their standard format (rather than the Applicant/Agent), so we would need your clear confirmation that this is procedurally acceptable in order for their Legal Section to move forward with this, mindful that this may take some time.

Thanking you in advance. I am available on the number below should discussion be helpful.

| • | Many Thanks |
|---|--|
| | |
| | Planning Consultant & Chartered Architectural Technologist for |
| | ArchiSpec architectural consultants Ltd |
| | Email: Mobile: |
| | From: |
| | To: Subject: RE: qA1476505 S77 Call In request - Llwydlo Fach A200773 |
| | Dear Mr |
| | I have received your e-mail with the missing documents. These are currently under consideration and a decision will be issued as soon as possible. |
| | Yours sincerely |
| | Nick Iles Cangen Benderfyniadau - Decisions Branch |

Cangen Benderfyniadau - Decisions Branch
Y Gyfarwyddiaeth Gynllunio - Planning Directorate
Llywodraeth Cymru - Welsh Government
Parc Cathays - Cathays Park
Caerdydd - Cardiff
CF10 3NQ
Ffon - Tel:
e-bost - e-mail:

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

From: ArchiSpec

Sent: 27 July 2021 10.27

To:

Subject: RE: qA1476505 S77 Call In request - Llwydlo Fach A200773

Dear Mr Iles

I have left a voice-mail for you this afternoon, just simply hoping to touch base on the above following my supply of the missing information from the LPA's portal at the beginning of the month.

Very much appreciate a return call when you have a chance to see if the information was of use and whether you require anything more from us. An update on the progress of your consideration would also be very useful for my Clients.

Many Thanks

Planning Consultant &

Chartered Architectural Technologist for

ArchiSpec architectural consultants LTD

Email: Mobile:

From: ArchiSpec

Sent: 05 July 2021 14:07

To:

Subject: RE: qA1476505 S77 Call In request - Llwydlo Fach A200773

Dear Mr Iles

Thank you for taking the time to speak to me last week, despite the poor signal!

As mentioned, it is extremely concerning that you do not have access to all the pertinent information, including exchanges of emails and our submitted Planning Statement in this matter. You mentioned that you only have access to the Council's public portal. I therefore attach a full email trail of the relevant discussions with the LPA, including the various attachments referred to – in particular the last attachment is our Planning Statement. Indeed, we had to also make this information available to Committee Members for the same reason that it was not available on the Council Portal.

We are a little confused as to how this matter can fall within the terms for call-in - it is a matter of only local interest and in our opinion does not appear to contravene either local or national policies. We are of course aware of other call-in instances recently in the County, however these were all new dwellings in completely isolated locations and therefore contrary to both local and national policy - indeed this fact has already been confirmed by the LPA in this application. This application is within a recognisable hamlet / settlement of 9 dwellings within a wider cluster of 12, and is an infill of only 1 plot immediately between existing dwellings. In particular:-

- The current LDP (Policy S05) provides for affordable housing rural exception sites in line with the <u>intentions</u> of para 9.2.22 of PPW
- Those <u>intentions</u> at the time of adoption of the LDP stated (PPW Para 9.2.22) "Many parts of the countryside have isolated groups of dwellings. Sensitive filling in of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable......" (full extract attached).
- Even the latest version of PPW does not exclude affordable housing "within or adjoining existing settlements".
- We also point to adjoining County's policies which have also stood the test of examination by Inspector.
- In particular, Carmarthen LDP Polic AH3 (attached) is similarly worded, so this is not a policy unique to Ceredigion.

I very much look forward to discussing further with you how / if this application meets the requirements of a Call-in. One of the other matters I was seeking to confirm was whether the call-in request came from the Council or a member of the public?

Again, thank you for your consideration and I look forward to speaking to you further once you have had the opportunity to consider the below / attached.

Many Thanks

Planning Consultant & Chartered Architectural Technologist for ArchiSpec Architectural Consultants LTD

Email: Mobile:

18 May 2021 12:53 (To Committee)

Annwyl Aelodau

*NB <u>all information already presented to Planning Dept</u> nevertheless this email copied to the Department as requested

I refer to Main Item number 4 before you all this coming Wednesday. I have prioritised my Client's personal statement to Members over my technical input as Agent on Wednesday due to the limitations currently in place.

There is no need for me to add to what has already been presented to the Case Officer, and we are <u>grateful for the considerable engagement and liaison on this case</u>.

However, this information may not be evident to you on the day, so I take this opportunity to attach the following documents which the Department have received:-

- Planning Statement (attached including history, affordability and financial assessment)
- Email trail of pertinent conversations with the Case Officer (below)
- Copy of our/our Clients' combined 500-word presentation to Committee (attached)

We believe the case is straightforward since the need for Affordable Housing is agreed with the Department.

The key factor is location.

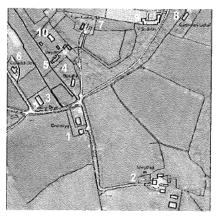
• The site is a single plot infill between existing properties in a hamlet of 9 dwellings (possibly 10)



- Sustainable as within walking distance to Aberaeron (public footpath direct to Aberaeron School)
- NOT sustainable by conventional Policy interpretation however this is very subjective and it is arguable that a multi-generational family support group is much more sustainable than simply living on a bus route!
- Plus we all know that interpretation of Policy requires flexibility to support younger generations in our County.
- Additionally Covid has taught us the sheer folly of herding everyone into towns & cities and overloading services
- The Inspector's comments presented in the Report are out-of-context the third paragraph (not in the report) made it clear that his comments related to an isolated site, not within an existing group

All other matters (design, size etc) are secondary and are largely agreed

- Design (including height / protection of privacy) has been accepted & agreed with the Case Officer
- Neighbour objections on height / overlooking dismissed by Case Officer
- Size 152m² / 166m² (slight difference of opinion) for a family of 6 only slightly over the "maximums" quoted
- "Maximum" of 137m² quoted is not stated in Policy only features in the SPG (therefore has never been scrutinised by Inspector/Committee?)
- 180m² agreed as "maximum" with Officers in other cases



No 4-bed houses within 5 miles of Aberaeron under £210,000

We believe this application was potentially capable of Delegated approval under Policy SO5 and PPW Para 9.2.22, and therefore invite your approval under these same provisions.

Diolch yn fawr

Planning Consultant &
Chartered Architectural Technologist for
ArchiSpec Architectural Consultants LTD

Email: Mobile:

17 May 2021 13:58

Dear

Firstly, thank you for letting us know of the forthcoming Committee – given the change of dates this was much appreciated.

Having now reviewed your Report, I would be very grateful if Members could be made aware of the following facts during the meeting:-

- · The extensive comms & negotiations between us
- The contents of our comprehensive Planning Statement & supporting matters
- · That this is the site of a former dwelling
- That we have provided full financial mortgage calculator disclosure
- That we have discussed the difference between the 3-bed (submitted) and 5/4 bed now required, due to and that these additional bedroom can be accommodated within the existing plans (study / sub-division of master) I believe you understood this from our discussions and did not require an amended plan as this did not change the overall footprint
- Hence all market indicatives are for 4-bed please also note that given your comments we have brought
 the search up-to-date consequently, within our Client's £200k budget there are now no 4-bed properties
 available within 5 miles of Aberaeron (only 2 plots! see attached)
- Contrary to the spirit of the Report, the site is served with a footpath direct to Aberaeron Comp School (specifically 38/403 recently upgraded by CCC - a Bridleway therefore suitable for walking & cycling) less than 2km
- Also a direct footpath to Aberarth (38/16) approx 2km

Also with regards your objections on size, we were under the impression that you had no objection in this regards following our representations and discussions. Nevertheless:-

- Net areas stated in the report are incorrect at 166m². Actual net area is 152m² as stated in our Statement, comprising 84m² GF & 68m² FF as stated on our plans (FF only 63m² if measuring to a headroom of 1.5m (dormer) inline with established practice)
- This could be reduced be a further $10m^2$ (thus only $5m^2$ "over" or at exactly $137m^2$ if measuring to a height of 1.5m as above) by the omission of the En-suite if required (although this would seem a little churlish since it is little more than using some "dead" roofspace)
- Correct method of measurement was established with Rhydian under A200260 as follows:-

net floor area [net flor er é a]

(building construction)

Gross floor area of a building, excluding the area occupied by walls and partitions, the circulation area (where people walk), and the mechanical area (where there is mechanical equipment).

"CITE" ©句 McGraw-Hill Dictionary of Scientific & Technical Terms, 6E, Copyright © 2003 by The McGraw-Hill Companies, Inc

Thus circulation areas (hallways, landings & stairs) should be omitted. If you also omit the Utility area (as
in this case that is entirely for services), we would fall under your "maximum" notwithstanding our previous
comments / case precedent for 180m² (DQR standards are minimums and there is no maximum for Housing
Associations!!!

I will be informing Members of these matters, but wanted to bring these points to your attention as well given the high level of engagement we have enjoyed with you on this case.

Many Thanks

12 March 2021 11:00

Hi

Apologies I missed your call.

I can confirm that my Officer's recommendation will remain as a refusal for A200773 Llwydlo Fach and the application will be taken to Development Control Committee. Each application is assessed on a case by case basis and application A200773 is considered to be contrary to local and national planning policy.

Best regards,

10 March 2021 14:24

Hi

Tried to reach you on the 'phone - could we possibly speak at your earliest convenience please?

Just observed with interest A200849 near Aberporth removed from Committee today due to last-minute agreement with for an affordable under delegation.

It strikes me that the circumstances are identical to inasmuch as the only remaining issue was location / cluster. In all other matters I believe you remain satisfied?

Additionally, Aberporth is adjoining other development, as is infill with development on 3 sides, so even more positive.

I am also mindful that (who presented Aberporth today at Committee) has also been involved with this case, so could we now look once again to delegated approval now? I cannot see any material difference between the two sites. The site of the submitted as Affordable from the offset, not amended from open market during the application!

Hope we can now work together to achieve a similar delegated approval without the need for Committee. Look forward to hearing from you.



17 February 2021 16:59

Dear

As agreed, I now have pleasure in enclosing our full statement including Affordable Assessment for your further consideration.

Please note that we still consider this site to be an infill location with a group of 9 dwellings and would again ask you to reconsider this aspect. We have previously <u>agreed</u> that is the <u>only</u> factor standing in the way of a Delegated approval under the affordable rural exceptions policies SO4 & SO5 and would remove the need for Committee time. This infill aspect also sets the application apart from the majority of applications which are considered by Committee and certainly is in stark contrast to the recent call-ins for individual non-infill sites.

Thanking you for your careful consideration. If you now require anything else, please return to me.

Many Thanks

11 December 2020 16:22



Sincere apologies for the delay in responding - I have been on leave.

In our previous discussion, I did confirm that I would see if there is a definition of 'group' however, I did note that the LPAs recommendation would remain the same, which is a refusal. We did also discuss the wording of the LDP and PPW in our recent telephone discussion. Since this discussion, one call-in decision has been received, which I believe the Inspector explains the situation of PPW 10 superseding the previous PPW (which is noted in the Policy SO4). The Inspector notes the following on separate occasions throughout the report:

- Turning to affordable housing, LDP policy SO4 states that in Other Locations, in terms of affordable housing, new housing should be located immediately adjacent to existing groups of dwellings in line with the intentions of paragraph 9.2.22 of PPW and paragraph 10.13 of TAN 2. The reference to paragraph 9.2.2 is to edition 9 of PPW which has now been superseded by the publication of Edition 10. However, paragraph 3.56 of Edition 10, referred to above, largely reflects that of paragraph 9.2.2 of the previous edition although has been amended to refer to the infilling or minor extension of settlements (my emphasis) rather than groups (my emphasis) of dwellings. Paragraph 4.2.34 of Edition 10 and paragraph 10.13 of TAN 2 reiterate that rural exception sites for affordable housing should be on land within or adjoining existing rural settlements. Affordable housing on such sites should meet the needs of local people in perpetuity and count towards the overall level of housing provision.
- The proposal fails to accord with the adopted development plan as it would constitute a housing development that is neither within or adjacent to a defined settlement boundary. It would not comprise suitable infilling or a minor extension of an existing settlement.
- In this case I do not find that the proposal for a dwelling on an isolated greenfield site meets the
 placemaking principles set out in PPW and would not achieve the right development in the right
 place or align with the primary principle of delivering sustainable development.

Therefore, this supports the point previously made that the LPA do not consider application A200773 Llwydlo Fach, to comprise suitable infilling of an existing settlement. However, as I noted in a previous discussion, even with taking the wording of 'groups of dwellings', we consider the application to be contrary to local and national policy and therefore, are unable to support the application.

However, to progress, as you've noted in your email, we do require an Affordable Housing Statement. Would it be possible for you to please submit this by Friday, 18th December.

Best regards,



02 December 2020 20:22

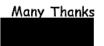
Hi:

Sorry to press you, but I am mindful it is fast approaching a month since we spoke – also of the need to submit the affordable housing statement as requested by the Local Member. However you did promise <u>first</u> to review your definition of "group of dwellings" within the context of SO4, and especially the "isolated groups" referred to by PPW relevant at the time of LDP adoption.

As we discussed and you yourself agreed, if you were to share our view on "group", this would then become a delegated matter capable of approval for an affordable (subject of course to the AH justification). Whereas if you still disagree, we would like to ask the Local Member to take the matter to Committee since we are convinced that Committee would share our view. But either way, clarification of your interpretation of "group" is essential as this goes to the heart of the application.

I believe all other matters we agreed on (i.e. scale & design) following our discussion Thursday 12th November, subject to provision of the AH Statement.

I look forward to hearing from you so that we may move forward with our response and supporting statement.



18 November 2020 11:21

Hi

I refer to our conversation last Thursday when we discussed our mutual thoughts on the suitability of the location for affordable infill under SO4 highlighted below and the PPW reference to "isolated groups" applicable at time of publication / adoption (highlighted attached). You agreed to give that some further thought with your team and come back to me.

As you know, we feel that this is a suitable location which could be supported under delegated powers for an affordable. I am mindful that we need to get that supporting affordable justification into you, so would appreciate your further feedback first as discussed.

Many Thanks

10 November 2020 15:09

Hi

Thanks for coming back to me yesterday - as you know I was hoping to have had the opportunity for discussion before we had reached this stage of progression, so I feel a little on the back-foot now. Nevertheless, following our helpful discussion yesterday (thankyou) I confirm the following:-

Affordable Housing Statement

I have no issue in providing a fuller Affordable Housing Statement (and expected to). As I summarised in my previous email, by Clients comply with the eligibility criteria and you confirmed yesterday that it would not be appropriate / necessary for them to be signed up on the Council's database since this is designed for social rather than market housing. However this is not the key issue in seeking delegated approval.

Size

Height

Contrary to your assessment, we were very much guided by the neighbouring properties in setting the heights of this property. There are 3 bungalows and 1 dormered property immediately adjoining our Client's land. It is a well-known fact that a single storey bungalow costs more per square metre of usable space than a corresponding house (half the foundations / roof etc). However mindful of the single-storey / dormered properties adjacent, we have specifically designed the property predominantly as "room-in-the-roof". Indeed, considering a traditional pitch of $37\frac{1}{2}$ ° on a single-storey property, the eaves are only 1ft (300mm) higher and the ridge little over 2ft (600mm) higher. So we see no harm here, whilst noting that a full 2-storey dwelling has been recently approved to the East of the site.

Style

As a beneficial consequence to this approach, dormered windows are necessary which add architectural interest, and are paid for by some of the savings referred to above. Therefore we do not concur from a cost-point-of-view that this makes the property less "affordable". And we must be careful not to condemn all affordable homes to mundane "square box" architecture simply due to misconceptions surrounding cost of build. As stated above, keeping the height down and employing "room in the roof" design creates a more interesting roof-scape as a bi-product, if you like, paid for by the inherent cost-savings in materials.

Similarly, we do not concur with the preconception that large areas of glazing increase the cost. In fact with uPVC glazing systems, it has now become just as cost-effective to build "glazed walls" as it is to build a cavity block wall, insulate, render externally, plaster internally and decorate!!! Therefore cost / affordability need no longer restrict access to light, views and general "healthy" architecture which promotes a sense of well-being........

Again though, we do not see this as the key issue and are open to discussion.

Location / Infill

In the first instance, we feel the key issue to gaining delegated support (which we feel is possible in this instance) is the location. Your email below states that the LPA's stance remains, however we have never seen what this is!! However, from our discussion yesterday, it became clear that you do not necessarily believe that a cluster of 9 dwellings in a wider group of 12 constitutes a "settlement". To our knowledge, there is no definition of what consists a "settlement", and in discussion, it became clear that you were not referencing the local policies in this, rather the latest national guidance. Interestingly the Local Policy (LDP 504 criterion 4b) does not use the work "settlement" (presumably for this very reason!) and instead requires affordable housing to be located "immediately adjacent to existing groups of dwellings.......", which this location is. Further explanation of what the LDP considers to be a "group" is further clarified by the remainder of that sentence "........ in line with the intentions of Para 9.2.22 of PPW......". Therefore, these "intentions" are defined by specific references to national documentation available at the time of writing the LDP, and includes the following wording:- "Many parts of the countryside have isolated groups

of dwellings. Sensitive filling in of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable......" (full extract attached). Ergo, we believe the location does meet this definition.

We believe it is a very dangerous and slippery slope to suggest that these "intentions" should be retrospectively "re-defined" simply because of new national policy guidance. The LDP Policies are approved for a 15-year period and are based on the published information available at that time. If it had been the aim of the LDP that the approved policy would be subject to later amendments in national guidance, then wording would have been included to this effect. It was not (and understandably so, since otherwise it would have been impossible to formally adopt these policies). It cannot be right nor equitable under common law to suggest that the public, the Inspector, and ultimately the Council Members agreed to adopt wording which was not before them at the time of examination, indeed had not even been written, let alone published! This is called moving the goalposts, and whilst it is accepted that national guidance moves on, that guidance is only there where there is no local policy. Local Policy always takes precedence due to the additional scrutiny it has received commensurate with its local importance and relevance - here we have a local policy which is capable of supporting this application, we feel, at Office level under Delegated powers, without relying on the additional remit afforded to Committee.

As discussed, if you can kindly further reconsider this last point, we would be happy to provide any other supporting documentation that you may feel is helpful. However, the suitability of the location has to be the starting point, and we firmly believe that the location absolutely complies with local policy and is therefore capable of attracting delegated support at officer level for an affordable dwelling (subject to additional needs statement as agreed).

Many Thanks

09 November 2020 15:43

Good afternoon

Sincere apologies for the delay in responding, I believed I had replied however, have found the email in my drafts.

I have discussed the application at Aberarth with the and and he has requested that the following documents and amendments be submitted:

- An Affordable Housing Statement to demonstrate an unmet affordable housing need in the locality. No information has been submitted with the application.
- Amendments to the scale and design of the proposed dwelling. The maximum floor area for an affordable dwelling is 137sqm however, the proposed dwelling does not comply with this. The dwellings nearby the site are single storey dwellings. Therefore, I would suggest that the design of the dwelling be altered.

You may wish to withdraw this application and re-submit following the above documents and amendments being completed. Re-consultation will be required following receiving the above.

Please be mindful that the LPA's stance will remain as the proposal is contrary to policy due to its open countryside location.

If you have any queries, please do not hesitate to contact via email or telephone on 01545 574116.

Best regards,

Good morning

For reference, I also attach a marked-up map referencing these properties as follows:-



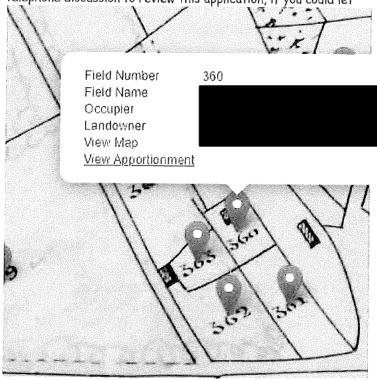


As you can see, extended family is key to my Clients' wishes to build on especially as they are currently who will be the 6th generation to live on the land over a 120 year period (corrected from 5th in Parent's on-line submission). Openmarket properties of sufficient size to accommodate a household are by definition not "affordable", and their existing property is insufficient in size for their forthcoming needs!

I would be grateful if we could arrange a zoom or telephone discussion to review this application, if you could let

me know a convenient time. The designs and application before you were completed prior to my Clients' announcement of so we are currently looking at some amendments!

On policy grounds, we believe this site to be an infill within a recognisable group of dwellings (an immediate cluster of 9 dwellings and wider group of 12 dwellings) and therefore capable of support under delegated powers under the provisions of adopted LDP Policy SO4 criterion 4b in that "in terms of affordable housing it is located immediately adjacent to existing groups of dwellings". My Client accept the restrictions imposed on an Affordable Dwelling and would comply with the Eligibility Criteria and consequently agree to the signing of a 5106 in that regard. Reference to historic records also indicates that there was previously a dwelling known as "Bryndewi" situated on Tithe Parcel 360 as attached.



I have copied the information in for reference and transparency and look forward to discussing the application further. I note that there are no technical objections on file.

I look forward to discussing the application with you at your convenience.



Sganiwyd y neges hon am bob feirws hysbys wrth iddi adael Llywodraeth Cymru. Mae Llywodraeth Cymru yn cymryd o ddifrif yr angen i ddiogelu eich data. Os cysylltwch â Llywodraeth Cymru, mae ein https://www.moes.new.org/neifatrwydd yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn diogelu eich preifatrwydd. Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn anfon ateb yn Gymraeg i ohebiaeth a dderbynnir yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. On leaving the Welsh Government this email was scanned for all known viruses. The Welsh Government takes the protection of your data seriously. If you contact the Welsh Government then our <a href="https://www.new.org.ne