

PLANNING COMMITTEE	DATE: 31/01/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

Number: 2

Application Number: C15/0966/16/MG

Date Registered: 17/09/2015

Application Type: Reserved matters

Community: Llandygái

Ward: Arllechwedd

Proposal: Reserved matters application to erect 15 dwellings to include 3 affordable dwellings, following an outline permission under reference C09A/0518/16/AM

Location: Land at Pentwmpath, Llandygái, LL57 4LG

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1 Reserved matters application to erect 15 residential dwellings to include 5 affordable units approved as an outline application under reference C09A/0518/16/AM. The outline application was approved, with all matters reserved, and therefore the application submitted before the Committee is for agreement on all reserved matters including layout, scale, appearance and landscaping.
- 1.2 The site is located within the development boundary of the village of Llandygái. The site was designated for housing under the Gwynedd Unitary Development Plan (2009), when the proposal was given outline permission, however; the site is not currently designated, but it remains within the development boundary. The site's current use continues as grazing land. A stone wall and hedge run along the western boundary of the site with the adjacent public road. Mature trees, which are protected under a recent Tree Preservation Order (04.10.2019), are situated along the northern boundary of the site, and a private road leads to a cluster of houses along the southern boundary.
- 1.3 A number of listed buildings are located relatively close to the site and the land is located to the south and approximately 27 metres away from the designated Conservation Area, and Penrhyn Castle is located further afield.
- 1.4 The application before you has been the subject of extensive discussions over a period of time and the agent, in submitting the latest plans (13.08.2021), is proposing to reduce the number of affordable dwellings from 5 to 3 and to retain a buffer area between the protected trees and the housing development. It is proposed to provide one vehicular access with estate roads branching off from the entrance. There is a proposal to provide one pedestrian access through the existing hedge on the western side of the site for the houses located to the north of the vehicular access, along with the complete removal of the hedge at the part located to the south of the entrance.
- 1.5 The proposal to provide the following houses is a mix of detached dwellings, terraced housing and semi-detached dwellings, all with gardens and parking spaces:
- 4 x three-bedroom terraced house (2 to be affordable)
 - 1 x two-bedroom terraced house (to be affordable)
 - 2 x two-bedroom semi-detached houses
 - 7 x three-bedroom single houses
 - 1 x four-bedroom single houses
- 1.6 It is proposed to finish the houses with a mix of render and stone, with slate on the roof.
- 1.7 The documents below have been submitted as a part of the application:
- Bat activity assessment 14.09.2021
 - Ecological Report 14.07.2021
 - Trees Report May 2020
 - Housing mix statement 25.11.2019
 - Sewage treatment information October 2010
 - Ecological Appraisal August 2016
 - Design and Access Statement September 2015

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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 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 must also take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act, and in making the recommendation the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

2.3 Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017

PS 1: The Welsh Language and Culture

PS 5: Sustainable development

TRA 2: Parking Standards

TRA 4: Managing Transport Impacts

PCYFF 2: Development Criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

PS18: Affordable housing

TAI 15: Affordable Housing Threshold and Distribution

TAI 8:

PS 19: Conserve and where appropriate enhance the natural environment

PS20: Protecting and where appropriate enhancing heritage assets

AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens.

Supplementary Planning Guidance - Housing Mix (October 2018)

Supplementary Planning Guidance – Affordable Housing (April 2019)

Supplementary Planning Guidance - Maintaining and Creating Distinctive and Sustainable Communities

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2.4 National Policies:

Planning Policy Wales (Edition 8) 2016

Technical Advice Note (TAN) 5: Planning and Nature Conservation (2009)

Technical Advice Note (TAN) 10: Tree Preservation Orders (1997)

Technical Advice Note (TAN) 12: Design (2009)

Technical Advice Note (TAN) 20: Planning and the Welsh Language (2017)

3. Relevant Planning History:

C09A/0518/16/AM - Outline application to erect 15 dwellings, including 5 affordable units, creation of new vehicular access and creation of sewage treatment works and soakaway - APPROVED - 26/09/2012

C18/1142/16/TP - Tree Preservation Order - CONFIRMED 04.10.2019

4. Consultations: It is noted that several periods of consultation have been held on this application and that the following respond to the latest plans or are the most relevant recent response to the proposal.

Community/Town Council:

Observations 06.10.2015

No general observation but concern about an increase in traffic along a narrow and busy road.

Observations 28.06.2018

Members wish to see the original application to obtain additional information on the sewerage system - members have noted that there are traffic problems here, and are concerned about the number of cars.

Observations 04.09.2018

Following a consultation, the Council would wish to note that they refuse the application below on the grounds of concerns about the impact of transport.

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Transportation Unit:

Observations 12.10.2021

No objection to the shape of the estate road being adopted and I confirm that this part complies with our requirements in terms of width, form and turning space.

Beyond the turning space, the remainder of the roads network is likely to remain private, with its ownership either remaining with the developer or being shared out between the houses that gain access off them.

The number of parking spaces shown for each house complies with the requirements, however, I recommend reviewing the layout proposed for plots 5 to 10. The parking has been arranged in a 'tandem' form, i.e. one behind the other, and from experience, this is the form that is most likely to lead to parking on the road. As the road in front of these houses would be smaller than a normal estate road, my concern is that it would lead to parking preventing access to others / conflict between neighbours. The site offers sufficient space to locate the parking side by side to these plots, and avoiding the potential for this problem.

I am unsure what is the width of the existing footway along the edge of the site, but unless it is wide, I recommend that the applicant widens this as a part of the proposal.

Natural Resources Wales:

Observations 05.02.2020

Based on the information provided, we have substantial concerns about the proposed development. In order to overcome these concerns, we would recommend that the following requirement(s) are satisfied before the Planning Authority grants permission. Otherwise, we would object to the planning application.

Requirement - Foul water drainage - The site is to be connected to the main sewerage system or satisfactory evidence to be provided to show that it is not reasonable to connect to the main system.

Foul Water Drainage

We note that the proposal is to dispose foul drainage to the private sewerage system, i.e. sewage treatment work. According to our records, the proposed development is located in an area with public sewers. Installing private sewage treatment facilities in places where public sewers exist are not normally considered environmentally acceptable, as there are greater risks of failures which lead to contaminating the water environment compared with public sewerage systems.

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Paragraph 6.6.21 of Planning Policy Wales states: "Any development discharging domestic sewage should connect to the foul sewer where it is reasonable to do so. Development proposing the use of non-mains drainage schemes will only be considered acceptable where connection to the main sewer is not feasible".

Government guidelines on private sewerage in Welsh Government Circular 008/2018 emphasises that it must be presumed as a starting point that a foul water drainage system that discharges into a public sewer will be provided. Options that include disposing foul water to a sewer that is not a part of the main sewerage system should not be considered, unless the local planning authority can be satisfied, after considering the cost and/or practicality, that connecting to the public sewerage system is not possible.

The proposal on the site has been developed since 2009, from which time the sewerage undertaker raised capacity problems in the sewage treatment works. Considerable time has passed since that date, and therefore, the proposed development should connect to the main sewer. We draw the applicant's attention to the fact that we will not, normally, approve an environmental licence for a private sewage treatment system where it is reasonable to connect to the public foul sewer.

Requirement - Foul water drainage - The site is to be connected to the main sewerage system or satisfactory evidence to be provided to show that it is not reasonable to connect to the main system.

We therefore ask the applicant to either amend their proposal to ensure that the foul water drainage system has been connected to the public sewage system, or provide further detailed evidence to show that it is not reasonable to connect to the system.

The applicant should thoroughly research the possibility of connecting to the foul sewer by taking the following steps:

- Formally approach the sewerage undertaker regarding a connection under Section 106 or an order under Section 98 of the Water Industry Act 1991.
- Issue a notice of connection under Section 106 of the Water Industry Act 1991 if the sewerage undertaker has refused to connect.
- Provide details of the reasons given by the sewerage undertaker if it has refused connection under section 98 or section 106 of the Water Industry Act 1991, and confirmation that it has appealed against this decision.
- Show that it is not reasonable to connect to the public foul sewer.
- Where it is not reasonable to connect to the public foul sewer, show

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that they have considered asking the sewerage undertaker to put his proposed system into action.

The applicant should be aware that if it is impractical to connect to the main sewer, they will also need to show that the proposal will not cause an unacceptable risk to the water environment. The Welsh Government Circular 008/208 notes that full and detailed consideration should be given to the environmental criteria listed under paragraph 2.6 of the circular, in order to justify using a private sewer.

The applicant should also be aware that they will need to make an application for an environmental licence or register an exemption with us if it is not possible to connect to the main sewer. As noted above, we expect a developer that discharges domestic sewage to connect to the public foul sewer when reasonable. Normally, we will not provide permission to dispose water to a private sewerage treatment system when it is reasonable to connect to the public foul water sewer. Also, we expect disposals of commercial effluence to connect to the public foul sewer when reasonable and will depend on the ability of the sewerage undertaker to obtain commercial effluence permission or to come to a commercial effluence agreement.

Please note, if you require an environmental licence, you may need additional information as a part of that application, therefore, the applicant is advised to hold discussions with our Licensing Team on 0300 065 3000 at the first opportunity before applying, in an attempt to ensure that there is no conflict between any planning permission given and the licence requirements. It is important to note that securing any planning permission does not guarantee that a licence if a proposal is considered unacceptable (either as a result of an environmental risk, or following further investigation, it is considered that the connection with the main sewer is practical). The applicant should ensure that they have all necessary permissions and licences and any other approvals required before work is commenced on the site.

More information, including step-by-step guidance to register and the relevant application forms, is available on our website. Where private treatment / sewage disposal facilities are used, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. In addition, we refer the applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

Note that a lack of capacity, or plans to improve capacity in the sewer, is not a valid reason for a sewerage undertaker to refuse a connection under Section 106 of the Water Industry Act 1991 and we can refuse issuing an environmental licence or exemption for private treatment

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facilities in such circumstances.

Protected Species

Our records show that there may be protected species in the site area (otters, bats). We advise you to contact your ecologist to discuss and agree on the scope of any required surveys of protected species to support any planning application, considering the period of time that has elapsed since the original planning permission.

Our observations above relate specifically to those matters listed in our document 'Consultation Topics (September 2018) which has been published on our website:

(<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered the potential impacts on other matters, and it is not possible to disregard the possibility that the proposed development could affect other interests, including environmental interests of local importance.

Observations 10.03.2020

We have no objection to the application, but we do have the following observations:

Foul Water Drainage

We welcome the confirmation from the applicants that Dŵr Cymru / Welsh Water, now accept flows of foul water from the proposed development to the main sewer. The applicant has achieved the requirement of our previous response, dated 5 February 2020. Therefore, you may wish to include a condition on any permission to confirm that the foul drains from the proposed development will connect to the main sewer.

Protected Species

Our records show that there may be protected species in the site area (otters, bats). We advise you contact your ecologist to discuss and agree on the scope of any required surveys of protected species to support any planning application, considering the period of time that has elapsed since the original planning permission.

Observations 01.09.2021

Protected Species

We note that the bats survey submitted to support the above application (Greenscape Ecology. Bat Activity Report, ref P2 21-05 158.1, 14th July 2021) has noted that bats did not roost on the application site, but use it to commute. From the information

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submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document, 'Natural Resources Wales Approach to Bats and Planning' (2015). Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

However, as the development in this case represents a lower risk to bats, we consider that the development is unlikely to have a detrimental impact on the work of maintaining the population of the species in question and its protected status in its natural environment.

Additionally, we advise that the proposed development is not likely to harm or disrupt the bats or breeding area and the resting spots on this site and, therefore, as long as the mitigation measures described in the bat report are implemented.

The report must be included in the 'approved list of plans/documents' in the determination notice if permission is granted for the project.

Contact us again if any further information shows that this is no longer a lower risk case.

Foul Water Drainage

We previously welcomed confirmation from the applicants that Dŵr Cymru / Welsh Water, have now accept flows of foul water from the proposed development to the main sewer. The applicant previously achieved the requirement in our previous response, dated 5 February 2020. Therefore, you may wish to include a condition on any permission to confirm that the foul drains from the proposed development will connect to the main sewer. You may need to re-consult with Welsh Water to confirm that this situation remains.

Welsh Water:

Observations 08.09.2021

SEWERAGE

It appears that the application does not propose to connect to the public sewer, and therefore Dŵr Cymru/Welsh Water has no further comments. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application. The developer is advised to contact us at the above address or on telephone 0800 9172652 prior to the commencement of any site work.

WATER SUPPLY

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the

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provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Biodiversity Unit:

Observations 22.09.2021

Thank you for the ecological report from Greenscape Environmental, dated 15 September 2021, which has been updated (original report 14 July 2021).

The report is better, and has included records of bats in the area, and includes a methodology for transplanting a hedge, but there is no plan to show where the hedge will be relocated to.

The best outcome would be to retain the hedge along the road, and take the 70m out for the entrance, and transplant it. It would be a maximum of 70m of the hedge, see appendix. I wish to see plans that show that the hedge will be retained (except for the entrance).

Conservation Officer

Not received

Strategic Housing Unit

Observations 03.06.2020

Information on need:

The following shows the number of applicants who wish to live in the area: -

241 applicants from the Tai Teg register for intermediate properties

675 applicants from the common housing waiting register for social properties

Source of data:

Tai Teg

Gwynedd Council Common Housing Register

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Comments:

** These figures may be duplicated**

Information on the type of need:

The following shows the number of bedrooms that applicants wish for:

Number of bedrooms (own or part own)

Type of property	Number of bedrooms	Need as %
BUNG	1	0%
	2	0%
	3	1%
	4	0%
FLAT	1	2%
	2	7%
	3	0%
	4	0%
HOUS	1	1%
	2	42%
	3	42%
	4	4%
MAIS	1	0%
	2	0%
	3	0%
	4	0%

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Number of bedrooms

(Housing Options Team)

Type of property	Number of bedrooms	Need as %
BUNG	1	6%
	2	7%
	3	1%
	4	0%
FLAT	1	15%
	2	12%
	3	2%
	4	0%
HOUS	1	11%
	2	13%
	3	8%
	4	2%
MAIS	1	11%
	2	9%
	3	1%
	4	0%

Source of data:

Tai Teg

Gwynedd Council Common Housing Register

** These figures may be duplicated**

Suitability of Scheme:

Based on the above information the Plan appears to: -

Partly Address

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The need in the area

Plans are expected to cover 20% affordable housing.

If the Housing Association were a partner for this development it would be necessary to require the design of the property to comply with the LLC (DQR) standard

Note the application for 5 houses to be developed as affordable housing.

The application refers to a housing association, without specifically naming one. I would like to know if the developer has contacted the housing associations.

Level of discount:

63% are priced out of the market in this area

Source of data:

Caci paycheck

Comments:

** I cannot comment on the planning application as no open market valuation has been submitted. We will be happy to revisit the application once a formal valuation has been received **

Welsh Historic Gardens Trust Not received

Trees Unit Observations 03.12.2021

Thank you for consulting on this application with the additional information.

The trees report has been submitted following my previous observations; an effort has been made to reduce the impact of the development on the trees, but many questions remain regarding the impact of the development.

- Although efforts have been made to reduce the development within the rooting area (RPZ), too much impacting development continues to happen within the rooting area and will have a detrimental impact on these trees.
- The report highlights working methods in an attempt to reduce the impact during the construction work, and the report mainly focuses on reducing impact within the rooting area, but there remains an element of development within this area

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with a set concrete pavement and car access and some garden areas for the houses.

- It is unclear who will be responsible for the trees and how they will be managed. If any damage is done to the roots or to the trees themselves, they could deteriorate quickly in the 10 years following the construction work. The concern is that if the development is approved, the new owners will be eager to get rid of the trees as they are concerned that they will fall or that they are unsafe - many examples of this can be seen in the planning system.
- Ancient woodland is protected in Wales. I am of the opinion that there is justification to request tree protection measures that are greater than what is suggested in standard report BS5837/2012 due to the importance of the trees. The trees surrounding the development site have been designated as ancient woodland and is a very important part in the wider landscape and the connectivity of this rare habitat through the valley. The development could lead to losing this connectivity.
- When the outline permission was received back in 2009, the ancient woodland had not been protected under Planning legislation in Wales, so this needs to be taken into account.
- On the plans, plot 6 and plot 7 have been highlighted, but no house has been noted for construction here, although a road network etc. is in place - no explanation has been given regarding this, but it can be seen that there is a major impact on the RPZ in these two sites. Also, the track leading down to the next field has an ancient woodland situated on it - what is the intention with this track / access?

Land Drainage Unit

Observations 07.02.2020

Observations and recommendations for the above applications are attached - on the understanding that a reserved matters application was submitted before 7 January 2020 and that the plan is not the subject of a SAB application.

CONDITION: No development to commence until details for implementation, maintaining and the retention and management of a sustainable drainage plan has been submitted to the local planning authority, and approved in writing. No building is permitted to be occupied until the plan is implemented and afterwards managed and maintained in accordance with the agreed details.

Those details will include:

- i) an implementation for action, and
- ii) management and maintenance plan for the lifespan of the development, which will include the arrangements for its adoption by

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any public body or statutory undertaker, or any other arrangements to ensure the implementation.

Later observations

Thank you for the consultation

The unit has no observations to propose further to those submitted for this development on 07/02/2020

Gwynedd Archaeological
Planning Service

Observations 03.11.2016

Thank you for notifying me of the submission of the archaeological evaluation report by Aeon Archaeology (report 0098, August 2016). I am able to confirm that the work has been carried out in accordance with professional standards and that I am now able to provide updated advice on the archaeological implications of the development.

The results of the trial trenches generally accorded with the geophysical survey results, although the possible enclosure ditches proved less substantial than had been anticipated and some additional discrete features were identified. Somewhat unexpectedly, the principal phase of activity (including the enclosure) was Roman, possibly peaking during the 3rd century AD. The evaluation was unable to establish the nature of Roman activity, but did additionally identify evidence of Early-Middle Neolithic occupation and of late Mesolithic activity. On present evidence, the site would appear to be a multi-period site of perhaps regional importance, not meriting preservation in situ, but with reasonable potential for artefactual and environmental analysis.

We would therefore advise that a staged archaeological mitigation programme should be undertaken, in accordance with Condition 16 of outline planning consent C09A/0518/16/AM. This should comprise the archaeological excavation prior to development of the Roman enclosure area and associated features, with an archaeological watching brief on ground disturbing construction works in the remainder of the site. Following the fieldwork stages, the mitigation programme will need to include post-excavation work comprising analysis, conservation, reporting and archiving.

Since the granting of outline consent the recommended condition wording has been amended in order to improve clarity and enforceability. Please contact us to discuss suitable wording if it is necessary to attach a condition to the reserved matters approval in order to secure the archaeological mitigation.

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Observations 20.08.2021

Thank you for notifying us of the updated plans. These do not have any bearing on archaeological matters and the recommendation made in previous correspondence for archaeological mitigation remains appropriate. The recommended mitigation approach would however now comprise strip, map and record of the whole site, rather than a combination of targeted excavation and watching brief, as we have found that this is a more efficient technique (for both archaeologists and developer) on housing schemes of this scale. This fieldwork would need to be completed prior to the start of any construction work on site.

CADW

Observations 10.02.2020

Advice

Having carefully considered the information provided with this planning application we have no objections to the proposed development. Our assessment of the application is given below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

PPW (planning-policy-wales-edition-10.pdf) explains that it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or

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its setting should be managed in a sensitive and sustainable way.

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance).

Technical Advice Note 24: The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

Assessment

Scheduled Monuments

CN153 Henge Monument and Cursus

CN252 Hut Circle Settlement NW of Tan-y-Marian

CN380 Cegin Viaduct (Penrhyn Railroad)

Registered Parks and Gardens:

Penrhyn Castle

In response to previous reserved matters applications Cadw has not identified any adverse impacts on the settings of the above designated heritage assets. We can see no changes in the current application that will change this advice.

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Public Consultation: A notice was posted on the site and nearby residents were informed and a notice was placed in the local paper. The advertisement period has expired and letters / correspondence were received objecting on the following grounds:

- The need for the design to match the nearby listed building
- Impact on light
- Water run-off
- Overlooking as the site is elevated
- Road safety
- Foul Water Drainage
- Archaeology matters

5. Assessment of the material planning considerations:

The principle of the development

5.1 The application submitted is for reserved matters following outline permission to erect 15 houses, including 5 affordable. The principle of the proposal in terms of erecting houses, has been approved, and this application will not re-assess these matters in accordance with the system for outline applications and the reserved matters.

Affordable housing and housing mix

5.2 As noted, outline permission has been granted for the construction of 15 houses, including 5 affordable houses. This proposal has been confirmed in their original outline application form and in the outline planning permission. At the time, this rate complied with the 30% affordable housing that was a requirement under the Local Development Plan.

5.3 Originally, the intention was to provide the 5 affordable units via the 5 three and two bedroom terraced houses located on the western boundary of the site. Following discussions with the LPA relating in the main to trees matters and the adoption of the Joint Local Development Plan, the rate of affordable houses needed in Llandygái has reduced to 20% and so the agent is proposing 3 of these terraced houses (2 three bedroom houses and 1 two bedroom house) as affordable housing instead of the original five.

5.4 These terraced houses propose an internal floor area of 89 sq. m each. Supplementary Planning Guidance – Affordable Housing states a maximum floor area of 94 sq. m. for three-bedroom houses and 83 sq. m. for two-bedroom houses. The two-bedroom houses are therefore slightly larger than the maximum acceptable floor area.

5.5 The information submitted by the Housing Strategic Unit confirms the demand for two and three bedroom affordable houses, and the Unit confirms that the proposal (for five affordable houses) partly address the need, but it cannot be confirmed that the proposal is acceptable until a valuation is provided for the affordable units. These observations have been passed to the agent, but no valuation has been received.

5.6 Unfortunately, although the number of affordable houses could be amended under another separate application, this cannot be done via a reserved matters application as the outline application form and the outline planning consent refers specifically to the provision of five affordable units in the context of this application. Although discussions have been held on reducing the number of

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affordable housing to three, and although this could be done via a separate application, neither the application form nor the application form clearly confirms the change to three affordable properties. Furthermore, 5 terraced houses are included as part of the application and the floor area of all these houses comply with the requirements of SPG Affordable Housing. To this end, it is considered that the proposal as submitted could continue to provide five affordable dwellings in compliance with the requirements of the outline permission.

- 5.7 In terms of the housing mix, the amended plans provide smaller houses as a result of providing a buffer zone to safeguard the protected trees. The main change is the marked reduction in the number of single 4/5 bedroom houses (previously there were 9 such units) with two and three bedroom houses now much more prominent. Two semi-detached dwellings are now included in the housing mix.
- 5.8 It is important to ensure that the type of units proposed are appropriate in terms of promoting a sustainable community in accordance with Policy TAI 8 ('Appropriate Mix of Housing'), which promotes proposals that contribute towards improving the housing mix and meet the needs noted in the whole community. Therefore, there is a need to consider whether the mixture of units and tenure proposed here is suitable in order to promote a sustainable mixed community. It is therefore important to consider the 'Housing Mix' SPG when establishing whether or not the proposal is suitable. Note that a statement was previously included with the application which sought to justify the proposed housing mix, however, a change has occurred in the affordable provision since this information was submitted.
- 5.9 It is obvious that there is more of a mix in terms of different housing types under the proposed proposal. With a reduction in the number of affordable housing proposed, the terraced units are now also a part of the open market provision on the site, and ensuring more two and three bedroom houses corresponds effectively with the previous observations noted in terms of the housing mix.
- 5.10 Nevertheless, and as a result of the changes to the plan that are not reflected in the housing mix statement and the lack of information in terms of valuation, it is not considered that the proposal submitted as a whole complies with the requirements of policies TAI 8 and SPG Housing Mix in terms of justifying the mix provided, or policies PS18 and TAI 15 and SPG Affordable Housing in terms of justifying the floor area of the affordable units and ensuring that the affordable units are affordable in perpetuity.

Visual, general and residential amenities

- 5.11 The site is located within the development boundary, and various houses are located around the site, specifically along the southern boundary and across the public road on the western boundary. Note that the residents of these houses are concerned about the proposal's impact on their privacy and light.
- 5.12 The plan intends to provide 2 detached two-storey houses adjacent to the entrance to Ficerdy, which is located opposite the site. It is considered that the distance across the road is sufficient to alleviate against any direct impact caused to the amenities of these residents.
- 5.13 Three properties are located in a cluster on the southern boundary of the site. The access track to these houses runs along the southern boundary, and the Pentwmpath property is located closest to the site, with other houses to the rear. These residents note that land levels mean that the proposals submitted would be higher than the property and would therefore affect light and cause overlooking. As the development is located to the north of these existing houses, the proposal will

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not disturb light from the sun's path to this end. The land/finished floor levels of the development are yet to be confirmed; however, considering that there is 7m between the rear of the house located closest to the boundary and as it is intended to retain the existing vegetation along the boundary, it is not considered that the proposal would cause a substantial detrimental impact in terms of overlooking in this case.

- 5.14 There are various design features in the area, and the houses located adjacent the site are listed. The proposed layout, design and finish are simple and offer design features that are commensurate and traditional and so it is considered that they are in keeping with the area and acceptable in terms of the general visual impact and it is not considered that it would have a detrimental impact on the listed buildings, conservation area or nearby Penrhyn Castle.
- 5.15 During extensive discussions held regarding the proposal in question, the Local Planning Authority has expressed consistent concern about the detrimental visual impact caused by the loss of an existing hedge located on the western boundary of the site. The LPA has mentioned that providing a gap for the vehicular access only would be acceptable, but that the remainder of the hedge should be retained in order to safeguard the character and existing features of the area. Nevertheless, the proposal continues to provide gaps for the footways from the detached houses located along this boundary, and it is proposed to completely remove the hedge lower down at the proposed entrance.
- 5.16 Consequently, although it is not considered that the submitted proposal will have a detrimental impact on the general amenities or privacy of the nearby residents, it is considered that losing sections of the hedge along the western boundary will have a substantial detrimental impact on the character of the area and therefore the proposal is contrary to the requirements of criteria 2 and 3 of Policy PCYFF 3 in terms of respecting the context of the site and incorporating soft landscaping when appropriate, and criteria 3, 4 and 6 of policy PCYFF 4 in terms of respecting and protecting local views and any positive natural features that exist and provide justification for environments where it is not possible to remove/lose trees or hedges

Transport and access matters

- 5.17 The proposal involves providing a vehicular access to the site off the public highway that runs past the site, along with the estate road that branches off within the site. Access through the site to the nearby field continues as it is not possible to gain access to this site otherwise.
- 5.18 It is noted that extensive discussions have taken place with the application's agent about providing one access to the site (instead of a different access to each house located on the western boundary), as well as reducing the formal access road to the nearby field.
- 5.19 The observations of the Transportation Unit on the latest plans confirm that there is no objection to the shape of the estate road being adopted and I confirm that this part complies with our requirements in terms of width, form and turning space. The estate roads that branch off the main estate road will remain private.
- 5.20 The Transportation Unit confirms that the number of parking spaces for each house comply with the requirements, however, it is recommended to review the layout proposed for plots 5 to 10. The parking has been arranged in tandem form, i.e. one after the other, and from experience, this is the form that is more likely to lead to parking on the road. As the road in front of these houses

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would be smaller than a normal estate road, the concern is that it would lead to parking preventing access to others / conflict between neighbours. The site offers sufficient space to locate the parking side by side to these plots, and avoiding the potential for this problem.

- 5.21 In addition, uncertainty is expressed regarding the width of the existing footway along the edge of the site, but unless it is wide, it is recommended that the applicant widens this as a part of the proposal.
- 5.22 It is noted that these matters are likely to cause a detrimental impact on road safety, but rather propose an improvement to the plan and current situation and so, if the proposal is acceptable in terms of other matters, these matters could be discussed further.
- 5.23 Therefore, to this end, it is considered that the proposal is acceptable in terms of parking and road safety and so the proposal is not contrary to the requirements of policies TRA 2 and 4 of the LDP.

Trees and Biodiversity matters

- 5.24 Since approving the outline plan, the Tree Preservation Order has been issued and confirmed on the woodland forming the northern boundary of the application site and within the same ownership as the applicant. The trees are also an ancient woodland and form a part of a chain of woodland in the area.
- 5.25 Consequently, extensive discussions have been held between the LPA, the Biodiversity Unit (and the trees officer), the agent and trees experts. The latest trees report is dated May 2020 and reflects the current situation in terms of the Tree Preservation Order and the observations of the trees officer.
- 5.26 The proposal includes retaining the protected trees and there is no proposal to do any work on them, and a buffer zone has been provided between the development and the woodland in an attempt to protect the trees for the future. Nevertheless, the trees officer is of the opinion that the buffer zone is insufficient to protect the trees, specifically because development such as roads, pavements, parking areas and gardens are situated within the tree root protection zones.
- 5.27 The trees officer notes from experience that this type of development within root protection zones and under tree canopies causes problems in the future as house occupiers damage the trees/roots within/above their gardens. It is possible that the trees, due to their proximity to the houses/the amenity areas of the houses causes hazards to residents in periods of harsh weather or as the trees grow. In such occasions, we have been in a situation of dealing with applications to fell protected trees due to the impact on the residents of the houses.
- 5.28 Therefore, it is important to ensure that no new developments cause a conflicting situation to ensure the safety of the trees and any residents for the future. To this end, it is not considered that the mitigation/tree protection measures are sufficient to safeguard the trees in the future.
- 5.29 An ecological report has been submitted as part of the application, the latest in June 2020 with the addition in September 2020. The Biodiversity Unit and Natural Resources Wales have confirmed that they are satisfied with the content of the report. It is noted that the Biodiversity Unit has raised concern over losing part of the hedge on the western boundary, but welcome the proposal to transplant it. No agreement has been reached thus far on where the hedge will be transplanted, and the Biodiversity Unit has confirmed that it would be better to keep as much of the existing hedge as possible and transplant the section removed for the creation of the vehicular access only.

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- 5.30 To this end, it is considered that the proposal is contrary to the requirements of criterion 8 of policy PS19 of the LDP as the proposal does not ensure the retention or enhancement of trees, hedges and woodland of value.

Infrastructure Matters

- 5.31 The information submitted as part of the application confirms that there is an intention to provide sewage treatment equipment for this site. This is in line with the outline permission, and it is understood that this is as a result of capacity problems at the time.
- 5.32 Following Natural Resources Wales' objection to this part of the proposal, it is understood that discussions have been held between the agent, Natural Resources Wales and Welsh Water and that Welsh Water have confirmed in an e-mail that connecting to the main sewer would be acceptable. Consequently, it was confirmed to the agent that the details of the application should be amended (specifically the application form) to confirm their intent to connect the site's foul drainage to the main public sewer. No amended information has been received in this respect and therefore it cannot be considered that the proposal before the committee is acceptable in terms of dealing with foul waste and it is therefore not considered that the proposal complies with the requirements of policy ISA 1 of the LDP in this context.

Language Matters

- 5.33 The principle of building houses on this site has already been approved through the outline application and the thresholds set in policy PS1: The Welsh Language and Culture for the provision of new housing, are relevant for this type of application.
- 5.34 As this is a Committee application, the SPG for 'Maintaining and Creating Distinctive and Sustainable Communities' requires that consideration is given to the language. The proposal submitted is for the construction of 15 dwellings in a location within the development boundary of Llandygái. No statement relating to the language was submitted as part of the application, and because it is contrary to the policies noted above, the LPA has not requested any additional information in relation to the language.
- 5.35 Nevertheless, it is noted that the principle of the proposal for building houses has already been approved, and despite the objection to the proposal in terms of the reserved matters, it is not considered that it would have a detrimental impact on the language in this case.
- 5.36 Nevertheless, based on the above, it is not considered that the proposal would be contrary to the specific requirements of policy PS1 of the LDP or the requirements of the SPG.

Response to the public consultation

- 5.37 Following a period of public consultation, observations were received which have been noted in the above consultation table. It is considered that the above report responds to the matters raised. It is noted that Archaeological matters have already been addressed under the outline application and that the Gwynedd Archaeological Planning Service has responded favourably to the proposal submitted.

6. Conclusions:

- 6.1 Based on the above assessment, it is considered that the reserved matters submitted are unacceptable as a result of the following:

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- It is not considered that the proposal submitted as a whole complies with the requirements of policies TAI 8 and SPG Housing Mix in terms of providing justification for the mix provided, or policies PS18 and TAI 15 and SPG Affordable Housing in terms of providing justification for the floor area of the affordable units and ensuring that the units are affordable in price in perpetuity.
- It is considered that losing parts of the hedges on the western boundary will have a significant detrimental impact on the character of the area and so the proposal is contrary to the requirements of criteria 2 and 3 of policy PCYFF 3 in terms of respecting the context of the site and incorporating soft landscaping when appropriate, and criteria 3, 4 and 6 of policy PCYFF 4 in terms of respecting and protecting local views and any positive natural features that exist and providing justification for circumstances where it is not possible to avoid removing/losing trees or hedges.
- It is also considered that the proposal is contrary to the requirements of criterion 8 of policy PS19 of the LDP as the proposal does not ensure the retention or enhancement of trees, hedges and woodland of value, and specifically it does not secure the safeguarding of trees that are protected under a Tree Preservation Order on the northern boundary of the site in future.
- No amended information has been received in terms of connecting to the main sewer, and therefore it cannot be considered that the proposal submitted is acceptable in terms of dealing with foul waste and it is therefore not considered that the proposal complies with the policy requirements of policy ISA 1 of the LDP in this respect.

7. Recommendation:

To refuse

Reasons:

1. As a result of the changes to the plan that are not reflected in the housing mix statement and the lack of information in terms of the valuation, it is not considered that the proposal as a whole complies with the requirements of policies TAI 8 of the Anglesey and Gwynedd Joint Local Development Plan 2017 and SPG Housing Mix in terms of justifying the mix provided, or policies PS18 and TAI 15 of the Anglesey and Gwynedd Joint Local Development Plan 2017 and SPG Affordable Housing in terms of justifying the floor area of the affordable units and ensuring that the units are affordable in price in perpetuity.
2. It is considered that losing substantial parts of the hedges on the western boundary will have a significant detrimental impact on the character of the area and so the proposal is contrary to the requirements of criteria 2 and 3 of policy PCYFF 3 of the Anglesey and Gwynedd Joint Local Development Plan 2017 in terms of respecting the context of the site and incorporating soft landscaping when appropriate, and criteria 3, 4 and 6 of policy PCYFF 4 of the Anglesey and Gwynedd Joint Local Development Plan 2017 in terms of respecting and protecting local views and any positive natural features that exist and providing justification for circumstances where it is not possible to avoid removing/losing trees or hedges.
3. The proposal involves providing hard floors, and supplementary activities to the houses such as parking and gardens within tree root protection areas designated as an ancient woodland and protected under a Tree Preservation Order and to this end, it is considered that the proposal is contrary to the requirements of criterion 8 of policy PS19 of the Anglesey and Gwynedd Joint Local Development Plan 2017 as the proposal does not ensure the retention or enhancement of trees, hedges and woodlands of value.

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4. The information submitted as part of the application confirms that it is intended to provide a sewage treatment system within an area served by a public sewer. No information has been received to justify this, and no confirmation has been received of an intention to connect to the main sewer instead, and so it cannot be considered that the proposal as submitted is acceptable in terms of dealing with foul waste and therefore it is not considered that the proposal complies with the requirements of policy ISA 1 of the Anglesey and Gwynedd Joint Local Development Plan 2017 in this respect.