

PLANNING COMMITTEE	DATE: 23/10/2023
THE REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 2

Application Number: C21/1185/25/LL

Date Registered: 21/12/2021

Application Type: Full

Community: Pentir

Ward: Pentir

Proposal: To erect 2 affordable dwellings, new access, parking, landscaping and associated works.

Location: Land Opposite Tŷ Mel, Bangor, LL57 4UG

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is a full application to construct two intermediate affordable dwellings near the village of Caerhun, south-east of Bangor. Internally, both single-storey houses will comprise two bedrooms, kitchen, living room, bathroom together with a hall. Externally, they will have roofs of natural slate, walls of white-coloured render with cedar vertical boards, painted aluminium windows and doors and galvanised rainwater goods. A decking area and terrace are planned to be located at the rear of the houses facing south along with landscaping work within and on the edge of the proposed gardens. The height of the houses will be 5.7m to the ridge with a width of 9.2m and a length of 8.8m.
- 1.2 Parking for two vehicles and a turning area will be provided at the front of the houses and within the curtilage of the application site with one adjacent access off the class III county road to serve both houses.
- 1.3 To the north of the site is located the class 3 county road with residential dwellings further along to the east, and to the south is open agricultural land and to the west the dwelling known as "Coed Heddwch" is located.
- 1.4 The site is adjacent to the Caerhun cluster and parallel to the house which is coloured red on the Anglesey and Gwynedd Joint Local Development Plan Inset Map, 2017 (LDP). There are no environmental or heritage statutory designations for this land that is currently used for pasture, however Natural Resources Wales notes that the wide area around the application site is subject to surface water flooding.
- 1.5 Following the receipt of observations from statutory consultees the following documents were submitted in support of the application;
 - (i) Planning Statement;
 - (ii) Flood Consequence Assessment;
 - (iii) Preliminary Ecological Survey.
- 1.6 The application is submitted to Committee at the request of the Former Local Member due to the concerns of local residents regarding flooding risk, threat to nature, the potential that the site is of archaeological interest, impact on highway safety in creating an entrance that could affect visibility, the potential impact on the amenities of residents of nearby dwellings and the concern that the construction of two houses would result in more being built on the same site. The new Local Member has agreed with the request being submitted to the Committee.

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.

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2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026 (LDP) adopted 31 July 2017:-**

TRA 2 – Parking standards.

TRA 4 – Managing transport impacts

PS 1 – The Welsh language and culture

PS 5 – Sustainable development

PS 6 – Alleviating and adapting to the effects of climate change

PCYFF 1 – Development Boundaries

PCYFF 2 – Development criteria

PCYFF 3 – Design and place shaping

PCYFF 4 – Design and landscaping

TAI 6 – Housing Clusters

TAI 8 – Housing mix

TAI 15 – Threshold of affordable housing and their distribution

AMG 5 – Local biodiversity conservation

2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 – February 2021)

Technical Advice Note (TAN) 2: Planning and Affordable Housing

TAN 5: Planning and Nature Conservation

TAN 12: Design

TAN 15: Development and Flood Risk

TAN 18: Transport

TAN Planning and the Welsh language

3. **Relevant Planning History:**

3.1 None

4. **Consultations:**

Community/Town Council: Pentir Community Council wish to state their objection to the above Planning Application on the grounds of:-

a) there is evidence that historically the land floods; and

b) the entrance to both houses is close to the junction as well as the

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existing entrance which poses a risk to road users.

Transportation Unit:	<p>No objection in principle, but offer the following observations: -</p> <ul style="list-style-type: none"> • It is required that the boundary wall be placed 2m back from the county road carriageway to allow for a plan to create a future footpath. This action would also allow for better visibility into the proposed entrance. • Need to include a condition within any planning permission that ensures no structure or growth above 1m high is permitted along the front boundary of the site facing the county road.
Natural Resources Wales:	<p>The site lies in Zone A as indicated by the Development Advice Maps (DAM), which are included in Technical Advice Note 15, Development and Flood Risk (July 2004).</p> <p>Given the location of the development in Zone A, it is up to Cyngor Gwynedd's Land Drainage Unit to comment on the suitability of these proposals.</p>
Welsh Water:	Standard advice regarding Welsh Water assets and protecting the amenities of local residents.
Public Protection Unit:	No response.
Tai Teg:	No response
Strategic Housing Unit:	Confirm the latest housing needs figures in the Caerhun area.
Biodiversity Unit:	A Preliminary Ecological Survey has been submitted indicating that the site has low ecological interest. This development will require a planning condition referring to the need to comply with mitigation measures along with biodiversity improvements for this development.
Water and Environment Unit:	Considering initial opposition, a revised Flood Risk Assessment was received which proposed mitigation measures that would overcome the concerns if secured through a planning condition.
Gwynedd Archaeological Planning Service:	No observations to offer.

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Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has already expired and correspondence was received objecting on the following grounds:

- This green land is not suitable for development.
- There is no infrastructure available for this agricultural land.
- The road is narrow in front of the site with heavy traffic use.
- It will affect the privacy of nearby householders.
- Will shadow neighbouring houses.
- The land floods then there is standing water and may potentially affect neighbouring properties.
- No need for affordable housing and no evidence received that there is a need for this type of housing in Caerhun.
- The site is not viable on accessibility grounds.
- Will impact visual amenities as the proposal does not form a logical part to the present settlement.
- Adverse impact on local biodiversity.
- The impact on local vistas and landscape.

In addition, observations were received which are not related to material planning considerations such as:

- That there were errors in the submitted plan – the plan does not accurately show entrances to the houses opposite the site nor the location of the main public sewer.
- The application should be supported by transport data and pedestrian use of the road
- Did not receive an advertisement of the planning application.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The site is located outside any defined development boundary included within the adopted LDP. Policy PCYFF 1 ('Development Boundaries') states that proposals outside development boundaries will be refused unless they are in accordance with specific policies in the Plan or national planning policies or that the proposal shows that its location in the countryside is essential.
- 5.2 The proposal is located directly adjacent to the Caerhun cluster as defined in the LDP and through this, Policies TAI 6: Housing Clusters; TAI 15: Affordable Housing and the Supplementary Planning Guidance (SPG): Affordable housing, are relevant. Policy TAI 6 states that proposals for new housing units must conform to the following criteria:-

1. The need for an affordable house for local need (in accordance with the Glossary of Terms) has been proven;

A Planning Statement was submitted with the application, and this noted that there was high demand for two-bedroom houses in the Caerhun / Glasinfryn area and this is reflected in the figures of the Local Housing Market Assessment and Tai Teg. According to the latest figures

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from the Strategic Housing Unit, at the time 50 people are looking for an affordable two-bedroom bungalow within the Caerhun / Glasinfryn area.

The indicative housing supply for all clusters within the Gwynedd-Arfon area during the Plan's period (2011-26) is 60 units (which includes a 'slippage allowance' of 10%). In the period 2011-20, a total of 12 units were completed in each cluster recognised within Gwynedd-Arfon. The windfall land bank sites for all these settlements, i.e. sites with existing planning permission, as of April 2022, were 22 units. This means that there is currently room within the indicative provision for the Clusters in Gwynedd-Arfon for this development.

2. The site is an infill site, between buildings coloured on the relevant Inset Map, or is a site directly adjacent to the curtilage of a coloured building;

The site is located directly adjacent to a coloured building (known as 'Coed Heddwch') and, in this respect, complies with this criterion.

3. The development is of a scale that is consistent with the character of the settlement;

Other residential properties in the application site's catchment area are of varying design and size including several relatively similar single-storey houses to this development. Therefore, to this end, the scale of development is considered to be consistent with the character of the Caerhun cluster.

4. The proposal will not create an intrusive feature in the countryside, and will not introduce a fragmented development pattern, nor create a ribbon development contrary to the general development pattern of the settlement;

Although the development is situated on open agricultural land, the proposal borders the residential property ('Coed Heddwch') and is opposite a row of other houses. In addition, it must be considered that the Caerhun cluster has already been developed in a "ribbon" pattern and new housing at this location would not be contrary to the cluster's development pattern.

5. The size of the property reflects the specific need for an affordable dwelling in terms of the size of the house in general and the number of bedrooms;

The SPG: Affordable Housing specifies an assumed floor area of 58m² for a two-bedroom bungalow (which meets the needs of 3 people) and the plans for these houses show that the proposed houses will have a floor space of 63m². When considering that the size of these houses is only 5m² greater than the notional size set out in the SPG, it is considered that proposal reflects the assumed size for an affordable property and therefore the proposal meets this criterion.

6. Because of the more sensitive rural location, the development must utilize the natural features of the site in the best way and retain any natural features present at the peripheries of the site or on its boundary that are worth retaining;

Most of the existing stone wall adjoining the highway to the north of the application site will be retained, with the exception of the central area which would provide an entrance to serve both houses. Additional landscaping will be added to the boundaries to the south, east and west which will provide screening to reduce the visual impact of the development within the rural landscape and create new habitats for biodiversity. The development is generally considered acceptable under this criterion.

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7. That mechanisms restrict the occupancy of the dwelling both on first occupation and in perpetuity to those who have a need for an affordable dwelling.

In consideration that these properties will be of an acceptable size for an affordable house and that the "Red Book" valuation of the houses has been provided which indicates that they could be affordable with an appropriate discount, it is believed that the occupancy of these two properties could be satisfactorily restricted by an appropriate 106 agreement.

- 5.3 Section 1 of Policy TAI 15 states that new housing developments will be expected to make an affordable housing contribution in line with the threshold figures noted in the policy, ***"Only sites of 100% affordable housing will be supported within clusters."*** In addition, criterion (viii) of section 3 of the Policy states that it is essential that ***"Dwellings are of a size, scale and design compatible with an affordable dwelling."***
- 5.4 In accordance with these requirements, any proposal for an affordable house must comply with paragraph 3.4.1 of the SPG: Affordable Housing, namely ***"The size and scale of the affordable housing must not be excessive in relation to the type of property required to meet the target need. Too large a property may not be affordable for another future need in the area."***
- 5.5 Although a RSL has shown interest in this plan, no confirmation has been received that they would adopt the plan. These will therefore be considered as "Intermediate" affordable housing, where the price will be higher than social housing but lower than open market house prices. To that end the SPG stipulates that the applicant will be required to submit an independent valuation of the value of the proposed house on the open market. This will be based on the plans created for the proposed house and the valuation needs to be approved by a qualified and independent chartered surveyor.
- 5.6 A market value valuation was received from a registered valuer for these two properties and considering the price in the context of local income levels it is believed that including a 40% discount in a 106 Agreement to accompany any planning permission would keep the property affordable and within a reasonable price for some of the community who have been identified as qualifying for such a property.
- 5.7 Therefore, in considering the above, it is believed that the proposal as submitted this time is acceptable in principle as it meets with the requirements of criteria 5 and 7 of Policy TAI 6, part 1 and paragraph (viii) of part 3 of Policy TAI 15 and thereby the application meets the requirements of Policy PCYFF 1 of the LDP which states that certain policies must be complied with in the LDP or national policies to show that its location in the countryside is essential.

Visual amenities

- 5.8 Policies PCYFF 2, PCYFF 3 and PCYFF 4 of the LDP are relevant to this application and relate to design, finishes, elevations, landscaping and visual amenities. The current site is an agricultural field immediately adjacent to the Caerhun cluster and there is an entrance to the site off the adjacent class III county road. Due to their location immediately adjacent to other residential properties, new housing would not appear alien in this area despite their location on open agricultural land and it is not thought that they would have a material adverse effect on the overall landscape quality of the area.
- 5.9 The houses will be single-storey with a slate ridge roof and their appearance and scale would reflect the appearance of neighbouring dwellings. It is believed that the proposed design and materials are acceptable for the location and meet the requirements of the above policies as they relate to the protection of the area's visual amenities.
- 5.10 It is proposed to retain most of the stone wall in front of the site and plant new hedgerows of native species around the rest of the site, as such, it is considered that the proposal complies with Policy PCYFF 4 of the LDP in terms of integration with the surrounding landscape.

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General and residential amenities

- 5.11 Criterion 7 of policy PCYFF 2 states that proposals will be refused if they have a significantly adverse impact on: *"The health, safety or amenity of occupiers of local residences, other land and property uses or characteristics of the locality due to increased activity, disturbance, vibration, noise, dust, fumes, litter, drainage, light pollution, or other forms of pollution or nuisance."*
- 5.12 As previously discussed, the proposal is located immediately adjacent to the 'Coed Heddwch' property in the northwest of the Caerhun cluster. Whilst acknowledging the objections received, in considering the distance between the housing of the area and the small size of the proposed property, it is not thought that there would be significant harm to the amenities of neighbouring residential properties from matters such as overlooking or shadowing. Therefore, it is considered that the proposal is acceptable in terms of residential amenities and complies with Policy PCYFF 2 of the LDP.

Transport and access matters

- 5.13 The plans were acceptable in principle by the Transportation Unit, although they noted that there is no pedestrian provision within the community and that developments on this side of the road may affect the ability to deliver future provision. Because of this, it has been requested that the boundary wall of the development be placed 2m off the edge of the road, with the void being earmarked as the grass verge of the carriageway to protect the ability to install a footpath. This action would also improve visibility when coming out of the site, and give pedestrians somewhere to stand off the road that currently does not exist.
- 5.14 There is currently no pavement at all in Caerhun and looking at the location of the surrounding houses and gardens, coupled with the narrow nature of the lane, it is highly unlikely that it will be possible to install a pavement in the rest of the village. In considering that this would be a small development that is not likely to produce a significant increase in pedestrian lane use and is unlikely to create a highway safety problem in itself, it is not thought reasonable to impose a condition on a permission for this development to provide a pavement in front of the site.
- 5.15 In terms of the submitted plan, it is noted that there are portions of the visibility splay behind the wall of the development, and that some of the proposed trees may interfere with visibility from the entrance. As such, a condition has been imposed to ensure that no wall, hedge or boundary fence near the highway is allowed to exceed 1 metre above the carriageway level of the adjacent county road from either end of the site's boundary and the highway to the other, and any vegetation must be cleared to maintain visibility. With the imposition of such a condition it is believed that this plan is acceptable under the requirements of Policies TRA 2 and TRA 4 regarding parking and road safety

Biodiversity matters

- 5.16 A Preliminary Ecological Assessment was submitted with the application, and its content was acceptable by the Biodiversity Unit. The report sets out the implications for biodiversity requirements and recommends appropriate mitigation measures and improvements. If a condition is imposed to ensure that these measures are followed, it is believed that the proposal would be acceptable based on the policy requirements of AMG5 of the LDP.

Flooding Matters

- 5.17 The site lies within zone A on the Development Advice Maps accompanying TAN15: Development and Flood Risk which entails that it is considered to be at little or no risk of flooding. However, parts of the site are shown to be at risk of flooding in the latest flood maps for surface water and there is evidence that the site was recently flooded. As such, 11.1 of NCT15 still applies.

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- 5.18 The revised Flood Consequences Assessment (FCA) submitted describes that the flood risk to the development site has been controlled by removing a control structure within the boundary wall to the west of the development (on the boundary with Coed Heddwach). The Council's Land Drainage Unit agrees that the flood risk to the site of the proposed development has been significantly reduced due to this action. However, they consider that there remains a residual flood risk (e.g., in the event of obstruction in the opening) and therefore recommend strict adherence to the design measures set out in section 4 of the FCA (original), namely raising floor levels above 93.6m AOD.
- 5.19 If such a condition is imposed on any consent, it is believed that the development will be acceptable under the requirements of TAN 15 along with policies PS 5 and PS 6 in the LDP as they relate to ensuring resilience against the impacts of flooding and climate change.

The Welsh Language

- 5.20 The Supplementary Planning Guide 'Maintaining and Creating Distinctive and Sustainable Communities' states that when a statement is not required an applicant is encouraged to submit a record of how the Welsh language was considered when formulating the planning application. Further information was submitted as part of the Planning Statement which stated:
- Both affordable homes will be occupied by local people in need of affordable housing. The development would therefore allow local people who already live in the area to stay within their community.
 - Given the high level of Welsh speakers within this part of Gwynedd it is likely that these people would be Welsh speakers.
 - Welsh language education facilities are available in the area for any children or adults who need them
- 5.21 In the context of the above discussion it is believed that the development would meet a need recognised within the local community for affordable housing of this nature and would thereby assist with the protection of the Welsh language in the community. The principle of this development is therefore consistent with strategic policy PS 1 in the LDP.

6. Conclusions:

- 6.1 Having weighed-up the proposed development and considered all the material planning issues, including observations received during the consultation process, it is believed that the submitted plans could be approved as it is considered that there would be no unacceptable harm resulting from them to any material planning consideration.

7. Recommendation:

To approve the application subject to a 106 agreement and conditions relating to the following:

Commencement within five years

Development to comply with the approved plans

Use Welsh roof slates

Condition to ensure an acceptable visibility

Removal of Permitted Development Rights to ensure affordability

Welsh Water Condition

The recommendations of the Preliminary Ecological Assessment must be observed

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The recommendations of the Flooding Risk Assessment must be observed

Note – Welsh Water

Sustainable Drainage Statement

Transportation Unit's observations