



Complete Agenda

Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

PLANNING COMMITTEE

Date and Time

1.00 pm, MONDAY, 19TH JUNE, 2023

NOTE

This meeting will be webcast

https://gwynedd.public-i.tv/core//en_GB/portal/home

Location

**Hybrid - Siambr Dafydd Orwig, Council Offices, Caernarfon LL55 1SH
and Virtually via Zoom**

Contact Point

Lowri Haf Evans

01286 679 878

lowrihafevans@gwynedd.llyw.cymru

(DISTRIBUTED 09/06/23)

PLANNING COMMITTEE

MEMBERSHIP (15)

Plaid Cymru (9)

Councillors

Elwyn Edwards
Elin Hywel
Huw Wyn Jones
Edgar Wyn Owen
Huw Rowlands

Delyth Lloyd Griffiths
Gareth Tudor Jones
Olaf Cai Larsen
Gareth A Roberts

Independent (5)

Councillors

Louise Hughes
Anne Lloyd-Jones
Gruffydd Williams

Elwyn Jones
John Pughe Roberts

Lib/Lab (1)

Councillor Gareth Coj Parry

PROCEDURE FOR SPEAKING ON PLANNING APPLICATIONS IN THE PLANNING COMMITTEE

The Council has decided that third parties have the right to speak on planning applications at the Planning Committee. This leaflet outlines the normal operational arrangements for speaking at the committee.

1.	Report of the Planning Service on the planning application including a recommendation.	
2.	If an application has been received from a 3 rd party to speak the Chairman will invite the speaker to come forwards.	
3.	Objector or a representative of the objectors to address the committee.	3 minutes
4.	Applicant or a representative of the applicant(s) to address the committee.	3 minutes
5.	Local Member(s) to address the committee	10 minutes
6.	Committee Chairman to ask for a proposer and seconder for the planning application.	
7.	The committee to discuss the planning application	

AGENDA

1. APOLOGIES

To accept any apologies for absence.

2. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

To receive any declaration of personal interest and to note protocol matters.

3. URGENT ITEMS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

4. MINUTES

6 - 18

The Chairman shall propose that the minutes of the previous meeting of this committee, held on 22nd May 2023, be signed as a true record.

5. PLANNING APPLICATIONS

To submit the report of the Head of Environment Department.

5.1. APPLICATION NO C23/0148/17/LL UWCHLAW'R RHOS, 19 - 44 PENYGROES, CAERNARFON, GWYNEDD, LL54 7UE

Erection of rural enterprise dwelling and associated work

LOCAL MEMBER: Councillor Arwyn Herald Roberts

[Link to relevant background documents](#)

5.2. APPLICATION NO C17/0846/18/LL LAND AT BRO RHIWEN, 45 - 65 RHIWLAS, LL57 4EL

Residential development of 4 affordable dwellings together with associated accesses and parking (amended scheme to that originally submitted).

LOCAL MEMBER: Councillor Elwyn Jones

[Link to relevant background documents](#)

5.3. APPLICATION NO C23/0295/33/DT TŶ NI, CEIDIO, PWLLHELI, 66 - 75 GWYNEDD, LL53 8YL

Extension to dwelling to provide accessible garage, therapy room and wet room for disabled person.

LOCAL MEMBER: Councillor Anwen J Davies

[Link to relevant background documents](#)

Agenda Item 4.

PLANNING COMMITTEE 22 May 2023

Present:

Councillors: Elwyn Edwards, Elin Hywel, Delyth Lloyd Griffiths, Elwyn Jones, Gareth T Jones, Huw Wyn Jones, Anne Lloyd Jones, Cai Larsen, Edgar Owen, Gareth A Roberts, John Pughe Roberts, Huw Rowlands and Gruffydd Williams

Officers: Gareth Jones (Assistant Head of Planning and the Environment), Iwan Evans (Head of Legal Services), Gwawr Teleri Hughes (Development Control Team Leader), Glyn Llewelyn Gruffudd (Senior Development Control Officer), Miriam Elen Roberts (Solicitor), Erin Lloyd (Cynllun Yfory - Legal) and Lowri Haf Evans (Democracy Services Officer).

Condolences were extended to Keira Sweeney (Planning Manager), following the sudden loss of her mother recently.

Cllr John Pughe was wished a speedy recovery following a period in hospital.

1. ELECTION OF CHAIR FOR 2023/24

RESOLVED TO RE-ELECT COUNCILLOR EDGAR OWEN AS CHAIR FOR 2023/2024

2. ELECTION OF VICE-CHAIR FOR 2023 / 2024

Two names were proposed and seconded for the post of vice-chair, namely Councillor Elwyn Edwards and Councillor Gruffydd Williams

In accordance with Procedural Rules, the following vote was recorded on the proposals:-

In favour of Councillor Elwyn Edwards: (10) Councillors:- Elwyn Edwards, Elin Hywel, Huw Wyn Jones, Edgar Owen, Huw Rowlands, Delyth Lloyd Griffiths, Gareth Tudor Jones, Cai Larsen, Gareth A Roberts, Gareth Coj Parry

In favour of Councillor Gruffydd Williams: (4) Councillors:- Anne Lloyd-Jones, Gruffydd Williams, Elwyn Jones, John Pughe Roberts

Abstaining (0)

RESOLVED to re-elect Councillor Elwyn Edwards as Vice-chair for 2023/24

3. APOLOGIES

Apologies were received from Councillor John Pughe (Local Member)

4. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

- a) The following member declared that he had an interest in relation to the item noted:

Councillor Huw Wyn Jones (a member of this Planning Committee), in item 8.4 (C23/0148/17/LL) on the agenda as he knew the family.

The Member was of the opinion that it was a prejudicial interest, and he withdrew from the meeting during the discussion on the application.

Councillor John Pughe Roberts (a member of this Planning Committee), in item 8.1 (C23/0116/09/LL), because he had shares in the Wynnstay company.

The Monitoring Officer noted that there was no reference to the Wynnstay company in the report for planning application 8.1 and therefore the Councillor decided that it was not a prejudicial interest and therefore he did not have to withdraw from the meeting.

- b) The following members declared that they were local members in relation to the items noted:

- Councillor Dewi Jones in item 7 on the agenda
- Councillor Anwen Davies (on behalf of Cllr Gareth Williams) and who was not a member of this Planning Committee, in item 8.2 (C23/0212/30/LL) on the agenda.
- Councillor Arwyn Herald Roberts (not a member of this Planning Committee), in item 8.4 (C23/0148/17/LL) on the agenda.

5. URGENT ITEMS

None to note

6. MINUTES

The Chair accepted the minutes of the previous meeting of this committee held on 17 April 2023 as a true record.

7. APPLICATION FOR AN ORDER UNDER THE ROAD TRAFFIC MANAGEMENT ACT 1984

CYNGOR GWYNEDD ORDER (PROHIBITION, RESTRICTION AND REVOCATION OF WAITING AND ON-STREET PARKING) (ARFON AREA NUMBER 20) (CAERNARFON) 2023

RESOLVED: To approve the introduction of 'no waiting at any time' Double Yellow Lines on a Class 1 Road A4086 - Ffordd Llanberis, Rhosbodrual

- a) The Traffic and Projects Service Manager highlighted that the Service had received a complaint from nearby property owners regarding vehicles parking on the pavement and on a grassed area adjacent to the property of Tanffordd, Llanberis Road, Caernarfon. After inspecting and assessing the situation, the Service carried out a consultation on introducing a recommendation to extend the double-yellow lines in order to prevent vehicles from parking on the pavement and grassed area. During the consultation period

(March 2022), one objection was received to the proposed plan. Consequently, the plan was reviewed in August 2022 and it was resolved not to amend the proposal since there was acceptable justification to proceed with the plan. The proposed plan to prohibit parking on Llanberis Road was introduced as a part of the 'PROHIBITION, RESTRICTION AND REVOCATION OF WAITING AND ON-STREET PARKING) (ARFON AREA NUMBER 20) (CAERNARFON) ORDER 2023' and an objection was received for the second time. The order was submitted to the Committee for approval.

The Officer was of the opinion that introducing yellow lines in the location would prevent vehicles from driving over the pavement to park on the grass near the Tanffordd property. In turn, this would reduce the number of cases where mud would be carried onto the pavement and the road, which led to safety issues for road users. Yellow lines would also keep the visibility splay clear for the residents of Stad Llain y Felin, as well as the Tanffordd property.

b) The Local Member highlighted the following observations:

- That he sympathised with the objector since this would cause him difficulties, but he was confident that the benefits would outweigh the negative impacts.
- It was important to note that the department had carried out an equality impact assessment and this had come back clear.
- A health and safety matter was under consideration here. The yellow lines intended to prevent vans and other vehicles from parking on a plot of land, as was currently the case. This was a problem because:
 - It is a relatively fast road - the vehicles prevent the traffic from seeing the road ahead.
 - The vehicles that park here carry mud onto the road, which is dangerous and creates a skid hazard.
 - Parking here destroys the grassed area; it is mud, and not grass, that is here now.
- It is also important to note that many local residents have supported these steps during the consultation process.

c) It was proposed and seconded to approve the order.

d) During the ensuing discussion, the following observation was made by Members:

- That there was a need to ensure safety on a fast section of road
- That there was mud on the pavement and therefore you had to walk on the road
- That the height of a camper van, when parked on the grass, concealed a 40mph sign

e) In response to a question that vehicles would continue to park on the grass and the pavement since the yellow lines would only appear on the road, it was noted that the yellow lines would prohibit parking on the road, on the pavement and on the grass.

RESOLVED

To approve the introduction of no waiting at any time 'Double Yellow Lines' on a Class 1 Road A4086 - Llanberis Road, Rhosbodruall, Caernarfon.

8. PLANNING APPLICATIONS

The Committee considered the following applications for development. Details of the applications were expanded upon and questions were answered in relation to the plans and policy aspects.

RESOLVED

8.1 APPLICATION NUMBER C23/0116/09/LL 1 Idris Villas, Tywyn, Gwynedd, LL36 9AW

Resubmission: Change the use of land to create a storage/sales yard associated with the existing commercial premises, together with the erection of a security fence, installation of a hard-standing area and alterations to the agricultural access to create a vehicular access to the yard

Some Members had visited the site on 15-05-23

- a) The Development Control Team Leader highlighted that this was a full application to change the use of land in order to create a storage / sales yard adjacent to Idris Villas, Tywyn, which would be associated with the existing commercial property located on the High Street. The proposal would include erecting a security fence, installing a hard standing area and alterations to the existing agricultural access to create a suitable vehicular access. It was reiterated that a Planning Statement, Flood Consequence Assessment and Initial Ecological Report had been submitted as a part of the application and subsequently on 29 March 2023, a Landscaping Plan had been introduced around the boundary fence. Following the previous Committee, details were submitted on 28 April 2023 regarding the exit routes for HGVs from the site.

Reference was made to the visual impact amongst the refusal reasons on the previous application C22/1050/09/LL, with officers highlighting that the same concerns remained valid. Despite receiving a landscaping plan which showed an intention to landscape the external side of the security fence, it was considered that this would mitigate the visual impact of the development somewhat, however, it did not completely overcome the concerns.

In the context of transport and access matters and the observations of the Highways Unit (since the previous Committee on 17 April 2023), plans of the HGV exit routes from the site were received, as well as details on how the vehicles would turn within the site. It was noted that the site was central in the town and that the access on the external side would be in the bow of the road. Following a site inspection, it was considered that there was satisfactory open visibility in both directions. There would be parking within the site for customers and is considered acceptable to satisfy the requirements of TRA 2 of the LDP. The observations of the Transportation Unit on the latest additional information, which state their satisfaction with the plans that show the movements of vehicles leaving the site and they have no objection. Based on the latest observations, it was considered that the proposal was acceptable in order to ensure the safe operation of the highway and compliance with policies TRA 4, criterion 6 of policy MAN 6 of the LDP and TAN 18: Transport.

It was noted that the officers considered that the development continued to be unacceptable based on flood concerns, the impact on the area's visual amenities, as well as the amenities of the nearby residents. Although some elements were acceptable, they did not outweigh the fact that the principle of the proposal failed to meet the national policy justification tests of Technical Advice Note 15. These concerns were raised in response to a Pre-application Enquiry where a recommendation against submitting an application was made, on the grounds that locating the proposal in a C1 flood zone could not be justified. A landscaping plan has now been submitted which will involve a slight improvement in terms of visual amenities, however it does not overcome all of our concerns. The additional information relating to vehicle access and egress paths has overcome our original concerns regarding road safety and therefore reason 4 can be deleted from the reasons for refusal. However, it was considered that the proposal essentially remained similar to the details of the application that was refused earlier this year under application C22/1050/09/LL which is a material consideration.

- b) It was proposed and seconded to approve the application, contrary to the recommendation, on the grounds of economic impact - it would retain a business in the area.
- c) During the ensuing discussion, the following observations were made by Members:
- That the existing site was dangerous - heavy traffic in the town centre
 - That the Local Member, at the previous meeting, had proposed good reasons for approval
 - The Town Council supported the application
 - The plans were an improvement in terms of visibility - possible to plant and erect a fence which would offer a better view
 - No flooding history in this area
 - No objection had been received to the application from the residents of the town
 - That the road leading to the existing site was busy - this offered an improvement to the situation
 - That this would not have a detrimental impact on the residents of Idris Villas
 - That the site visit had been very valuable

In response to a question regarding the reference to a goods 'storage' yard, and should there be a need in the future for a structure to store goods and the need for further planning consent for this purpose, it was noted that no information had been submitted with the application regarding the layout of the storage area and therefore, should the application be approved, there would be a need to impose a condition to ensure management of the storage arrangement and height. With the reference that the enterprise is 'ancillary to existing / commercial property', it would be essential to include a condition to address this.

- ch) An amendment was proposed to approve the application subject to imposing conditions, including:
- Permission associated with the commercial property only
 - That the application corresponds to what is being noted by the Transportation Unit - access to follow the submitted plans - safe and wide
 - That sufficient planting and fencing is done along the boundary to reduce the visual impact - ensure that the planting is green and tall
 - That the site is lower than the houses and therefore there is a need to consider that the height of the goods being stored is capped.

In response to the improvement, the Assistant Head noted that including the 4 above conditions was acceptable and he reminded them of the need to impose conditions in order to act on issues arising from the flooding assessment. A further member was made by a Member that a condition needed to be included on managing the goods delivery / distribution times.

RESOLVED to approve the application contrary to the recommendation

1. The development to which this permission relates shall be commenced no later than FIVE years from the date of this permission.
2. The development hereby permitted shall be carried out in strict conformity with the details shown on the plan(s) numbered 80 1 - 22 - 0 5; 801 - 22 - 70; 22/115/P 09; 22/115/P 04 a 22/115/P 03 Amendment A submitted to the Local Planning Authority, and contained in the application form and in any other documents accompanying the application, unless condition(s) to revise them is/are included on this planning decision.
3. Before the facility hereby approved becomes operational as a storage/sales yard, the applicant must first submit details to be agreed in writing with the Local Planning Authority of any building and/or structure they propose to erect as part of the proposed facility, including their design and height.
4. The facility hereby approved must be connected with the use the applicant proposed to make of the commercial premises on the High Street as a business centre for an agricultural goods/materials supplier and which is outlined in blue in plan number 22/115/P 03 Amendment A.
5. The scheme for planting a mixed thorn hedge contained in plan number 22/115/P 03 Amendment A must be completed during the first planting season after the use becomes operational. In the event that any part of the hedge dies, is removed or becomes seriously damaged or infected within the five year period from the date it was planted, they must be removed and replaced during the next planting season with others of a similar size and species, unless the Local Planning Authority approves a commitment in writing.
6. Before the facility becomes operational, the applicant must first submit details to be agreed in writing with the Local Planning Authority of any signs to be erected on the site, and those signs shall be in Welsh only, or bilingual with priority to the Welsh language.
7. The applicant must comply with Part 6.0 (Summary and Conclusions) of the Floods Consequence Assessment (ref. KRS.0639.001.R001.A) dated September 2022 by KRS Environmental.
8. The improvements to the existing access must be carried out in strict conformity with the details contained in plan number 22/115/P 03 Amendment A.
9. The delivery or distribution of goods to and from the site hereby approved shall not be permitted outside the hours of 08:00 to 18:00 Monday to Friday; 08:00 to 12:00 Saturday and not at all on Sunday.

The reasons for the Council's decision to permit the development subject to the conditions already noted:

1. To comply with Town and Country Planning Acts.
2. To comply with the provisions of the Town and Country Planning Act and to secure the satisfactory development of the site, and to protect the visual amenities of the area.

3. To secure and orderly development of the site and to protect visual amenities.
4. To secure the orderly development of the site.
5. To protect visual amenities and to ensure biodiversity enhancements.
6. To protect and promote the Welsh language.
7. To comply with the requirements of Technical Advice Note 15: Development and Flood Risk.
8. In the interests of road safety.
9. To protect residential amenities.

Notes

1. Due to the size and nature of the development, an application will need to be provided to the Sustainable Drainage Systems Approval Body for approval before construction work commences. These systems need to be approved by Cyngor Gwynedd in its role as the Sustainable Drainage System Approving Body before the work starts.
2. The applicant's attention is drawn to the letter from Welsh Water dated 24/02/23 and the need to ensure that the development complies with the advice contained therein. The letter can be viewed under this application's reference number on the track and trace pages on the Council's website.
3. **NOTE:** The road verge in front of the access must be reinforced with 125 x 150mm dropped kerbs installed in accordance with 'Road Design'.
4. **NOTE:** The Highways Agency shall not be responsible for any surface water from the road that enters the premises as a result of the development.
5. **NOTE:** The applicant is instructed to write to the Highways Authority to be granted permission under Section 278 of the Highways Act, 1980 to undertake any work which entails changes to the existing road in order to create an access to the site.
6. **NOTE:** Surface water from the site curtilage should not flow to the main road. The highway drainage by the access and along the frontage must be completed to meet the requirements of the Local Planning Authority before any work is commenced on the rest of the development.

8.2 APPLICATION NUMBER C23/0212/30/LL

Pant Valley, Rhydlios, Pwllheli, Gwynedd, LL53 8LR

Construction of a new building to be used as agricultural storage together with associated landscaping work (resubmission)

- a) The Senior Development Control Officer highlighted that this was an application to erect a shed as agricultural storage on a rural site within the holding of the property known as *Pant Valley*, Rhydlios. It was explained that the plans showed a building measuring 22.86m x 13.74m giving a total internal floor area of 314m² and 5.8m in height to the ridge. The application was a resubmission of a previously refused full application. It was highlighted that the size, form and appearance of the proposed shed was in accordance with the previously refused details. The site and wider area was located within the Western Llŷn

Special Landscape Area as well as the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest by CADW. It was not within the AONB.

The previous application was refused due to the lack of information and justification for the proposed development. At the time it was noted that no business plan had been submitted. It was not usual to ask for a business plan with agricultural applications where the agricultural holding was established, however in this case, the applicant did not operate the agricultural holding and therefore, it was believed to be a totally reasonable request for such information to find out how the enterprise would be likely to operate in the future. As part of the current application, the agent has submitted a statement to support and justify the proposal.

The application was submitted to the committee at the Local Member's request.

The Local Planning Authority did not intend to prevent the aspirations of individuals to conduct agricultural activities in the future, but it was not wholly convinced that a real need for a new agricultural shed at this site has been proven and therefore the proposal is contrary to the fundamental agricultural development principle and policies PCYFF 1 and PCYFF 2 of the LDP specifically as there is no sufficient justification within a rural location for the proposed development. In addition, due to its size, finish and isolated location, the building would form an incompatible feature in the landscape by harming visual amenities contrary to the relevant criteria of policies PCYFF2 and PCYFF 3 of the LDP.

The Local Planning Authority recommended refusing the application

- b) Taking advantage of the right to speak, Councillor Anwen Davies (on behalf of the Local Member), made the following observations:
- That there was a real need for the shed to ensure a place to keep sheep - for grazing and in order to facilitate visits by the vet.
 - That a proposal to reduce the land levels had been submitted and that it was intended to use the soil to erect *cloddiau* around the shed.
 - That there was an intention to plant trees and recycle rainwater.
 - That the applicant was a hard-working Welshman who wished to establish an agricultural enterprise at Pant Valley.
 - The Community Council supported the application.
 - That the shed would be no more visible than other sheds in the area.
 - That the existing shed was too close to the house.
 - Proposed that the Committee Members visited the site.

In response to the comments, the Assistant Head noted that it was not unusual to receive agricultural applications, but that there was a need to provide evidence of the agricultural need (such as consider the stock levels and receive details about the business). In this case, it was an application for a large shed for 10 acres of land; this was considered to be a substantial investment where no current agricultural business existed. The proposal was therefore completely contrary to local and national policies.

- c) It was proposed and seconded to refuse the application.
- d) During the ensuing discussion, the following observations were made by a Member:
- That no alterations had been made to the previously refused application.

- That a request for further details, such as a business plan, was reasonable.
- That the Community Council supported the application and knew the applicant well to understand his call for building a shed - local people must be kept in local areas.

RESOLVED: TO REFUSE IN ACCORDANCE WITH THE RECOMMENDATION.

REASONS:

1. **Based on the information submitted, the Local Planning Authority is not entirely convinced that there is a real need, proven beyond doubt, to erect an agricultural building of the size and scale proposed at this location. Therefore, the application is contrary to the requirements of policies PCYFF 1 and PCYFF 2 of the Anglesey and Gwynedd Joint Local Development Plan 2017 which encourages the refusal of proposals outside development boundaries unless there is justification to show that its location in the countryside is essential, and that do not comply with other policies within the Plan itself.**
2. **The scale of the proposal would mean erecting a substantial building which would be located in a prominent, isolated position near a public road and footpath and within a Special Landscape Area. This development would not respect the context of the site and its place in the local landscape and, as a result, the development would be harmful to the area's visual amenities. The application is therefore contrary to the criteria of policies PCYFF 2, PCYFF 3 and AMG 2 of the Anglesey and Gwynedd Joint Local Development Plan, 2017 together with the advice contained within Technical Advice Note 6: Planning for Sustainable Rural Communities and Technical Advice Note 12: Design that relates to protecting local visual amenities and the environment.**

**8.3 APPLICATION NUMBER 8.3 C23/0089/39/AM
Mynytho Garage, Mynytho, Pwllheli, Gwynedd, LL53 7RH**

Outline application with some matters reserved to demolish an existing residential dwelling and former commercial garage with associated buildings and to construct five two-storey local market housing, construction of a pub/restaurant, landscaping, creation of parking areas and alteration works to an existing vehicular access.

APPLICATION WITHDRAWN

**8.4 ITEM 8.4 C23/0148/17/LL
Uwchlaw'r Rhos, Penygroes, Caernarfon, Gwynedd, LL54 7UE**

Construction of a rural enterprise house and associated work.

- a) The Development Control Team Leader highlighted that this was a full application to construct a rural enterprise house and ancillary works. The house would be in the form of a dormer bungalow and would measure 115 square metres and would include a

porch, office, toilet, multi-purpose room, sitting room, dining room and kitchen on the ground floor and three bedrooms and a bathroom on the first floor.

The farm was described as one that extends to 84ha; the applicant owns 59ha and rents 24.3ha on a long-term tenancy, with 84ha being used as grazing land, 20ha for silage (one cut) and 8ha for silage (two cuts) and used as grazing land. The farm includes 118 cows with calves, 120 sheep, and 4 sows and 12 boars and 27 piglets. The applicant is also in partnership with Natural Resources Wales for grazing 1,618ha of common land.

A Design Statement and the business' accounts were submitted as a part of the application.

The application was submitted to the Planning Committee at the request of the local member.

It was highlighted that the site would be beyond the farmyard and outside any development boundary as defined by the Local Development Plan (LDP) with Policy PCYFF 1 stating, outside development boundaries, that proposals will be refused unless they are in accordance with other policies in the local development plan, national policies or if the proposal shows that their location in the countryside is essential. It was reiterated, as a result of the need to maintain and protect the countryside, that very special justification was required to approve the construction of new houses there, and therefore, new houses in the countryside were only approved in very exceptional circumstances. The exceptional circumstances under which new houses in the countryside could be approved are included in Technical Advice Note 6: Planning for Sustainable Rural Communities - July 2010 (TAN6) prepared by the Welsh Assembly Government, and the associated Technical Guidance document.

Reference was made to paragraph 4.3.1 of TAN6, which notes that one of the few circumstances in which a new isolated residential development in the open countryside can be justified is when accommodation is required to enable a rural enterprise worker to live at, or close to, his workplace. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. TAN 6 also notes that Local Planning Authorities should carefully assess applications for planning permission for new rural enterprise dwellings to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence.

The applicant states that the business has existed for over 3 years. Business accounts for the previous three years were submitted to show that the business has made a profit in 3 of the last 4 years. Nevertheless, it appeared that there is an established business on the land, and therefore in line with the requirements of TAN 6, information must be submitted that relates to the functional test, time test, financial test and other dwellings test to prove the need and justification for the construction of a house in open countryside.

In the context of the financial test, the size and cost of the proposed dwelling should be assessed in relation to the enterprise's ability to fund and maintain it without damaging the ongoing viability of the enterprise, and demonstrate reasonable likelihood that it will maintain to fund the labour costs employed for the subsequent five years. In addition,

the figures provided for the Financial Test should show that the business can cope with paying workers' wages (1.5 in this case) and that there are earnings left to maintain the business and construct the house. Although an accountant has provided a statement referring to the business' profit over the past 3 years, it was not considered that the applicant has provided robust evidence to show that the financial situation of the business is sufficient in order to construct a house and therefore the application cannot be supported as it fails the financial test.

In the context of design matters, it was noted that the size of the proposed dwelling was being considered in relation to the enterprise's ability to fund and maintain the dwelling, as well as reflect the needs of the enterprise, but in addition, as the potential occupancy of the dwelling was extended to those who were eligible for affordable housing, the size of the dwelling should comply with Affordable Housing requirements. It was highlighted that the internal floor area of the proposal was approximately 115sq/m, which was more than the Affordable Housing requirement of 93sq/m. Therefore, it was considered that the size of the property did not comply with the requirements of Technical Advice Note 6, the LDP or Supplementary Planning Guidance: Affordable Housing.

Having conducted a full assessment, the LPA was of the opinion that the proposal submitted did not comply with the specific criteria for constructing a house in open countryside within the criteria proposed within Technical Advice Note number 6: Planning for Sustainable Rural Communities for constructing agricultural dwellings. It was considered that the proposal did not comply with the principle or spirit of the policies and that proposal would be an obtrusive feature in the landscape located in open countryside.

- b) Taking advantage of the right to speak, the applicant noted the following observations:
- That four generations of the family had been tenants on the land within the Glynllifon Estate. In 2018, there came an opportunity to buy the land but the two dwellings were being sold separately.
 - That the farm buildings and the two houses were Grade 2 Listed.
 - That the son had bought one of the houses with a personal mortgage.
 - The second house had been sold separately.
 - That he had two sons, and both worked (not on the farm).
 - The proposal would not be a second house - the son's house was not a house with the business. This was outside the farm's ownership.
 - That he was living in Penygroes and was travelling every day back and forth to the farm - that this was very difficult between March and April during the lambing season.
 - That it could be argued that he was the only worker who was present on the farm.
- c) Taking advantage of the right to speak, the Local Member made the following points:
- This was an application to erect a house for a Welsh speaker on a site where his family had been farming the land for centuries.
 - That he had managed to buy the land in 2018 and the farm was now in a good position.
 - That the application was a re-submission - there had been no opportunity to respond to the previous application.

- That the LPA refused the proposal and noted that there was no genuine need for two houses for the business. This was not an application for a second home - this would be the only agricultural house.
 - That there was an official need for the applicant to be on the farm - he was not expected to have to travel for hours day and night - this was immoral and far from the demands on 'staff'.
 - Although the LPA noted that the site was unsuitable, the remains of an old house could be seen on the site. It was not possible to build closer due to the Grade 2 Listed requirements on the other two houses. A site visit should be held.
 - That the business was viable and despite having slowed down a little in the past three years, it would stabilise and continue to be viable.
 - Although it was accepted that the house was slightly larger than the size of an affordable house, that this was acceptable for agricultural houses so that they met the needs of the business - in order to have space for an office, shower, etc.
 - That he, like the Community Council, supported the application.
- ch) It was proposed and seconded to approve the application contrary to the recommendation for the reason that nobody who lived on the farm worked on the farm - that there was no house on the business site.

In response to the proposal, the Assistant Head of Department noted that although he accepted the aspiration to obtain a houses on the farm, that the evidence highlighted that the applicant's son owned one of the houses on the farm and was a partner in the business. He reiterated that the applicant lived approximately 1.6m from the site, and that there was no justification of the need for a new house - the agricultural needs had already been met. The application was considered as a new house in the countryside without justification and should the proposal go against the recommendation, the application would have to be referred to a cooling off period.

- d) During the ensuing discussion, the following observations were made by Members:
- The applicant lived 1.6m from the site, but the requirements of the job made it necessary for him to live on the site.
 - Living on the farm would reduce carbon emissions.
 - This was not an application for a second home but an application for a first agricultural house.
 - The business was growing.
 - There were remains of an old dwelling on the site.

In response to the proposal, the Monitoring Officer noted that if the application was approved, there would be a need to ensure standard conditions that would bind the proposal to agricultural use. He also highlighted that a 'need for a house' was not a sufficient reason to approve the application since a house already existed on the site to meet the need.

RESOLVED: To approve the application contrary to the recommendation. Consequently, the application will be referred to a cooling-off period before being returned to the Committee for a final decision.

The meeting commenced at 13:10 and concluded at 15:15

CHAIR

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REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

PLANNING COMMITTEE

DATE: 19.06.2023

COOLING-OFF REPORT - ASSISTANT HEAD OF DEPARTMENT

APPLICATION NUMBER: C23/0148/17/LL

1. PURPOSE

1.1 The determination of the application was deferred at the Planning Committee meeting on 22/05/2023 in accordance with the instruction of the Assistant Head, Environment Department, as there was a significant risk to the Council in respect of the Planning Committee's intention to approve the application contrary to officers' recommendation. The matter was referred to a cooling-off period in accordance with the Committee's standing orders. The purpose of reporting back to the Committee is to highlight planning policy issues, the possible risks and options for the Committee before it reaches a final decision on the application.

2. DESCRIPTION AND BACKGROUND

2.1 This is a full application for planning permission to construct a rural enterprise house (3 bedroomed) at Fferm Uwchlaw'r Rhos approximately 1.5 miles outside the village of Penygroes. The site is located outside any village boundary as defined in the Joint Local Development Plan (Anglesey and Gwynedd).

2.2 The application has been before the Planning Committee on 22/05/2023 and the report submitted to the Committee at that time is attached in **Appendix 1**.

3. POLICY CONTEXT

Relevant Policies:

3.1 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.

3.2 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching 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.

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

- PS 1 The Welsh Language and Culture
- PS 2 Infrastructure and developer contributions
- ISA 1 Infrastructure Provision
- PS 4 Sustainable Transport, Development and Accessibility
- TRA 2 Parking Standards
- TRA 4 Managing transport impacts
- PS 5 Sustainable development

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PS 6 Mitigating the effects of climate change and adapting to them
 PCYFF 1 Development Boundaries
 PCYFF 2 Development Criteria
 PCYFF 3 Design and place shaping
 PCYFF 4 Design and Landscaping
 PCYFF 5 Carbon Management
 PCYFF 6 Water Conservation
 PS 17 Settlement Strategy
 PS 18 Affordable Housing
 TAI 15 Threshold of affordable housing and their distribution
 AMG 3 Protecting and improving features and qualities that are unique to the character of the local landscape
 PS 19: Conserving and where appropriate enhancing the natural environment
 AMG 5 Local biodiversity conservation
 AT 1: Conservation areas, World Heritage Sites and Landscapes, Parks and Registered Historic Gardens

Supplementary Planning Guidance: Building Rural Houses in the Countryside

3.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Technical Advice Note 6 - Planning for Sustainable Rural Communities

4. ASSESSMENT OF THE PLANNING CONSIDERATIONS

4.1 The proposal includes erecting a rural enterprise house on a site located beyond the farmyard and outside any development boundary as defined by the LDP. Policy PCYFF1 states that outside development boundaries proposals will be refused unless they comply with other policies within the local development plan, national planning policies or that the proposal demonstrates that its location in the countryside is essential.

4.2 The explanation of policy PCYFF 1 states that the development boundaries were identified for all types of settlements in the Plan apart from clusters. Policy PCYFF 1 notes that the development boundaries amongst other things prohibit inappropriate development from being in the countryside, provide definite guidance and clarity in relation to where exceptions can be applied e.g., rural exception policy, identify areas where developments could be approved and promote the efficient and appropriate use of land and buildings. It is therefore considered that the remainder of the Plan area is subject to more control and is mainly restricted to developments which require a location in the countryside or that meet a local rural need, support rural diversification or sustainability of the countryside.

4.3 Within the context of rural protection however, the policy acknowledges that some types of developments are necessary e.g., agricultural sheds and address the area's social, economic or environmental needs. This is an application for a rural enterprise house which is a type of development that can be justified in the countryside in exceptional circumstances.

4.4 **As a result of the need to maintain and protect the countryside, special justification is needed to approve the construction of new houses in the countryside. Therefore, new houses**

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in the countryside will only be approved in exceptional circumstances. The exceptional circumstances under which new houses in the countryside could be approved are included in Technical Advice Note 6: Planning for Sustainable Rural Communities - July 2010 (TAN6) prepared by the Welsh Assembly Government, and the associated Technical Guidance document.

- 4.5 Paragraph 4.3.1 of TAN 6 notes that one of the few circumstances in which a new isolated residential development in the open countryside can be justified is when accommodation is required to enable a rural enterprise worker to live at, or close to, his workplace. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. TAN 6 also notes that Local Planning Authorities should carefully assess applications for planning permission for new rural enterprise dwellings to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence.
- 4.6 The applicant states that the farm has been in the family's tenancy for 3-4 generations, however he bought the land in 2018 and the house was sold separately. He also states that there are three partners in the business, namely the applicant and his two sons.
- 4.7 It is noted from the site's planning history that a planning application was submitted by one of the sons to construct an agricultural shed on the land of the agricultural holding in 2021, under reference C21/0811/17/LL. The site plan and the site submitted with that application indicate that the plot of the proposed house is isolated and separate from the rest of the farmland and those circumstances are reflected and confirmed on a location plan submitted with this current application. Furthermore, evidence was submitted in the form of a B ownership certificate, confirming that one of the sons is the owner of the Uwchlaw'r Rhos dwelling, i.e., the original farmhouse. **Therefore, a partner in the company currently lives at Uwchlaw'r Rhos. Please note also that the applicant has stated that Uwchlaw'r Rhos has been split into two living units, which include 1 x four-bedroom unit and 1 x three-bedroom unit. Therefore, it appears that there are two houses on the farm already, with one of them occupied by one of the farm's partners.**
- 4.8 From the information submitted, it is stated that the applicant farms 84ha, but that only 59.9ha is in his ownership and the rest is rented under a long-term arrangement. An IACS map was received which shows that the land of the holding surrounds the application site. Please note the location of the rented land at Rhostryfan, Caernarfon. However, the information does not confirm the terms or length of the rental agreement. The applicant states that 20.2ha is used for silage (one cut) as well as a further 8ha (two cuts).
- 4.9 The applicant states that the business has existed for over three years. Business accounts for the previous three years were submitted to show that the business has made a profit in 3 of the last 4 years. Nevertheless, it appears that there is an established business on the land, and therefore in line with the requirements of TAN 6, information must be submitted that relates to the functional test, time test, financial test and other dwellings test to prove the need and justification for the construction of a house in open countryside.

1. The Functional Test (Section 4.8 of Technical Advice Note 6) - The functional test is required to show that it is essential, for the proper functioning of the rural enterprise, for one or more workers to be readily available at most times on the site or nearby.

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2. **The Time Test (Section 4.9 of Technical Advice Note 6)** - The time test and the functional test are separate tests, but there must be a full-time requirement for the worker for whom there is a functional need.

3. **The Financial Test (Section 4.10 of Technical Advice Note 6)**- Dwellings will only be approved where it can be proven that a rural enterprise is sustainable, and a financial test is applied to consider the enterprise's financial robustness, its projections over a reasonable period of time, and the ability of the business to fund the proposal.

4. **Other Dwelling Test (Section 4.11 of Technical Advice Note 6)** - The needs of an enterprise are considered in the context of the availability of existing options for alternative dwellings to meet the noted functional need, and/or the scope to reorganise the work of managing the enterprise so that no new dwelling is needed.

4.10 These tests are applicable in all circumstances, and each must be dealt with in a manner which is appropriate to the specific type of application submitted. Having applied the above tests to this application, I note the following:

The Functional Test and the Time Test

4.11 An essential functional need relates to a specific management activity or a combination of activities which means that a worker needs to be at hand for the majority of the time (and throughout the year) so as not to harm the normal operation of the existing business, and where this cannot be achieved in any other practical way such as electronic supervision, or making use of permitted development rights (e.g. siting a seasonal caravan). The time test ensures that there is a full-time requirement for the worker. Where a dwelling/dwellings is/are already a part of the enterprise, it must be demonstrated that having an additional worker living on the site is essential in order for the enterprise to operate properly.

4.12 Although lambing and calving are considered to be such activities, their seasonal nature means that it is possible to deal with the situation by means of the exceptions proposed in Part V of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Evidence was submitted with the application to demonstrate why it would not be possible to supervise the stock during these periods under the permitted rights.

4.13 **The applicant's comments are noted, however, it is difficult to see how the construction of a new house in the countryside based on seasonal use can be justified, particularly bearing in mind that the applicant lives in Penygroes, which is only approximately 1.6 miles from the site. It should also be noted that the applicant's son lives on the farm permanently, works on the farm occasionally and is in a position to supervise the farm's activities during difficult hours.** The Council is not convinced that robust evidence has been submitted as a specific confirmation that the applicant needs to be available permanently on the farm, considering the circumstances of the holding.

4.14 As the applicant's son provides natural supervision on the farm, during hours outside normal working hours, it is therefore considered that the seasonal need during lambing and calving in itself is insufficient to prove this functional need, and that the proposal fails under the essential functional need test.

4.15 **It also appears that the holding has been operational since 2018 (date the business was purchased) and the applicant has been living around 1.6 miles from the site in Penygroes**

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ever since. No information was received showing an intention to change the farming system, which would change the situation, resulting in a need for a permanent presence on the land.

- 4.16 No information has been submitted regarding the occupancy of the property in Penygroes (mortgage/unmortgaged occupancy/rent), or any evidence that this property does not meet the housing need, bearing in mind that the farm has been operating like this for three years and the partners in the business were aware of this when purchasing the land. In addition, it is obvious that the farmhouse was available to the family to purchase at the time when the land was sold, and one of the sons successfully purchased the house; there is no information or evidence regarding the applicant's circumstances at the time and why the dwelling was not purchased by the main agricultural workers.
- 4.17 This history causes concern over the actual need for a new house and paragraph 4.11.2 of TAN 6 states: "In cases where the planning authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the enterprise to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion to dwellings have recently been sold. Such a sale could constitute evidence of a lack of need."
- 4.18 Although information has been submitted to demonstrate full-time labour for 1.5 persons, the functional test has not been fully met, and therefore the proposal continues to fail.

The Financial Test

- 4.19 As it is an existing business, the applicant must provide a financial test for a period of at least three years, which means providing a copy of the books/end of year statement for this period. The financial test should also assess the size and cost of the proposed dwelling in relation to the ability of the enterprise to fund and maintain it without damaging the ongoing viability of the enterprise and demonstrate reasonable likelihood that it will maintain to fund the labour costs employed for the subsequent five years. In addition, the figures provided for the Financial Test should show that the business can cope with paying workers' wages and that there is residual profit to maintain the business and to build the dwelling (figure 5.18 of the Practice Guidance for Technical Advice Note 6).
- 4.20 Unless it can be proven that the existing enterprise is sustainable in the immediate short-term, it is unlikely that planning permission will be granted for a dwelling, even if there is currently a functional need to accommodate a worker, as it is unlikely that this need will be maintained.
- 4.21 A statement was received from an accountant, referring to the business' profit over the past three years; this letter makes a financial statement only and it does not confirm the position regarding funding the proposed house. It also states that the company's substantial growth is likely to slow down over the next three years; however, no explanation or reasoning for this was provided. **Although the accounts show a profit and that the partners receive a proportion of the profit, it is unclear whether the applicant receives a salary from the business as a full-time worker. It is not clear either whether one of the sons receives a salary from the business as an agricultural contractor and the second son as a casual worker on the farm.**
- 4.22 In those circumstances, it is not considered that the applicant has provided sufficiently robust information that would show that the financial situation of the business is sufficient to warrant the construction of a house, and therefore the application cannot be supported as it fails the financial test. Other dwelling
- 4.23 Those who apply for a new dwelling to serve existing rural enterprises will need to demonstrate:

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- why any other dwelling that exists on the land is not available or suitable to meet the functional need to accommodate a worker;
- why there are no other options to a new development on the land; for example, buildings that are suitable for conversion or opportunities to meet the functional needs by rearranging the work of managing the enterprise;
- why the other houses in the area are not suitable to meet the functional need of the enterprise, or why they are not available; for example, due to the isolated location of the enterprise, the high costs of houses on the open market, or the overall lack of suitable types of housing.

4.24 Each of these considerations must be dealt with by submitting a rational argument or clear and robust evidence. The applicant's report states that no buildings suitable for conversion exist on the holding, but no information or test has been forthcoming in relation to this statement. **The applicant also states that it was not possible to purchase the existing house, Uwchlaw'r Rhos, as part of the business, however the applicant's evidence confirms that the existing house, Uwchlaw'r Rhos, is owned by the applicant's son who is a partner in the business.** As discussed in paragraphs 5.15 and 5.16, the authority is concerned about the situation.

4.25 Please note that the applicant emphasises that no other property is available to the business on the farm, even though one son lives in the original house at Uwchlaw'r Rhos. TAN 6 asks if there is another house or suitable building for conversion on the farm and not a house that is part of the business. **In this case, the son (a partner in the business) owns Uwchlaw'r Rhos and therefore has a permanent home on the farm, regardless of whether the house is a part of the business or not.** Therefore, it is considered that the proposal also fails the other dwelling test

4.26 In summary, it is considered that the information submitted with the application does not satisfy the criteria of the relevant planning policies.

4.27 Members must be able to submit reasons and evidence to justify the approval of the application contrary to the officers' recommendation, and to also consider that this is an application for a new house in open countryside. In this particular case it is not believed that there are sufficient reasons and evidence to justify the approval of the application contrary to local and national planning policies and to the Officers' recommendation.

5 RISKS TO THE COUNCIL OF APPROVING THE APPLICATION

5.1 The site is located outside any development boundary, as identified in the Anglesey and Gwynedd Joint Local Development Plan, where there is a strong presumption against the building of houses in the countryside and there is no strong and reliable justification for the proposal. As the above assessment shows together with the assessment in the Committee report of 22 May 2023, officers are not convinced that sufficient justification has been shown for the approval of the proposal that would normally be contrary to local and national planning policies. Approval of this application would be contrary to the recommendation and would undermine policies on a national and local level.

5.2 Approving the application would create inconsistency in terms of implementing the Council's adopted planning policies in determining applications for rural enterprise developments.

5.3 The Welsh Government has powers to call-in planning applications for determination. Also, they have powers to intervene formally in how the Council provides the Planning Service and this would ultimately be the greatest possible risk to the Council.

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6. OPTIONS FOR THE COMMITTEE

6.1 The options available to the Committee in determining the application are noted below with the options increasing in terms of risk to the Council as you proceed down the list:

a) Refuse the application in accordance with the recommendation - The above assessment assesses the merits of the application against the requirements of relevant policies and guidance and reaches the conclusion that the proposal does not comply with the policies of the Anglesey and Gwynedd Joint Local Development Plan or the guidance in Technical Advice Note 6 - Planning for Sustainable Rural Communities (July 2010). This is the only possible resolution without any risks to the Council. If the applicant is dissatisfied with the Council's refusal, then he/she can appeal against the refusal.

b) Approve the application with a standard planning condition for a rural enterprise house and other normal planning conditions - However, the risk of a planning application being submitted in the future to remove the condition would have to be accepted, and the strong potential that this would have to be agreed, bearing in mind that there was no evidence of need for a new rural enterprise house in the first place.

c) Approve as an open market house outside the development boundary with the usual conditions - This is the greatest risk to the Council as it would approve an open market house in the countryside without any control in terms of occupancy or price. This would completely undermine local and national policies and guidance as well as the Council's credibility. Once more it is noted that the Welsh Government has powers to intervene formally in the way the Council provides the Planning Service. It is noted once more that there is a strong possibility that choosing option b) above would ultimately lead to this option.

5.2 In order to ensure that the Council avoids the risks outlined above and as the application's merits have been assessed thoroughly by Council officers it is deemed that the proposal does not conform to the requirements of the adopted policies of the Anglesey and Gwynedd Joint Local Development Plan, local and national guidance, and national planning policies. Therefore, it is recommended that the application is refused as submitted in accordance with the reasons for refusal submitted to Committee on 22 May 2023 and reproduced below to avoid any doubt.

Recommendation: To refuse – reasons

1. The Local Planning Authority has not been convinced that the applicant has a real functional need for an agricultural dwelling on the site that is the subject of the application; that the site mentioned is suitable, and that no other property can meet the need mentioned, and it is not considered that there is sufficient evidence to prove with certainty the viability of the farming enterprise in the future; it is also not considered that the size of the agricultural house reflects the size of the enterprise (affordable). It is therefore considered that the proposal is contrary to policies PCYFF1 and PCYFF3 of the Anglesey and Gwynedd Joint Local Development Plan 2011-2026, Supplementary Planning Guidance: Building Rural Houses in the Countryside, and Technical Advice Note 6: Planning for Sustainable Rural Communities.
2. The site occupies an elevated, open and prominent location in the landscape above farm buildings where building a house on the site would have a substantial negative impact on the area's visual amenities, contrary to the objectives of Policies PCYFF 2, PCYFF 3 and PCYFF 4 of the Anglesey and Gwynedd Joint Local Development Plan 2011 – 2026.

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Attachment 1

Number: 4

Application Number: C23/0148/17/LL

Date Registered: 07/02/2023

Application Type: Full

Community: Llandwrog

Ward: Tryfan

Proposal: Construction of rural enterprise house and associated works.

Location: Uwchlaw'r Rhos, Penygroes, Caernarfon, LL54 7UE

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1 Full application to construct a rural enterprise house and associated work. The house would be in the form of a dormer bungalow and would measure 115 square metres and would include a porch, office, toilet, multi-purpose room, sitting room, dining room and kitchen on the ground floor and three bedrooms and a bathroom on the first floor. It is intended to cover the exterior walls in white render and timber boards and install slates on the roof.
- 1.2 The site is located far away from the development boundary in open countryside in the corner of a field to the north-east of the farm buildings. The applicant states that it is intended to demolish a ruin in order to create a clear site for the construction of the new house. Also, it is intended to resurface the track that leads to the plot, should the application be approved. The site is in an open and prominent location above the original farm buildings and farmhouse and it is served by a public track (restricted byway), which leads to a class 3 county road to the west.
- 1.3 It is understood from the application that the house would be occupied by the applicant, who currently lives in Penygroes. There are three partners to the business at Uwchlaw'r Rhos, namely the applicant and his two sons. The applicant is the main worker on the farm and one son provides occasional labour support to the agricultural activities. The other son works as an agricultural contractor.
- 1.4 The applicant states that the farm has been in the family's tenancy for 3-4 generations, however he bought the land in 2018 and the house was sold separately. The business was not in a position to buy the house at the same time. The evidence submitted by the applicant confirms that the applicant's son owns the house at Uchlaw'r Rhos, who is a partner in the company and who also provides occasional labour support at the farm.
- 1.5 The farm extends to 84ha; the applicant owns 59ha and rents out 24.3ha on a long tenancy. 84ha are used as grazing land, 20ha for silage (one cut) and 8ha for silage (two cuts) and is used as grazing land. The farm includes 118 cows with calves, 120 sheep, and 4 sows and 12 boars and 27 piglets. The applicant is also in partnership with Natural Resources Wales for grazing 1,618ha of common land. The business has grazing rights for 10 cows.
- 1.6 A Design Statement and the business' accounts were submitted as a part of the application.
- 1.7 The application was submitted to the Planning Committee at the Local Member's request.

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 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching 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.
- 2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017**

PS 1 The Welsh Language and Culture
PS 2 Infrastructure and developer contributions
ISA 1 Infrastructure Provision
PS 4 Sustainable Transport, Development and Accessibility
TRA 2 Parking Standards

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TRA 4 Managing transport impacts
 PS 5 Sustainable development
 PS 6 Mitigating the effects of climate change and adapting to them

PCYFF 1 Development Boundaries
 PCYFF 2 Development Criteria
 PCYFF 3 Design and place shaping
 PCYFF 4 Design and Landscaping
 PCYFF 5 Carbon Management
 PCYFF 6 Water Conservation
 PS 17 Settlement Strategy
 PS 18 Affordable housing
 TAI 15 Threshold of affordable housing and their distribution
 AMG 3 Protecting and improving features and qualities that are unique to the character of the local landscape
 PS 19: Conserving and where appropriate enhancing the natural environment
 AMG 5 Local biodiversity conservation
 AT 1 Conservation areas, World Heritage Sites and Landscapes, Parks and Registered Historic Gardens

Supplementary Planning Guidance: Tourist Facilities and Accommodation (March 2021)
 Building Rural Houses in the Countryside

2.4 National Policies:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Technical Advice Note 6 - Planning for Sustainable Rural Communities

3. Relevant Planning History:

3.1 Application number C18/0800/17/LL - Erection of a two-storey rear extension - Approved subject to 28/11/201

Application number - C18/0801/17/CR - Listed Building Consent to erect a two-storey rear extension and internal alterations - 17/12/2018

Application number - C21/0811/17/LL - Engineering work for the construction of two agricultural buildings with a slurry lagoon on the floor of one building - Refused on 27.07.2022

C21/0518/17/LL - Application to erect a rural enterprise house as well as associated works - Refused on 07.02.2022

4. Consultations:

Community/Town Council: Council's decision - to support the application

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Transportation Unit: I refer to the application above and wish to state that I do not intend to submit a recommendation as it is assumed that the proposed development will not have a detrimental impact on any road, or proposed road.

Natural Resources Wales: We have reviewed the planning application submitted to us, and from the information provided, we are not of the opinion that the proposed development impacts any matters listed on our Consultation Topics.

Welsh Water: No response

Biodiversity Unit: Having viewed the application and reviewed the Biodiversity comments on the current application and looking at the previous application. There is no need to commission environmental reports as requested in the comments of C23/0148/17/LL, but a condition is needed to improve biodiversity as noted in the 2021 application - it is suggested that a bat box and sparrow box is installed on the roof of the new building. Please note: If any protected animal or species are found on the site, there is a responsibility on you to stop the work and obtain specialist guidance, and if needed, obtaining a permit to continue work by Natural Resources Wales is the responsibility of the land owner. The applicant also needs to follow the guidelines of Pollution Prevention 5 "Works and maintenance work in or near water":

Flooding Risk and Land Drainage

Since 7 January 2019, sustainable drainage systems (SuDS) are needed to control surface water for every new development of more than 1 house or where the construction area with drainage obligations is 100m² or more. Drainage systems must be designed and constructed in accordance with the minimum standards for sustainable drainage as published by Welsh Ministers.

These systems must be approved by Gwynedd Council in its role as SuDS Approval Body (SAB) prior to commencement of the construction work.

Due to the size and nature of the development, an application will need to be provided to the SuDS Approval Body for approval before construction work commences. No drainage details have been submitted to date, and until an application is made to the SAB there is no assurance that the site plan would enable compliance with the full suite of national NDS standards. Early consultation with the SAB is recommended.

Footpaths Unit	Public footpath number 51 (Llandwrog) must be protected during and after this development.
Cadw	Not accepted.
Gwynedd Archaeological Planning Service	Not received.
Public Consultation:	A notice was posted on the site and nearby residents were notified. No responses were received.

Assessment of the material planning considerations:

The principle of the development

- 5.1 The proposal includes erecting a rural enterprise site on a site located beyond the farmyard and outside any development boundary as defined by the LDP. Policy PCYFF1 states that outside development boundaries proposals will be refused unless they comply with other policies within the local development plan, national planning policies or that the proposal demonstrates that its location in the countryside is essential.
- 5.2 The explanation of policy PCYFF 1 states that the development boundaries were identified for all types of settlements in the Plan apart from clusters. Policy PCYFF 1 notes that development boundary amongst other things prohibits inappropriate developments from being located in the countryside, provide firm guidance and clarity in terms of where exceptions may be supported e.g. rural exception policy, identify locations where developments can be approved and promote effective and appropriate use of land and buildings. It is therefore considered that the remainder of the Plan area is the subject of more control and is mostly limited to developments which require a countryside location or that meet a local rural need, support rural diversification or sustainability.
- 5.3 In relation to protecting the countryside, it could be acknowledged that some types of developments are needed if the location of the proposal is necessary e.g. agricultural sheds and addressing the area's social, economic or environmental needs. This is an application for a rural enterprise house which is a type of development that can be justified in the countryside in exceptional circumstances.
- 5.4 As a result of the need to maintain and protect the countryside, special justification is needed to approve the construction of new houses in the countryside. Therefore, new houses in the countryside will only be approved in exceptional circumstances. The exceptional circumstances under which new houses in the countryside could be approved are included in Technical Advice Note 6: Planning for Sustainable Rural Communities - July 2010 (TAN10) prepared by the Welsh Assembly Government, and the associated Technical Guidance document.
- 5.5 Paragraph 4.3.1 of TAN6 notes that one of the few circumstances in which a new isolated residential development in the open countryside can be justified is when accommodation is required to enable a rural enterprise worker to live at, or close to, his workplace. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. TAN 6 also notes

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that Local Planning Authorities should carefully assess applications for planning permission for new rural enterprise dwellings to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence.

- 5.6 The applicant states that the farm has been in the family's tenancy for 3-4 generations, however he bought the land in 2018 and the house was sold separately. He also states that there are three partners in the business, namely the applicant and his two sons.
- 5.7 Note from the site's planning history that a planning application was submitted by one of the sons to construct an agricultural shed on the land of the agricultural holding in 2021 under reference C21/0811/17/LL. The site plan and the site submitted with that application show that the plot of the proposed house is isolated separately from the rest of the farmland and those circumstances are reflected and confirmed on a location plan submitted with this current application. Furthermore, evidence was submitted in the form of a B ownership certificate, which confirms that one of the sons own the Uwchlaw'r Rhos house, i.e. the original farmhouse. Therefore, a partner in the company already lives at Uwchlaw'r Rhos at present. Please note also that the applicant has stated that Uwchlaw'r Rhos has been split into two living units, which include 1 x four-bedroom unit and 1 x three-bedroom unit. Therefore, it appears that there are two houses on the farm already, with one of them occupied by one of the farm's partners.
- 5.8 From the information submitted, it is stated that the applicant farms 84ha, but that 59.9ha only are in his ownership and the rest are rented under a long-term arrangement. An IACS map was received which shows that the land of the holding surrounds the application site. Please note the location of the rented land at Rhostryfan, Caernarfon. However, the information does not confirm the terms or length of the rental agreement. The applicant states that 20.2ha are used for silage (one cut) as well as a further 8ha (two cuts).
- 5.9 The applicant states that the business has existed for over 3 years. Business accounts for the previous three years were submitted to show that the business has made a profit in 3 of the past 4 years. Nevertheless, it appears that there is an established business on the land, and therefore in line with the requirements of TAN 6, information must be submitted that relates to the functional needs test, time, financial and alternative dwellings to prove the need and justification for the construction of a house in open countryside.

1. **The Functional Test** (Section 4.8 of Technical Advice Note 6) - The functional test is required to show that it is essential, for the proper functioning of the rural enterprise, for one or more workers to be readily available at most times.
2. **The Time Test** (Section 4.9 of Technical Advice Note 6) - The time test and the functional test are separate tests, but there must be a full-time requirement for the worker for whom there is a functional need.
3. **The Financial Test** (Section 4.10 of Technical Advice Note 6) - Dwellings will only be approved where it can be proven that a rural enterprise is sustainable, and a financial test is used to consider the enterprise's financial robustness, its projections over a reasonable period of time, and the ability of the business to fund the proposal.
4. **The Alternative Dwelling Test** (Section 4.11 of Technical Advice Note 6) - The needs of an enterprise are considered in the context of the availability of existing options for alternative dwellings to meet the noted functional need, and/or the scope to reorganise the work of managing the enterprise so that no new dwelling is needed.

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- 5.10 These tests are applicable in all circumstances, and each must be dealt with in a manner which is appropriate to the specific type of application submitted. Having applied the above test to this application, I note the following:

The Functional Test and the Time Test

- 5.11 An essential functional need relates to a specific management activity or a combination of activities which means that a worker needs to be at hand for the majority of the time (and throughout the year) so as not to harm the normal operation of the existing business, and where this cannot be achieved in any other practical way such as electronic supervision, or making use of permitted development rights (e.g. siting a seasonal caravan). The time test ensures that there is a full-time requirement for the worker. Where a dwelling/dwellings is/are already a part of the enterprise, it must be demonstrated that it is *essential* to have an additional worker living on the site in order for the enterprise to operate appropriately.
- 5.12 Although lambing and calving are considered to be such activities, their seasonal nature means that it is possible to deal with the situation by means of the exceptions proposed in Part V of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Evidence was submitted with the application to demonstrate why it would not be possible to supervise the stock during these periods under the permitted rights.
- 5.13 The applicant's comments are noted, however, it is difficult to see how the construction of a new house in the countryside based on seasonal use can be justified, particularly bearing in mind that the applicant lives in Penygroes, which is only approximately 1.6 miles from the site. It should also be noted that the applicant's son lives on the farm permanently, works on the farm occasionally and is in a position to supervise the farm's activities during difficult hours. The Council is not convinced that robust evidence has been submitted as a specific confirmation that the applicant needs to be available permanently on the farm, considering the circumstances of the holding.
- 5.14 As the applicant's son provides natural supervision on the farm, during hours outside normal working hours, it is therefore considered that the seasonal need during lambing and calving season in itself is insufficient to prove this functional need, and that the proposal fails under the essential functional need test.
- 5.15 It also appears that the holding has been operational since 2018 (date that the business was purchased) and the applicant has been living around 1.6 miles from the site in Penygroes ever since. No information was received showing an intention to change the farming system, which would change the situation, resulting in a need for a permanent presence on the land.
- 5.16 No information has been submitted regarding the occupancy of the property in Penygroes (mortgage/unmortgaged occupancy/rent), or any evidence that this property does not meet the housing need, bearing in mind that the farm has been operating like this for three years and the partners in the business were aware of this when purchasing the land. In addition, it is obvious that the farmhouse was available to the family to purchase at the time when the land was sold, and one of the sons successfully purchased the house; there is no information or evidence regarding the applicant's circumstances at the time and why the dwelling was not purchased by the main agricultural workers.
- 5.17 This history causes concern over the actual need for a new house and paragraph 4.11.2 of TAN 6 states:

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"In cases where the Planning Authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the enterprise to establish the recent pattern of use of land and buildings and whether, for example, any suitable dwellings or buildings have recently been converted. Therefore, a sale could be evidence of a lack of need."

- 5.18 Although information has been submitted to demonstrate full-time labour for 1.5 persons, the functional test has not been fully met, and therefore the proposal continues to fail.

The Financial Test

- 5.19 As it is an existing business, the applicant must provide financial details for a period of at least three years, which means providing a copy of the books/end of year statement for this period. The financial test should also assess the size and cost of the proposed dwelling in relation to the enterprises' ability to fund and maintain it without damaging the ongoing viability of the enterprise, and demonstrate reasonable likelihood that it will maintain to fund the labour costs employed for the subsequent five years. In addition the figures provided for the Financial Test should show that the business can cope with paying workers' wages and that there is residual profit to maintain the business and to build the dwelling (figure 5.18 of the Practice Guidance for Technical Advice Note 6).

- 5.20 Unless it can be proven that the existing enterprise is sustainable in the immediate short-term, it is unlikely that planning permission will be granted for a dwelling, even if there is currently a functional need to accommodate a worker, as it is unlikely that this need will be maintained.

- 5.21 A statement was received from an accountant, referring to the business' profit over the past three years; this letter makes a financial statement only and it does not confirm the position regarding funding the proposed house. It also states that the company's substantial growth is likely to slow down over the next three years; however, no explanation or logic for this was provided. Although the accounts show a profit and that the partners receive a proportion of the profit, it is unclear whether the applicant receives a salary from the business as a full-time worker. It is not clear either whether one of the sons receives a salary from the business as an agricultural contractor and the second son as a casual worker on the farm.

- 5.22 In those circumstances, it is not considered that the applicant has provided sufficiently robust information that would show that the financial situation of the business is sufficient to warrant the construction of a house, and therefore the application cannot be supported as it fails the financial test.

Alternative Accommodation

- 5.23 Those who apply for a new dwelling to serve existing rural enterprises will need to demonstrate:
- why any other dwelling that exists on the land is not available or suitable to meet the functional need to accommodate a worker;
 - why there are no alternative options to a new development on the land; for example, buildings that are suitable for conversion or opportunities to meet the functional needs by rearranging the work of managing the enterprise;
 - why the other houses in the area are not suitable to meet the functional need of the enterprise, or why they are not available; for example, due to the isolated location of the enterprise, the high costs of houses on the open market, or the overall lack of suitable types of housing.

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- 5.24 Each of these considerations must be dealt with by submitting a rational argument or clear and robust evidence. The applicant's report states that there are no buildings suitable for conversion exist on the holding, but no information or test has been forthcoming in relation to this statement. The applicant also states that it was not possible to purchase the existing house, Uwchlaw'r Rhos, as a part of the business, however the applicant's evidence confirms that the existing house, Uwchlaw'r Rhos, is owned by the applicant's son who is a partner in the business. As discussed in paragraphs 5.15 and 5.16, the authority is concerned about the situation.
- 5.25 Please note that the applicant emphasises that no other property is available to the business on the farm, despite the fact that one son lives in the original house at Uwchlaw'r Rhos. TAN 6 states *if there is another house or suitable building to be adapted on the farm* and not a house which is a part of the business. In this case, the son (a partner in the business) owns Uwchlaw'r Rhos and therefore has a permanent home on the farm, regardless of whether the house is a part of the business or not. Therefore, it is considered that the proposal also fails the alternative accommodation test.

Design Matters

- 5.26 As mentioned above, the size of the proposed dwelling is considered in relation to the ability of the enterprise to fund and maintain the dwelling, and should reflect the needs of the enterprise, but also, as the possible occupancy of the dwelling would be extended to those who qualify for affordable housing, the size of the dwelling should comply with Affordable Housing requirements.
- 5.27 To this end, the proposed dwelling proposes three bedrooms in an internal floor area of around 115m². The guidance on Affordable Housing within Supplementary Planning Guidance: Affordable Housing, restricts the floor surface area for three-bedroom affordable houses to 93m². The proposed dwelling is larger than this, and therefore does not conform to the requirements, as the dwelling could not meet affordable housing needs if its use as an agricultural house came to an end. No information has been submitted about the applicant's needs for a larger property, since it appears that the applicant's children have already left home.
- 5.28 Therefore, it is considered that the size of the property does not conform to the requirements of Technical Advice Note 6, the LDP or the Supplementary Planning Guidance: Affordable Housing.

Visual amenities

- 5.29 Policy PCYFF 3 states that proposals will be approved, including extensions and changes to existing buildings and structures, if they comply with a number of criteria including that the proposal adds to or improves the character or appearance of the site, the building or the area in terms of setting, appearance, scale, mass, the height and elevation treatment; that it respects the context of the site and its place in the local landscape; that it uses materials that are appropriate to their surroundings and incorporates soft landscaping; that it improves a safe and integrated transport and communications network; that it limits the risk and danger of flood water run-off and prevents pollution; that it achieves an inclusive design that allows access for all and helps to create healthy and vibrant environments taking into account the health and well-being of future users.
- 5.30 The site is located on a higher, open and prominent plot to the north-east of buildings and the farmhouse, where the remains of a building are currently located. The building remains has already deteriorated to the degree that it forms a natural part of the landscape. The proposal

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would create a new development in a field beyond the farm buildings and established developed area of the farm. Although there is no objection to the design of the house, concern must be expressed about the elevated and prominent location in the landscape. It is considered that the impact on the landscape would be negative as the existing farm buildings would not mitigate the impact. In those circumstances, it is not considered that the proposal would meet the objectives of Policy PCYFF 2, PCYFF 3 and PCYFF 4 of the LDP.

General and residential amenities

- 5.31 The application was advertised at the site and nearby residents were notified. No response had been received. The applicant states that the owners and occupiers of the nearby property known as Uwchlaw'r Rhos are aware of the application. The proposed site is located approximately 90 metres to the north-east of that property and it is unlikely that the proposal would have a negative impact on it. Also note that the Uwchlaw'r Rhos house is located in the midst of the farmyard and buildings. It is not considered that the proposal would have a substantial negative impact on the occupier of that property. It is not considered that the proposal is contrary to the objectives of Policy PCYFF 2 of the LDP.

Transport and access matters

- 5.32 The application site is located along a private road which also has restricted byway status, with access gained off the old road between Inigo Jones and Groeslon. The house is located to the north-east of the farm building and the proposal would use the existing track. The Transportation Unit was consulted and observations were received noting that there was no objection to the proposal. In those circumstances, it is felt that the proposal is not contrary to policy TRA 2 and TRA 4 of the LDP.

Biodiversity matters

- 5.33 The proposal involves constructing a house on a site where the remains of a building are currently located. A consultation was undertaken with the Biodiversity Unit and comments were received, which recommended imposing a condition to enhance Biodiversity on any permission - it was suggested that a bat box and swallow box should be installed on the new building. Also, the applicant would need to adhere to and follow the guidelines of Pollution Prevention 5 "Works and maintenance work in or near water". Therefore, it is considered that the proposal is acceptable in terms of the requirements of relevant policies, i.e. AMG 5 and PS 19

Archaeological Matters

- 5.34 Although no response was received to the current application, the Archaeological Service confirmed that there was historical value to the building remains to be demolished and it was recommended to impose a condition on any consent, requiring photographs to be taken as a record of the remains. In doing so, it is believed that the proposal can be acceptable on the grounds of the relevant policies, i.e. AT 1 and PS 20.

6. Conclusions:

Based on the above assessment, it is considered that this proposal does not conform to the specific criteria for erecting a house in open countryside within the criteria contained within Technical Advice Note 6: Planning for Sustainable Rural Communities for constructing agricultural dwellings. It is considered that the proposal does not conform to the principles or the

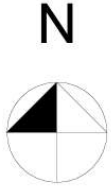
PLANNING COMMITTEE	DATE: 22/05/2023
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spirit of the above policies; and that the proposal would be an intrusive characteristic within the landscape located in open countryside.

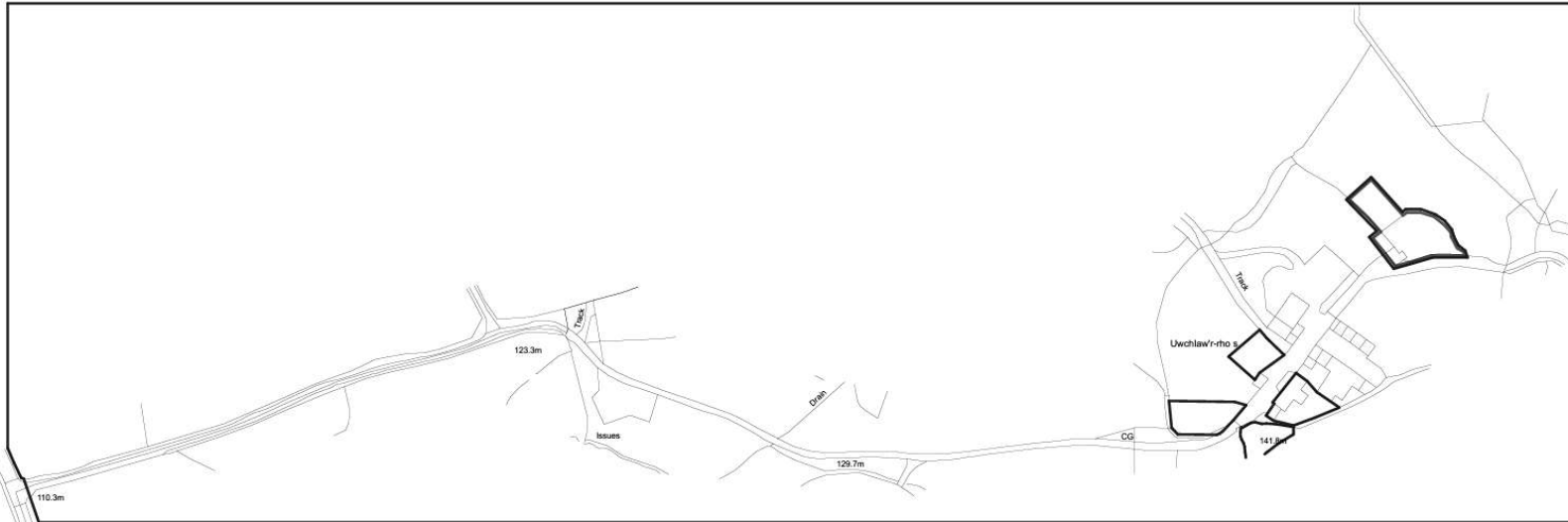
7. Recommendation:

7.1 To refuse for the following reasons:

1. The Local Planning Authority has not been convinced that the applicant has a real functional need for an agricultural dwelling on the site that is the subject of the application; that the site mentioned is suitable, and that no other property can meet the need mentioned, and it is not considered that there is sufficient evidence to prove with certainty the viability of the farming enterprise in the future; it is also not considered that the size of the agricultural house reflects the size of the enterprise (affordable). It is therefore considered that the proposal is contrary to policies PCYFF1 and PCYFF3 of the Anglesey and Gwynedd Joint Local Development Plan 2011-2026, Supplementary Planning Guidance: Building Rural Houses in the Countryside, and Technical Advice Note 6: Planning for Sustainable Rural Communities.
2. The site occupies an elevated, open and prominent location in the landscape above farm buildings where building a house on the site would have a substantial negative impact on the area's visual amenities, contrary to the objectives of Policy PCYFF 2, PCYFF 3 and PCYFF 4 of the Gwynedd and Anglesey Joint Local Development Plan 2011 - 2026



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The Studio - Ty Larch Llangoed Beaumaris Anglesey
 t: 07467376056 e: philjones.01@hotmail.com w: www.brio-design.co.uk

Proposed New Agricultural Dwelling
Uwchlaw Rhos Farm
Groeslon, Gwynedd

Site Location

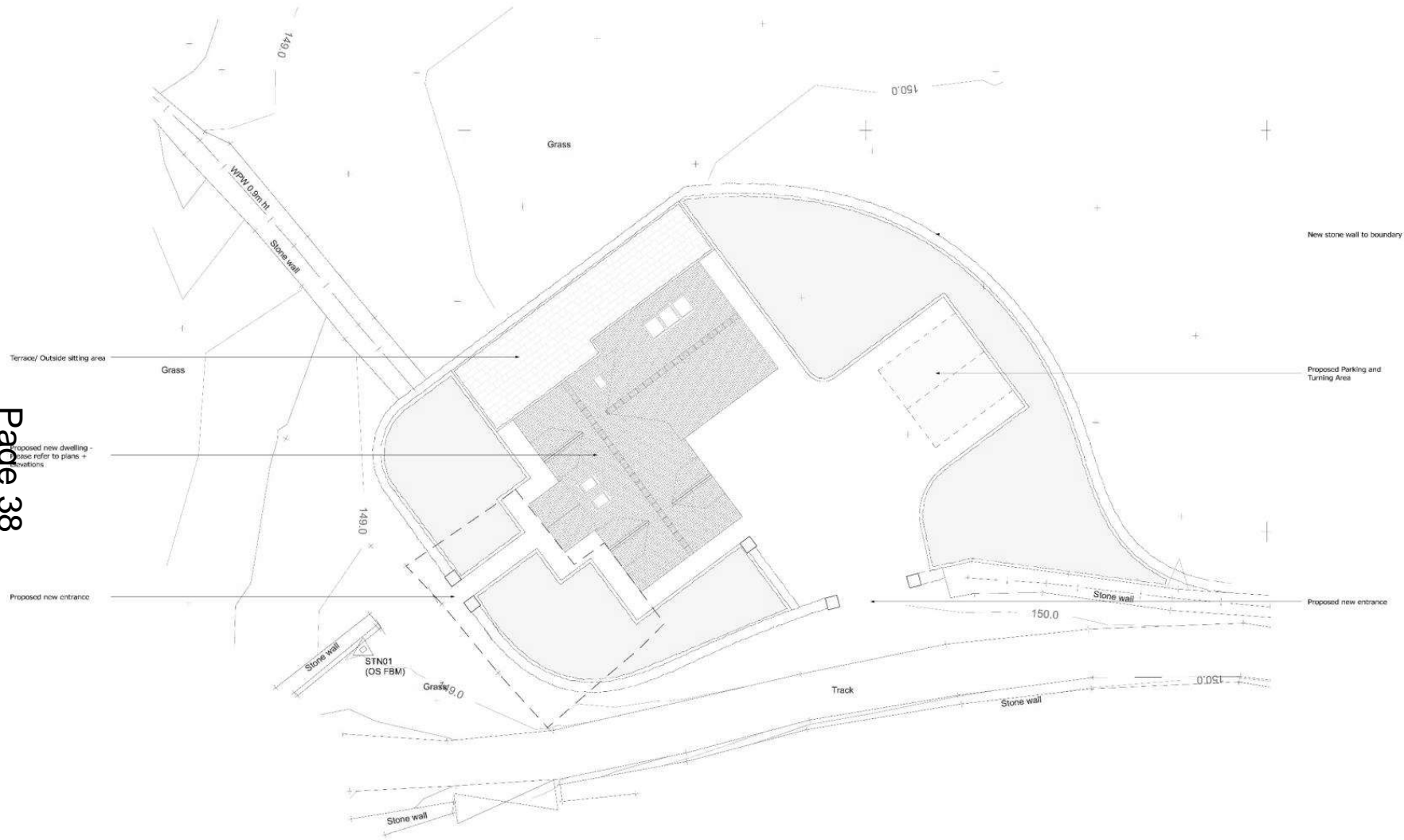
Mr + Mrs Jones

project	drawing status	date	
PN238	Preliminary	21/05/2021	
originator	scale @ A3	number	rev
PJ	1:2500	A.SITE	

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1:2500

Site Location



1:100

Proposed Site Layout

1

Proposed New Dwelling, Uwchlaur-Rhos Farm, Penygroes, Gwynedd- Proposed Site Layout

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BRIO design + architecture

10a Ffynon - 14 Llanrhondda - Aberystwyth - Ceredigion
T: 01432724669 - P: 01432724669 - W: www.brrio-design.co.uk

Proposed New Agricultural Dwelling
Uwchlaur Rhos Farm
Groeslon, Gwynedd

Proposed Site Layout

Mr - Irita Jones	drawing status	scale
project	Preliminary	20/12/2020
PN228	scale @ A1	number
originator	1:100	rev
PJ		A.02.03

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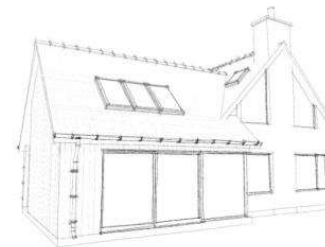
Cynllunio
Derbyn 20.02.23



1:50

Building Section BB

1



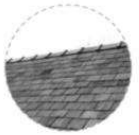
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Building Section AA

2

Materials + Finishes

Roof:
Slate to match existing



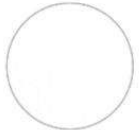
Roof lights:
White roof lights



Rainwater Goods:
Lindal Galvanneal Steel



Walls:
Self coloured smooth render



Walls:
Western Red Cedar (Natural)
(allowed to weather grey)



Windows + Doors:
Axi Clad timber



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10a Ffordd y Llan, Llangadwaladr, Bangor, Anglesey
+ 0746729469 #pjbriodesign #briodesign www.briodesign.co.uk

Proposed New Agricultural Dwelling
Uwchlaw Rhos Farm
Groeslon, Gwynedd

Sections + Sketches

Mr + Mrs Jones	drawing status	date
PN238	Preliminary	17/09/2021
original:	17.09.21	17.09.21
PJ	19.07.21	19.08.21

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Cynllunio

Derbyn 20.02.23



1:100 Front Elevation



E-01 1:100 Side Elevation



E-02 1:100 Rear Elevation



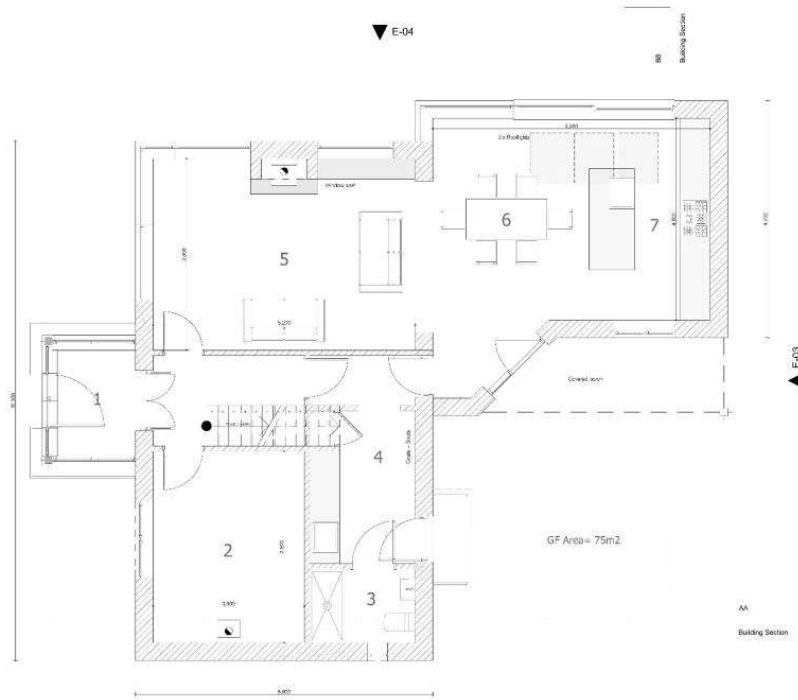
E-03 1:100 Side Elevation



1FR Schwegler Bat Tube



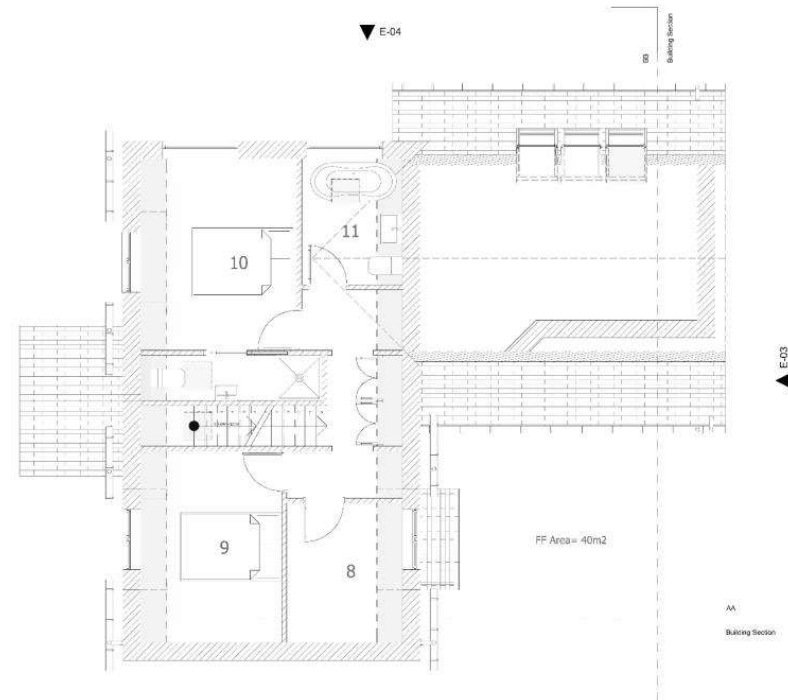
Vivara Pro Woodstone House Sparrow Nest Bo



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1:50

GF-Ground Floor



1 1:50

01-First Floor

Room Schedule

Ground Floor

- 0- Corridor
- 1- Porch
- 2- Farm Office
- 3- WC
- 4- Utility
- 5- Sitting Room
- 6- Dining Area
- 7- Kitchen

First Floor

- 8- Bedroom
- 9- Bedroom
- 10- Bedroom
- 11- Bathroom

A: Bat - Bat Box add-on to be installed in room 11. 20.7.21

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10a Ffordd y Llan, Llangynidr, Brecknock, Argyshire
 T: 01472724669 E: info@brio-design.co.uk W: www.brrio-design.co.uk

Proposed New Agricultural Dwelling
Uwchlwr Rhos Farm
Groeslon, Gwynedd

Proposed Plans + Elevations

MR	MR Jones	Project	Uwchlwr Rhos Farm	Scale	20/07/2021
PN238	1:500	1:500	1:500	1:500	1:500
original	1:500	1:500	1:500	1:500	1:500
PJ	1:500	1:500	1:500	1:500	1:500

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PLANNING COMMITTEE	DATE: 19/06/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 2

Application Number: C17/0846/18/LL

Date Registered: 18/07/2019

Application Type: Full

Community: Llanddeiniolen

Ward: Penisarwaun

Proposal: Residential development of four affordable dwellings together with associated accesses and parking (amended scheme to that originally submitted)

Location: Land at Bro Rhiwen, Rhiwlas, LL57 4EL

Summary of the Recommendation: To refuse

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1. Description:

- 1.1 This is an amended application to erect four affordable homes for local need on a site on the northern outskirts of the village of Rhiwlas. It is noted that this application is an amendment of the application that was submitted to the Planning Committee in February 2018 for five affordable homes when it was deferred on the following grounds: (i) to ask the developer for evidence of real need for three-bedroom social housing in the village of Rhiwlas; (ii) to receive confirmation whether or not a registered housing association was interested in the units as well as (iii) information about waiting lists for social housing in the area. These requirements are discussed below in the assessment.
- 1.2 This amended application can be split into different elements which include-
- Erecting 2 two-storey, two-bedroom houses (85m²) and erecting 2 two-storey, three-bedroom houses (100m²) in the form of a terrace.
 - Providing separate accesses for each house along with private driveways for off-road parking.
 - Providing domestic sheds/storage as well as a laundry drying area at the rear of the houses.
 - Culverting approximately 26m of the ditch that runs through the eastern corner of the site.
- 1.3 The four houses will be two-storey in height and will consist of natural slate roofs, white render with grey coloured banding around some of the windows, openings of grey coloured UPV-c with grey coloured UPV-c rain goods. The combination of these materials reflects the construction materials surrounding the site.
- 1.4 The houses will provide a living room, a bathroom, kitchen/dining room on the ground floor with two/three bedrooms and a bathroom to the first floor. They would comply with Welsh Government requirements in relation to providing sustainable housing and the three-bedroom houses would measure 6m wide, 10.6m deep and 8m high and the two-bedroom houses would measure 5.5m wide, 8.5m deep and 7.5m high. Their design and provision of facilities would also meet the Welsh Development Quality Requirements for affordable housing.
- 1.5 The site is located in a level hollow in the landscape opposite and parallel to well established residential dwellings to the south, east and west; and agricultural land/marshland pasture and an open ditch, as well as the Carreg y Gath Wildlife Site, are located to the north and to the rear of the site itself. The site is located outside the development boundary as contained in the Gwynedd and Anglesey Joint Local Development Plan, 2017 (LDP) but it directly abuts the boundary and could therefore be considered an exemption site. This latest plan includes an open green space on the eastern part of the site (and where the culvert runs) as it no longer includes the fifth two-bedroom house.
- 1.6 The site is served off an unclassified county highway with the class III county road leading to the south before reaching the site of this application. There is a footpath parallel to the application site and the site's boundary wall runs directly opposite the unclassified county road carriageway.
- 1.7 As part of the amended application, the following information was submitted: -
- Linguistic and Community Assessment (updated)
 - Design and Access Statement (amended)
 - Extended Phase 2 Habitat Survey (updated)
 - Affordable Housing Statement (amended)

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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 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching 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.

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

ISA 1 - infrastructure provision

PS 1 - the Welsh Language and culture

TRA 2 - parking standards

TRA 4 - managing transport impacts

PS 5 - sustainable development

PS 19 - protecting and where appropriate enhancing heritage assets

PCYFF 1 - development boundaries

PCYFF 2 - development criteria

PCYFF 3 - design and place shaping

PCYFF 4 - design and landscaping

AMG 5 - local biodiversity conservation

TAI 8 - an appropriate mix of housing

TAI 15 - threshold of affordable housing and their distribution

TAI 16 - exception sites

Supplementary Planning Guidance (SPG): Maintaining and Creating Distinctive and Sustainable Communities.

SPG: Planning Obligations.

SPG: Affordable Housing.

SPG: Housing Developments and Educational Provision.

SPG: Housing Mix.

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 20: Planning and the Welsh Language.

3. Relevant Planning History:

- 3.1 Application no. C17/0098/18/LL - application to construct nine affordable homes, creation of vehicular access, estate road, parking spaces and provision of play area was withdrawn by the applicant in 2017 on grounds of concerns regarding housing policy, numbers, biodiversity and transport.

4. Consultations:

Community/Town Council: Continue to object on grounds of over development, increase in traffic, sewerage problems and protected plants and animals.

Transportation Unit: No objection subject to including relevant conditions.

Natural Resources Wales: No objection.

Welsh Water: Condition regarding the disposal of surface water from the site.

Public Protection Unit: No response.

Water and Environment Unit: An Ordinary Watercourse Consent will be required for any work that could affect the flow of the water course. Given the size of the site and the number of houses, there will be a need to comply with Sustainable Drainage Systems requirements (*SuDS*) and this can be done by submitting an application to the Water and Environment Unit directly as the SDS Approving Body.

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Gwynedd Archaeological
Planning Service:

Confirm that the site could contain archaeological remains and to this end there will be a need to include a planning condition in any planning permission that states the need to submit and archaeological work programme before any building work commences on site.

Housing and Property Unit:

The latest relevant observations of the Housing and Property Project Manager:

- Tai Teg's current figures for intermediate units in Rhiwlas show that two people are in need of a three-bedroom house to purchase, while 1 person needs a four-bedroom house to rent and 1 person needs a four-bedroom house to purchase. There is no need for a two-bedroom house in Rhiwlas.
- It appears that the need for intermediate housing in Rhiwlas has reduced but the need for social housing has substantially increased since 2019 with 38% in need of a two-bedroom house and 24% in need of a three-bedroom house. However, it must be noted that these are figures for the Penisarwaun Ward in general and not for the village of Rhiwlas directly and, therefore, it is difficult to confirm who would have noted their willingness to move to / live in Rhiwlas should the opportunity arise.
- It is noted from the application form that social housing is proposed, and that the need is supported by a report from the Rural Housing Facilitator (RHF). There is no reference to a Housing Association or the RHF's report either. It is emphasised that it must be ensured that any social unit meets the relevant development guidelines of the Welsh Government and if no housing association is linked to the development, a question is raised in terms of how they will be let.
- It is not very clear whether the developer intends to develop intermediate units or social units.
- In terms of intermediate units, it is agreed that the need does not exist within the village, but the RHF's report may contradict this if they have canvassed a wider area.
- In terms of social data, the above-mentioned is data for the Penisarwaun ward.
- In terms of an affordable price for an intermediate dwelling in the Penisarwaun area (which includes Rhiwlas), the Strategic Housing Unit and the Planning Policy Unit note that the price should be between £122,795 and £127,000. In his Affordable Housing Statement, the applicant cites an

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affordable price of £185,000.

Tai Teg: No response.

Biodiversity Unit: This site is a peat-filled marsh and peat is important to store carbon and is linked with the Carreg y Gath Wildlife Site.

Therefore, the proposal would involve the loss of a habitat that is contrary to the Council's carbon and climate change policies - object to the development.

Language Unit:

- Following the original observations on the application, the Language Statement has been updated by the developer and they have included information that responds to concerns relating to inconsistencies within the original Statement.
- The developer has also proposed positive steps to try to get additional benefit to the language, including a commitment to market locally through the medium of Welsh.
- The amended statement shows good consideration of the possibilities for change as a result of immigration and in terms of keeping people in their communities. The statistical analysis is also very detailed. A reduction was seen in the number of Welsh speakers in the ward by -29 individuals between the 2001 and 2011 census, which led to a reduction of -4% in the percentage of Welsh speakers. This was against an increase of 47 in the population number in general. Considering that the population estimate for 2018 (Office for National Statistics) shows a small reduction in the Penisarwaun ward, providing the number of units proposed in this application could lead to stabilising the population number and number of Welsh speakers in the area.
- Therefore, if the demand has been proven locally for these types of dwellings, we agree with the analysis of a positive impact on the language when proposing units that would appeal to families and enable the number of population and Welsh speakers within the ward to be maintained.

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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:

- The site is located outside the development boundary - need to keep new developments within the boundaries to safeguard the welfare and character of local villages.
- Permitting the proposal would set a dangerous precedent for other applications in future that would equate to the over development of similar sites.
- The proposal would mean losing green space.
- Disturbance during hours of work on the site.
- Lack of valid evidence of local need.
- Impact on the Welsh language.
- Weakness of any conditions relating to affordable homes - there is no recognised definition of what is affordable.
- The proposal would have a detrimental impact on the village infrastructure such as land drainage and the sewerage system.
- There is more need for single-storey houses/bungalows in the community rather than three-bedroom houses as 50% of the three-bedroom social housing stock in Rhiwlas is *under occupied* but the residents are not willing to be re-homed as no single-storey houses/bungalows are available within the village.

As well as the objections noted above, objections were received which were not valid planning objections. These included:

- Loss of views towards Anglesey.
- The proposal is a means of making money.
- Affordable houses do not sell in the village.

5. Assessment of the material planning considerations:

The principle of the development

5.1 Policy PCYFF1 states that outside development boundaries proposals will be refused unless they are in accordance with specific policies in the LDP or national planning policies or that the proposal demonstrates that its location in the countryside is essential. The explanation accompanying this policy states that the development boundaries prohibit inappropriate developments from being located in the countryside and promote the efficient and appropriate use of land and buildings. However, in this particular case, it is considered that the proposed

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development is supported by other policies in the LDP together with national policies and advice regarding the provision of affordable housing on exception sites which are directly adjacent to development boundaries and which form a logical extension to the settlement.

- 5.2 The principle of constructing affordable houses on this particular site is based on Policy TAI 16 of the LDP (exception sites). The Policy states that a development immediately adjacent to development boundaries must be for 100% affordable housing if it can be shown that a local need has been proven for affordable housing that cannot be addressed within a reasonable timescale on a market site within the development boundary which includes a requirement for affordable housing. As an exception, proposals for housing schemes that are 100% affordable on sites that are directly adjacent to a development boundary and which form a reasonable extension to the village boundary will be approved. Proposals must be for small developments which are commensurate to the size of the settlement, unless it can be shown clearly that there is a clear need for a larger site.
- 5.3 The LDP explains how a village such as Rhiwlas can contribute towards the Plan's 25% growth level expected within the Villages and Clusters Tier compared to the indicative supply which includes a 10% slippage allowance. The indicative supply level for Rhiwlas over the lifetime of the Plan is nine units and in the period between 2011 and 2020 a total of two units have been completed within the village and in April, 2020 the figure for the land bank within the village was one unit. Given the above information, it is believed in this particular context that approving the application on this site will be supported against the indicative supply level.
- 5.4 Policy TAI 8 (appropriate housing mix) states that all new residential developments should contribute to improving the balance of housing and meet the identified needs of the whole community. Policy TAI 16 (exemption sites) states that all units must be affordable and meet a local need provided that this need cannot be met within a reasonable timetable on a market site inside the development boundary, which includes a requirement for affordable housing as well as consideration to houses that are currently available/for sale within the development boundary that are of a type and at a price that may satisfy the recognised need in terms of the provision within the boundary. No such information was submitted with this application.
- 5.5 In the context of the objectives of the above policies, the planning application for five houses was deferred by the Planning Committee back in 2018 on the following grounds:
- (i) To ask the developer for evidence of real need for three-bedroom social housing in the village of Rhiwlas;
 - (ii) To receive confirmation whether a registered housing association was interested in the units or not as well as
 - (iii) Information about waiting lists for social housing in the area.

In the meantime, it is noted that the applicant has reduced the numbers from five to four houses.

- 5.6 In relation to the first requirement, it is considered that the applicant has not submitted robust or firm evidence that confirms that the need exists for three-bedroom social housing in Rhiwlas although a Planning Statement and Affordable Housing Statement were submitted to support the application. The Affordable Housing Statement refers to the need for social housing in the village based on figures in the Council's Housing Options register, which indicated that 38% need a two-bedroom house and 24% need a three-bedroom house out of a total of 98 people.

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- 5.7 However, consideration must be given to the following matters that relate to submitting evidence of the need for social affordable housing specifically in Rhiwlas: -
- (i) That these are figures for the Penisarwaun Ward in general and not specifically for Rhiwlas, noting that it would be difficult to identify who would have shown their willingness to move to/live in Rhiwlas should the opportunity arise, and
 - (ii) The Local Member has already noted that there is more need for social single-storey houses/bungalows for the elderly in the community rather than three-bedroom houses as 50% of the three-bedroom social housing stock in Rhiwlas is *under occupied* but the residents are not willing to be re-homed as no single-storey houses/bungalows are available within the village. To this end, therefore, it is considered that the need for social affordable housing in Rhiwlas has not been indisputably proven.
- 5.8 In relation to the second requirement, it is noted that social housing is administrated and operated by registered social landlords such as Adra, North Wales Housing and Grŵp Cynefin; however, in this particular case, no interest has been shown by any local registered social landlord (despite the applicant's efforts to contact them) and this situation has been confirmed by the Housing and Property Unit as they noted that locally-operating housing associations have examined this site in recent years and nothing has arisen from those discussions. To this end, therefore, it is confirmed that local registered social landlords have no interest in the development that is the subject of this application, even though the houses have been designed in accordance with Welsh Design Standards.
- 5.9 In relation to the third requirement, the latest figures in the Council's Housing Options register have already been noted, which state that 38% need a two-bedroom house and 24% need a three-bedroom house, but these figures refer to the Penisarwaun Ward in general and not directly to the village of Rhiwlas. In addition to this, in previous correspondence with the Housing and Property Unit, the risk was highlighted by the Housing Options Register Manager of basing any development 100% on figures that may change on a weekly basis and the advice provided is that the development of social affordable housing should be based on 50% - 70% of the figures in order to consider the applications, although they had selected Rhiwlas, that would possibly refuse the offer to reside/live within the village.
- 5.10 In addition to the above concerns, the Housing and Property Unit has noted that it is not completely clear in terms of the content of the Affordable Housing Statement whether social affordable housing or intermediate affordable housing is being proposed here. It is noted from the Statement that the housing is "affordable units to sell for a low ownership price" and that they are "for a local recognised need". It is considered that the information included within this document is general information that states that the need for affordable housing in Rhiwlas is supported by a report from Rural Housing Facilitators (RHF). There is no reference to a Housing Association or the RHF's report either within the Statement. Although a report has been submitted with this application for five houses from the RHF, a concern was noted by the Housing and Property Unit about the accuracy and quality of the information submitted at the time.
- 5.11 In terms of the affordability of the houses, the Housing Statement submitted to support the application notes that the applicant intends to sell the houses for a low ownership price and there is confirmation within the statement that the affordable price set for the houses would be £185,000. However, following a consultation with the Planning Policy Unit and the Housing and

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Property Unit on this element of the application, it is confirmed, in accordance with advice included in the SPG: Affordable Housing, that a realistic estimated affordable price for the development would be between £122,795.00 and £127,000. The figures estimated by the applicant show that the houses would not be affordable for local people and therefore, to this end, it is considered that the proposal is contrary to the requirements of Policy TAI 15 of the LDP along with the advice contained in the relevant SPG.

- 5.12 In relation to providing intermediate affordable housing in Rhiwlas, Tai Teg figures show that there is no need for two-bedroom houses and there are only two on the register for three-bedroom houses (to buy) and in response to the statutory consultation process, it was confirmed by the Housing and Property Unit that no need exists within the village for intermediate affordable housing based on a lack of evidence that has been submitted with the application, which undoubtedly confirms the need for this type of housing specifically for Rhiwlas.
- 5.13 Given the above assessment, the Local Planning Authority has not been undoubtedly convinced that the applicant has justified the provision of 4 affordable residential units on an exemption site in Rhiwlas and, therefore, it is not believed that the proposal satisfies the needs of the local community which is a requirement under Policies TAI 8, TAI 15 and TAI 16 of the LDP as well as the advice included within the SPG: Affordable Housing and Technical Advice Note 2: Planning and Affordable Housing.
- 5.14 Although it is believed that the application would be acceptable based on capacity and location, it is not considered that firm evidence has been submitted by the applicant to undoubtedly confirm that the need for the type of affordable housing that is proposed here has been proven for the village of Rhiwlas and, therefore, to this end, it is considered that the current proposal is not acceptable in principle.

Visual amenities

- 5.15 The site lies on the northern outskirts of the village of Rhiwlas on a plot of level hollow land in the local landscape. Agricultural land lies to the north together with residential dwellings to the east, south and west. The nearby houses are of various design, layout and size with various external materials. The layout of the proposed development intentionally follows the ribbon pattern of this part of the village and though the houses will appear contemporary, the external materials reflect the external materials of similar houses nearby. The size, form and density of the proposed housing reflect the nature and form of the built residential area in the application area. Given the above, it is believed that the proposal will not create a development which will impact the local townscape and to this end, therefore, it is believed that it is acceptable on the basis of the requirements of Policies PCYFF 2, PCYFF 3, PCYFF 4 and TAI 16 of the LDP.

General and residential amenities

- 5.16 Established dwellings are located parallel with and adjacent to the application site. The proposed houses will face those houses which are parallel with the county road (Caeau Gleision) with a void between them varying from 19m up to 20m. The gable-end of the nearest house, which is located to the west of the site (number 35 Bro Rhiwen), is located 27m away from the gable of the first dwelling with a garden and vegetation located between them. Considering the distance and the void between the front elevations of the proposed houses and the front of the existing dwellings, it is not considered that any substantial or significant overlooking would be created as a result of approving this application. An objection was received on the grounds that the construction work would cause disturbance that would affect the amenities of local residents.

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However, although it is acknowledged that an element of disturbance will derive from the development during the construction work, it must be considered that this inconvenience will only be for a temporary period. To this end, therefore, it is believed that the proposal is acceptable based on the requirements of Policy PCYFF 2 of the LDP.

Transport and access matters

- 5.17 The proposal involves creating accesses off the unclassified county road nearby in order to serve the four houses together with creating private drives for parking. This arrangement is acceptable to the Transportation Unit subject to imposing relevant conditions. It is also considered that the development is accessible to alternative modes of transport to using a private car based on its location adjacent to the development boundary. It is, therefore, believed that the proposal is acceptable based on the requirements of Policies TRA 2, TRA 4 and PS 5 of the LDP.

Biodiversity matters

- 5.18 The landscape to the rear and to the north of the site is known as Porfa Rhos and is included on List 7 of the Environment (Wales) Act 2016. A Phase 2 Extended Habitat Survey was submitted with the application which includes the application site itself together with land which is directly to the north of it including the open ditch, the wet pasture and the Carreg y Gath Wildlife Site. The Survey refers to several ecological features of the site and the surrounding land especially the wetland and the small coppice to the north, which are beyond the boundaries of the application site. It is stated that the location of the proposed houses is set close to the county road where they avoid the fertile marshland species. Nevertheless, the latest response of the Biodiversity Unit is an objection based on the loss of a peat habitat which is important to store carbon. However, considering the contents of the latest Habitat Survey and the fact that the majority of the application site is horse pasture and that a sensitive ecological area lies beyond the northern peripheries of the application site, it is considered that the proposal would be acceptable, subject to including appropriate conditions relating to protecting local biodiversity. Reference must also be made to the fact that the Unit had no objection to the application originally, subject to including a relevant condition, which ensured that the developer compensated part of the wet habitat by undertaking a landscaping plan. It is therefore believed that the proposal is acceptable on the grounds of the requirements of Policies AMG 5 and PS 19 of the LDP.

Archaeological Matters

- 5.19 Observations were received from the Gwynedd Archaeological Planning Service stating that the site could contain archaeological remains and to this end there will be a need to include a planning condition with any planning permission stating the need to submit an archaeological work programme before any building work commences on site. The proposal is, therefore, acceptable based on the requirements of Policy PS 20 of the LDP.

Educational matters

- 5.20 The Education Department Information Officer has confirmed that there is adequate capacity at the local primary school to accommodate two pupils that could derive from this development and therefore, it is not anticipated that an educational contribution will be required in this case. It is believed that the proposal is acceptable based on the requirements of Policy ISA1 of the LDP.

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Linguistic matters

- 5.21 As this application is now for four units, criterion (1c) of Policy PS1 is irrelevant in terms of submitting a Welsh Language Statement. This criterion is only relevant to 5 or more units. In accordance with Diagram 10 of SPG 'Maintaining and Creating Distinctive and Sustainable Communities' when a statement is not required, applicants are encouraged to present a record of how consideration was given to the Welsh language when drawing up the planning application. The method of recording the information needs to be tailored to the nature of the proposed development and the matters that require attention. The methods could include a letter accompanying the planning application, a Planning Statement, a Design and Access Statement or a Welsh Language Statement or a Report on the Welsh Language Impact Assessment.
- 5.22 In this case, the applicant has updated the Linguistic and Community Assessment that was submitted to support the application originally and the Language Unit has responded by stating that if the demand has been proven locally for these types of dwellings, it agrees with the analysis of a positive impact on the language when proposing units that would appeal to families and enable the number of population and Welsh speakers within the ward to be maintained.
- 5.23 Given the response of the Language Unit to the proposal, i.e. that the need for affordable housing in Rhiwlas has been proven as well as the concerns of the Local Planning Authority relating to the applicant's ability to prove this need, it, therefore, cannot be confirmed that the proposal, if granted, would protect and/or promote the language within the village. It is believed, therefore, that in terms of the impact of the proposal on the Welsh language that it cannot be confirmed that the proposal complies with the requirements of Policy PS 1 of the LDP and SPG:

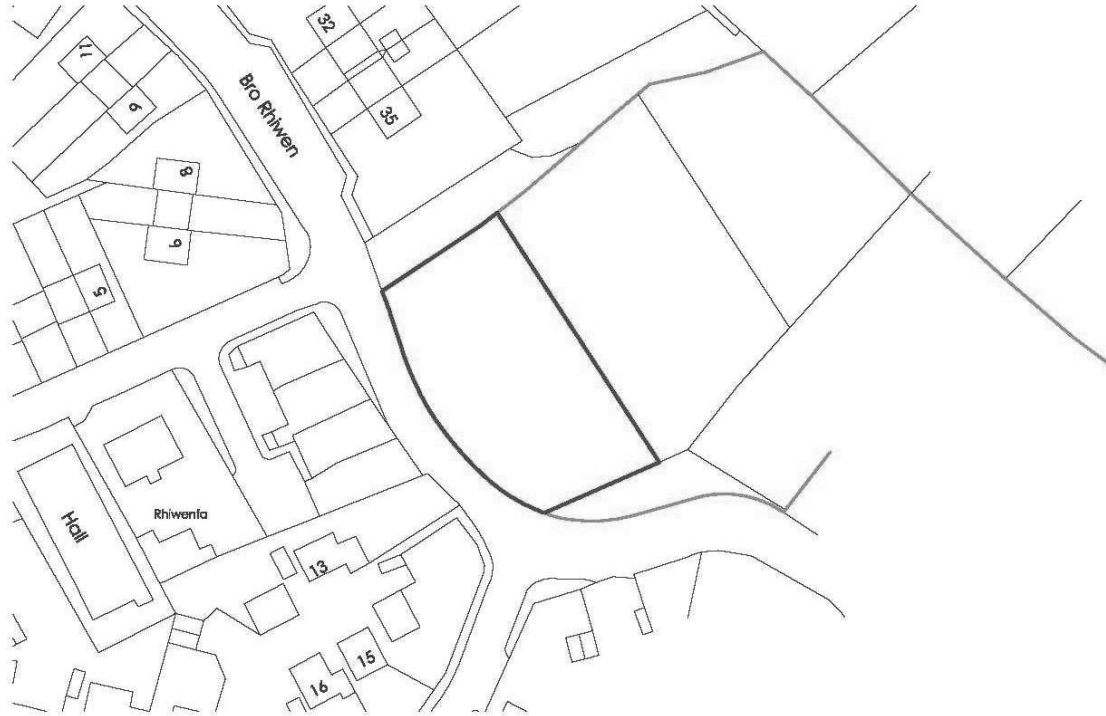
Maintaining and Creating Distinctive and Sustainable Communities.

6. Conclusions:

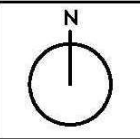
- 6.1 Having considered the above assessment and all the relevant matters including the local and national policies and guidance, as well as all the observations and objections received about the application, it is deemed that this proposal is not acceptable and, therefore, does not satisfy the requirements of the relevant policies as noted above.
7. **Recommendation:** To delegate the right for the Assistant Head of Environment Department to refuse the application on the grounds of the following reasons: -
1. The proposal is contrary to the requirements of Policy PCYFF 2 (development criteria) of the Anglesey and Gwynedd Joint Local Development Plan 2017 as it does not comply with all relevant policies within the Plan that relate to proposals to develop affordable housing.
 2. The proposal is contrary to the requirements of Policy TAI 8 (appropriate housing mix), Policy TAI 15 (affordable housing threshold and distribution), Policy TAI 16 (exemption sites) along with the advice contained in the Supplementary Planning Guidance: Affordable Housing and Technical Advice Note 2: Planning and Affordable Housing as no firm evidence has been received from the applicant which undoubtedly confirms that the need for affordable housing on an exemption site in Rhiwlas has been proven and that the price of the houses themselves is affordable for local people.
 3. The proposal is contrary to the requirements of Policy PS 1 (the Welsh language and culture) along with the advice contained in the Supplementary Planning Guidance: Maintaining and Creating Distinctive and Sustainable Communities as no firm evidence has been received which

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confirms that the development meets the needs of the local community that would protect and/or promote the Welsh language in Rhiwlas.



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PROPOSED RESIDENTIAL DEVELOPMENT, BRO RHIWEN, RHIWLAS

P&S HENNESSEY BUILDERS

LOCATION PLAN

DRAWING NUMBER
D-1234-08/16-PL00

SCALE
1:1250 @A4

DRAWN
RP

DATE
14.12.2016



matthewjonesarchitects

CONWY 01492 583036
DENBIGH 01745 817169
e: admin@matthewjonesarchitects.com
web: www.matthewjonesarchitects.com

CYNLLUN DIWYGIEDIG
REVISED PLAN
 Rhwiwen
 Derbyniwyd/Received 17.12.17
 Llofnod/signature Jd.



(A) = AREA OF WATER COURSE TO BE CULVERTED

(B) RED LINE ON DRAWING WILL BE THE PERMANENT FENCE AT COMPLETION

(C) THE RED DOTTED LINE WILL BE THE TEMPORARY FENCE DURING CONSTRUCTION

SITE PLAN KEY

- 100M² DWELLING (3 BED) TOTAL NO: 7
- LOCKABLE STORE AND EXTERIOR DRYING AREA
- 3M² PAVED AREA

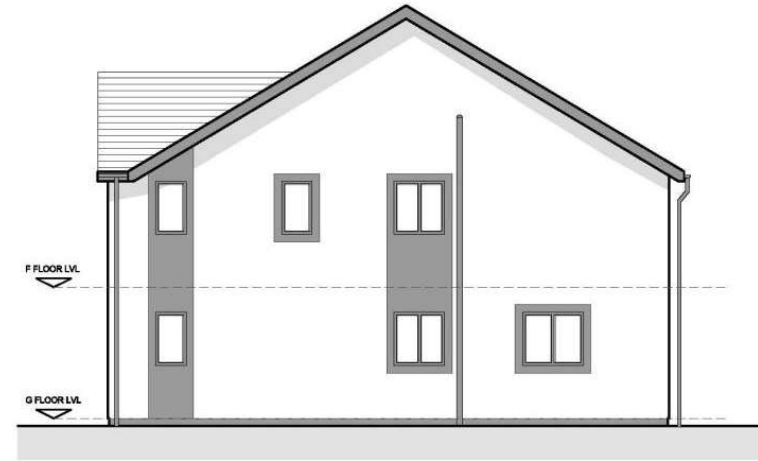
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1. THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ARCHITECT AND FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ARCHITECT BY THE CLIENT'S SUPPLIERS. THE ARCHITECT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ARCHITECT BY THE CLIENT'S SUPPLIERS.

PROPOSED RESIDENTIAL DEVELOPMENT: BIRCH BIRKEN, RHWIWEN		PLANNING NUMBER	DATE	SCALE	DATE
P&S HENNESSY BUILDERS		D-1234 (6/1) 5-PL01	1:250 (A3)	RP	22.07.2017
PROPOSED SITE PLAN		DRAWN BY		CHECKED BY	
mathew jones and tectas		D-1234 (6/1) 5-PL01		D-1234 (6/1) 5-PL01	



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION 01



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION 02

MATERIAL FINISHES
WALLS
 WHITE THRU RENDER
 WARM GREY WINDOW FEATURE BANDS
WINDOWS
 GREY POWDERCOATED ALUMINIUM
 WINDOWS
DOORS
 GREY POWDERCOATED ALUMINIUM
 DOORS
ROOF
 SLATE ROOF
RW GOODS
 GREY POWDERCOATED ALUMINIUM

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PROPOSED RESIDENTIAL DEVELOPMENT, BRO RHIWEN, RHIWLAS

P&S HENNESSEY BUILDERS

PROPOSED ELEVATIONS PLOTS 1,2,3 & 4

DRAWING NUMBER

D-1234-08/16-PL04

SCALE

1:100 @A3

DRAWN

RP

DATE

27.07.2017



matthewjonesarchitects

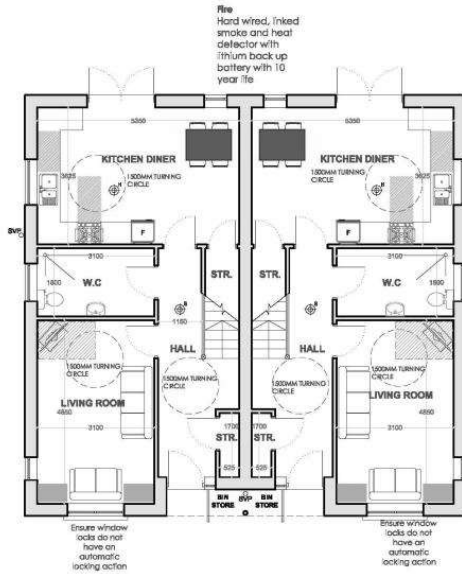
CONWY 01492 583036
 DENBIGH 01745 817169
 e: admin@matthewjonesarchitects.com
 web: www.matthewjonesarchitects.com

Dining areas
 • a dining table and chairs to seat the maximum number of occupants.

Kitchen
 The risk of accident can be reduced in a well organised working area with adequate work surfaces for resting pans and food preparation and adequate space for appliances. All kitchens should provide:
 • space of at least 600mm wide for a cooker and a refrigerator, in most cases a 600mm wide space will also be required for a washing machine (see also under washing and drying clothes). The cooker space should be safely positioned in relation to doors, windows, wall units, electric sockets, etc.;
 • enough clear space in front of the cooker and other units and appliances to operate safely (1200mm in front of the cooker, otherwise 1000mm);
 • an adequate work surface for safe and convenient food preparation (500mm deep, 600mm along the front edge if straight, 1000mm if 'L' shaped);
 • adequate and convenient storage cupboards for food, crockery and pots and pans;
 • at least 1 convenient power socket close to the main food preparation worktop in addition to those at fixed appliance positions.

Through floor lift provision
 a suitable route for a wheelchair accessible through the floor lift from the entrance level should be identified. This route should enable potential access to those rooms listed in the preceding sentence that can not on the dwellings entrance level.
 The identified route for the lift may be from a living room/space directly into a bedroom above. Alternatively, the route may be from, or arrive in, circulation space.

The potential aperture size for the route through the floor should be a minimum 1000mm x 1500mm - with the potential approach to the lift being to one of its shorter sides. This potential aperture area should be clear of services. This area is shown dashed and hatched on the plan.
 The aperture is to be constructed with a knock out hatch to allow for future lift use.



General

There should be adequate facilities for washing, drying and drying clothes.

Space for appliances
 All dwellings should have space, power and plumbing connections for a washing machine. If an external clothesline cannot be provided there should also be space and power connections for a 600mm wide tumble dryer, positioned so that it can be vented directly to the outside air. These spaces will normally be in the kitchen but may be in a utility area.

Flexible use
 Dwellings must have a room adaptable to act as a bedroom on the entry level if required. Where that accessible shower to be provided on an entry level.

Storage
 minimum of 3m² storage area is to be provided

Living rooms
 • armchairs and settees to seat the maximum number of occupants;
 • 3 small or 2 large storage units, one of which may be in the dining area (In single person dwellings, requirements reduces to 2 small or 1 large unit);
 • 22
 • a television.

Bathroom & WC Provision
 • All dwellings should have a bathroom with a bath, washhand basin and wc, (the wc, may be separate), in circumstances where it is practically impossible to provide a bath a shower will be acceptable.
 • All dwellings provided with a bath should also have a shower.
 • In dwellings with more than one bedroom it should be possible to reach the bathroom without passing through a bedroom.
 • Bathrooms should not be more than one storey away from the bedrooms

PROPOSED GROUND FLOOR PLAN

Bathroom & WC Provision

• All dwellings should have a bathroom with a bath, washhand basin and wc, (the wc, may be separate), in circumstances where it is practically impossible to provide a bath a shower will be acceptable.
 • All dwellings provided with a bath should also have a shower.
 • In dwellings with more than one bedroom it should be possible to reach the bathroom without passing through a bedroom.
 • Bathrooms should not be more than one storey away from the bedrooms
 loft space to be accessed through hatch above landing, no hatch is to be placed over any stair well.

Two person bedrooms
 • one bedroom should be able to contain a double bed and further large bedrooms 2 single beds or a double bed;
 • a bedside table;
 • a large chest of drawers (this may be in an adjacent box room or on the landing if it does not impede circulation space);
 • a dressing table;
 • one double or two single wardrobes (free standing or built in).

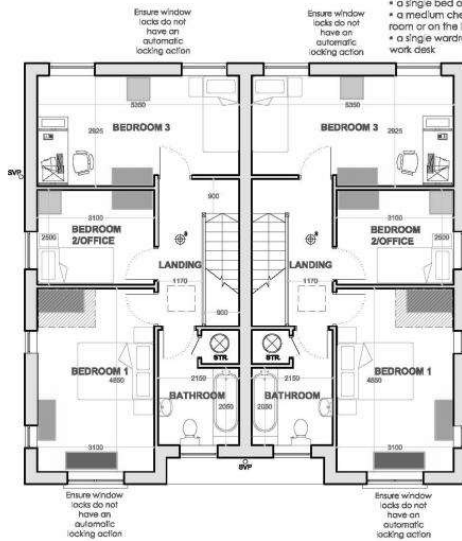
One person bedrooms

• a single bed and bedside table;
 • a medium chest of drawers (this may be in an adjacent box room or on the landing if it does not impede circulation space);
 • a single wardrobe (free standing or built in);
 • a work desk

Heated storage
 Cylinder cupboards should be fitted with a reasonable amount of shelving (minimum 1m). Dwellings without hot water storage should have a heated drying cupboard. Access to the drying cupboards should be from a circulation space or bathroom.

Electrical Installations

Under provision of power sockets will lead to overloading of adapters and excessive use of trailing flexes and extension leads.
 The following is the minimum provision of power sockets:
 • living rooms: 4 double;
 • dining rooms: 2 double or 1 double in the dining area of a kitchen/dining room;
 • a double and twin bedroom: 3 double;
 • single bedrooms: 2 double;
 • further single sockets are required in halls and landings.
 As a minimum TV aerial sockets and a telephone should be provided in suitable locations in the living room.



FURNITURE KEY

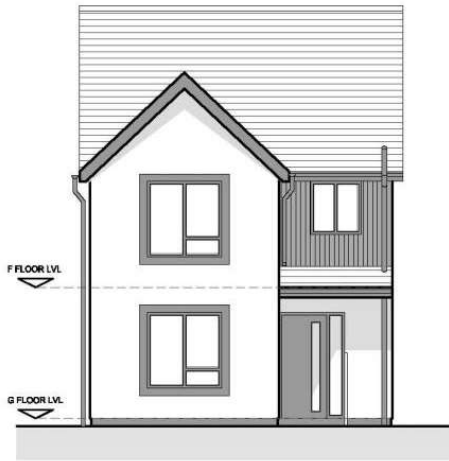
600x600mm single robe	800x1200mm table
1200x600mm double robe	750x450mm small storage
1050x450mm chest of drawers	1350x450mm dressing table

PROPOSED FIRST FLOOR PLAN

PLOT 1 TOTAL AREA = 108M ²
PLOT 2 TOTAL AREA = 108M ²
PLOT 3 TOTAL AREA = 108M ²
PLOT 4 TOTAL AREA = 108M ²

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PROPOSED RESIDENTIAL DEVELOPMENT, BRO RHIWEN, RHIWLAS	DRAWING NUMBER	SCALE	DIAMN	DATE
P&S HENNESSY BUILDERS	PROPOSED LAYOUTS FOR PLOTS 1, 2, 3 & 4	D-1234-08/16-PL02	1:100 @A3	RP
		CONWY 01492 253005 DENBIGH 01748 817149 16 cwmwrddyn, rhesych, denbigh www.matthewjonesarchitects.com		

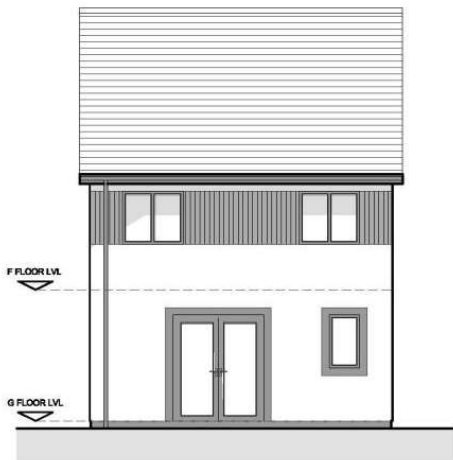


PROPOSED FRONT ELEVATION

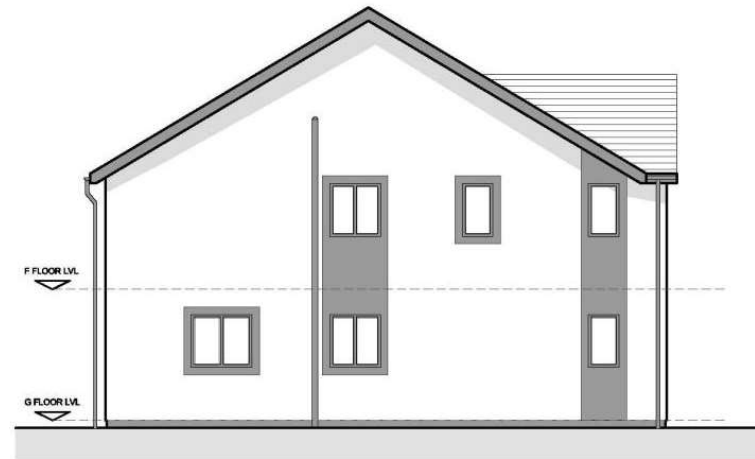


PROPOSED SIDE ELEVATION 01

**MATERIAL FINISHES
AS STATED ON PL04**



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION 02

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PROPOSED RESIDENTIAL DEVELOPMENT, BRO RHIWEN, RHIWLAS		DRAWING NUMBER	SCALE	DRAWN	DATE
P&S HENNESSEY BUILDERS		D-1234-08/16-PL05	1:100 @A3	RP	27.07.2017
PROPOSED ELEVATIONS PLOT 5		CONWY 01492 583036			
					
		DENBIGH 01745 817169 e: admin@matthewjonesarchitects.com web: www.matthewjonesarchitects.com			

Dining area

- a dining table and chairs to seat the maximum number of occupants.

Kitchen

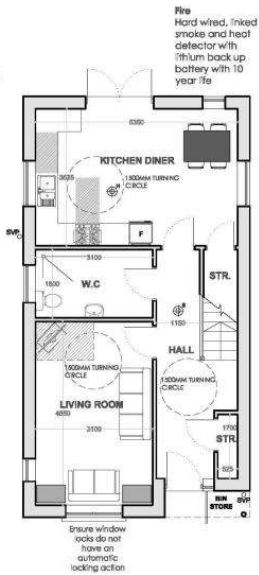
- The risk of accident can be reduced in a well organised working area with adequate work surfaces for resting pans and food preparation and adequate space for appliances. All kitchens should provide:
- space at least 600mm wide for a cooker and a refrigerator, in most cases a 600mm wide space will also be required for a washing machine (see also under washing and drying clothes). The cooker space should be safely positioned in relation to doors, windows, wall units, electric sockets, etc.
 - enough clear space in front of the cooker and other units and appliances to operate safely (1200mm in front of the cooker, otherwise 1000mm).
 - an adequate work surface for safe and convenient food preparation (500mm deep, 600mm along the front edge if straight, 1000mm if 'L' shaped).
 - adequate and convenient storage cupboards for food, crockery and pots and pans.
 - at least 1 convenient power socket close to the main food preparation worktop in addition to those at fixed appliance positions.

Through floor lift provision

a suitable route for a wheelchair accessible through the floor lift from the entrance level should be identified. This route should enable potential access to those rooms listed in the preceding sentence that are not on the dwelling's entrance level. The identified route for the lift may be from a living room/space directly into a bedroom above. Alternatively, the route may be from, or arrive in, circulation space.

The potential aperture size for the route through the floor should be a minimum 600mm x 1500mm, with the potential approach to the lift being to one of the shorter sides. This potential aperture area should be clear of services. This area is shown dashed and hatched on the plan.

The aperture is to be constructed with a knock-out hatch to allow for future lift use.



Fire
Hard wired, linked smoke and heat detector with lithium back up battery with 10 year life

- General**
- There should be adequate facilities for washing, drying and airing clothes.
 - Space for appliances:** All dwellings should have space, power and plumbing connections for a washing machine. If an external clothesline cannot be provided there should also be space and power connections for a 600mm wide tumble dryer, positioned so that it can be vented directly to the outside air. These spaces will normally be in the utility area.

Flexible use
Dwelling must have a room adaptable to act as a bedroom on the entry level if required. Wheel chair accessible shower to be provided on entry level.

Storage
minimum of 3m² storage area is to be provided

- Living rooms**
- armchairs and sofas to seat the maximum number of occupants.
 - 3 small or 2 large storage units, one of which may be in the dining area (In single person dwellings, requirements reduces to 2 small or 1 large unit).
 - 22
 - a television.

- Bathroom & WC Provision**
- All dwellings should have a bathroom with a bath, washhand basin and wc. (the wc. may be separate). In circumstances where it is practically impossible to provide a bath a shower will be acceptable.
 - All dwellings provided with a bath should also have a shower.
 - In dwellings with more than one bedroom it should be possible to reach the bathroom without passing through a bedroom.
 - Bathrooms should not be more than one storey away from the bedrooms.

PROPOSED GROUND FLOOR PLAN

Bathroom & WC Provision

- All dwellings should have a bathroom with a bath, washhand basin and wc. (the wc. may be separate). In circumstances where it is practically impossible to provide a bath a shower will be acceptable.
- All dwellings provided with a bath should also have a shower.
- In dwellings with more than one bedroom it should be possible to reach the bathroom without passing through a bedroom.
- Bathrooms should not be more than one storey away from the bedrooms

off space to be accessed through hatch above landing, no hatch is to be placed over any stairwell

Two person bedrooms

- one bedroom should be able to contain a double bed and further large bedrooms 2 single beds or a double bed.
- a bedside table;
- a large chest of drawers (this may be in an adjacent box room or on the landing if it does not impede circulation space);
- a dressing table;
- one double or two single wardrobes (free standing or built in).

One person bedrooms

- a single bed and bedside table;
- a medium chest of drawers (this may be in an adjacent box room or on the landing if it does not impede circulation space);
- a single wardrobe (free standing or built in), work desk.



Heated storage
Cylinder cupboards should be fitted with a reasonable amount of shelving (minimum 1m). Dwellings without hot water storage should have a heated airing cupboard. Access to the airing cupboards should be from a circulation space or bathroom.

Ensure window locks do not have an automatic locking action

Electrical Installations
Under provision of power sockets will lead to overloading of adapters and excessive use of trailing flexes and extension leads. The following is the minimum provision of power sockets:

- living rooms: 4 double;
- dining rooms: 2 double or 1 double in the dining area of a kitchen/dining room;
- double and twin bedrooms: 3 double;
- single bedrooms: 2 double;
- further single sockets are required in halls and landings.

As a minimum TV aerial sockets and a telephone should be provided in suitable locations in the living room.

PROPOSED FIRST FLOOR PLAN

FURNITURE KEY

- 600x600mm single robe
- 1200x600mm double robe
- 1050x450mm chest of drawers
- 800x1200mm table
- 750x450mm small storage
- 1350x450mm dressing table

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PROPOSED RESIDENTIAL DEVELOPMENT, BRO RHIWEN, RHWLAS

P&S HENNESSEY BUILDERS PROPOSED LAYOUTS FOR PLOT 5

DRAWING NUMBER: D-1234-08/16-PL03 SCALE: 1:100 @A3 DRAWN: RP DATE: 27.07.2017

PLOT 1 TOTAL AREA = 108M²



CORNY 01492 283005
DENBIGH 01748 817149
info@matthewjonesarchitects.com
www.matthewjonesarchitects.com





Agenda Item 5.3

PLANNING COMMITTEE	DATE: 19/06/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 3

Application Number: C23/0295/33/DT

Date Registered: 04/04/2023

Application Type: Householder

Community: Buan

Ward: Efailnewydd / Buan

Proposal: Extension to a dwelling to provide an accessible garage, therapy room and wet room for disabled person

Location: Tŷ Ni, Ceidio, Pwllheli, Gwynedd, LL53 8YL

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

1. Description:

- 1.1 This is an application to erect a single-storey extension at the side of an existing single-storey house to be used as an accessible garage along with a therapy room and a wet room for a disabled person. The proposal involves providing an access ramp to the property's main entrance and installing patio doors in the rear elevation. Access to the extension would be gained through the proposed garage and through the existing property.
- 1.2 The extension measures a little over 5.5m by approximately 11.5m with the eaves matching the existing property and the ridge slightly lower. It appears that it is proposed to finish the extension with a slate roof along with a painted render on the walls.
- 1.3 The property is a single-storey building located in open countryside near an existing caravan site. It also lies within the Llŷn and Bardsey Landscape of Outstanding Historic Interest.
- 1.4 The application is submitted to the Committee as the applicant is the son of the Local Member.

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 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching 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.
- 2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017**
 - PS 1: The Welsh Language and culture
 - TRA 2: Parking Standards
 - TRA 4: Managing Transport Impacts
 - PS 5: Sustainable Development
 - PCYFF 2: Development criteria
 - PCYFF 3: Design and place shaping
 - PCYFF 4: Design and landscaping
 - AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens

PLANNING COMMITTEE	DATE: 19/06/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

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

3. **Relevant Planning History:**

None

4. **Consultations:**

Community/Town Council: Support

Highways Unit: I refer to the above application and wish to state that I do not intend to submit a recommendation as it is assumed that the proposed development will not have a detrimental impact on any road, or proposed road.

Natural Resources Wales: No observations to offer

Public Consultation: A notice was posted on the site and the neighbours were consulted. No response was received.

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

5.1 It is a requirement that planning applications are determined based on the attributes of the specific scheme in question and in accordance with the adopted development plan unless other material planning considerations state otherwise. The Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case.

Location, Design and Visual Impact

5.2 The main policy involving this aspect is Policy PCYFF 3 of the LDP which states that all proposals should exhibit a high-quality design that gives full consideration to the context of the built environment.

5.3 This site is located in the open countryside near an existing caravan site. There is agricultural land to the rear and side of the site, and there is a hillock located directly to the rear of the extension's location that would act as a backdrop to it. The existing property is located away from the road with the existing vehicular access, lawn and parking spaces to its front. The extension is located

PLANNING COMMITTEE	DATE: 19/06/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

on the side of the property and would partly extend beyond the property's front elevation. Nevertheless, it is considered that its location, size, design and finish mean that it is suitable and in keeping with the existing property. Therefore, it is considered that the proposal complies with the requirements of policies PS5 and PCYFF 3 and 4 of the LDP.

- 5.4 The site lies within an Area of Outstanding Natural Beauty, and it is not considered that the proposal in question would affect the character of the landscape. It is therefore considered that the proposal is acceptable under the requirements of Policy AT 1 of the LDP.

Visual, general and residential amenities

- 5.5 The site is located in open countryside and near agricultural buildings and a caravan site. The nearest property is located more than 80m away and it is not considered that the proposal would have a detrimental impact on this property or on any nearby property. It is therefore believed that the proposal is acceptable under policy PCYFF 2 of the LDP as it relates to the protection of private amenities.

Transportation Matters

- 5.6 The proposal involves providing an accessible garage. The Transportation Unit has confirmed that the proposed development would not have a detrimental impact on any road, or proposed road, and therefore it is considered that it is acceptable and complies with the requirements of policies TRA 2 and TRA 4 of the LDP.

The Welsh Language

- 5.7 In accordance with the Planning (Wales) Act 2015, it is a duty when determining a planning application to consider the Welsh language, where it is relevant to that application. This is reiterated further in para. 3.28 of Planning Policy Wales (Edition 11, 2021), and Technical Advice Note 20. The Supplementary Planning Guidance (SPG) 'Maintaining and Creating Distinctive and Sustainable Communities' (adopted July 2019), provides further guidance on how it is expected for Welsh language considerations to be incorporated in each relevant development.
- 5.8 It is noted that there are some specific types of developments where it will be required for the proposal to submit a Welsh Language Statement or a Welsh Language Impact Assessment. The thresholds in terms of when it is expected to submit a Statement/Report have been highlighted in Policy PS1 of the Joint LDP, along with Diagram 5 of the SPG. In terms of the type of developments in question, the following is noted: The proposal does not reach the thresholds to submit a Welsh Language Statement or a Report on a Welsh Language Impact Assessment. However, Appendix 5 of the SPG notes that every housing development, retail, commercial or industrial development where there is no need to submit a Welsh Language Impact Statement / Assessment should show how consideration has been given to the language.
- 5.9 The proposal before you is to extend the property for the use of a disabled person who already lives at the property. It is therefore considered that the proposal improves the property for its current occupant in a way that does not affect the landscape or any nearby properties meaning that the proposal complies with the requirements of policy PS1.

PLANNING COMMITTEE	DATE: 19/06/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

6. Conclusions:

- 6.1 Having weighed-up the amended proposal against the requirements of relevant policies, and considered the applicants' requirements, it is considered that the latest proposal is acceptable on grounds of visual amenities, landscape, residential amenities and transportation. Therefore, the application can be approved with the planning conditions noted below.

Recommendation:

- 7.1 To approve subject to conditions:

1. Five years
2. In accordance with the plans
3. Slates on the roof
4. Finish to match

Welsh Water Note

Biodiversity Note


Cynllunio

Derbyn - 04/04/2023

Haydn E. Williams Cyf.
 Syrfewyr Adeiladu Siartredig
 Chartered Building Surveyors
 Gellidars, Penrhos, Pwllheli, Gwynedd, LL53 7HF
 (01758) 614444
 info@haydnwilliams.com
 www.haydnwilliams.com



NOIDIADAU - NOTES


North

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No.	Description	Date

TEITL PROSIECT - PROJECT TITLE

Ty Ni, Boduan

TEITL - TITLE

Site Location

CLEIENT - CLIENT

Hywel Davies

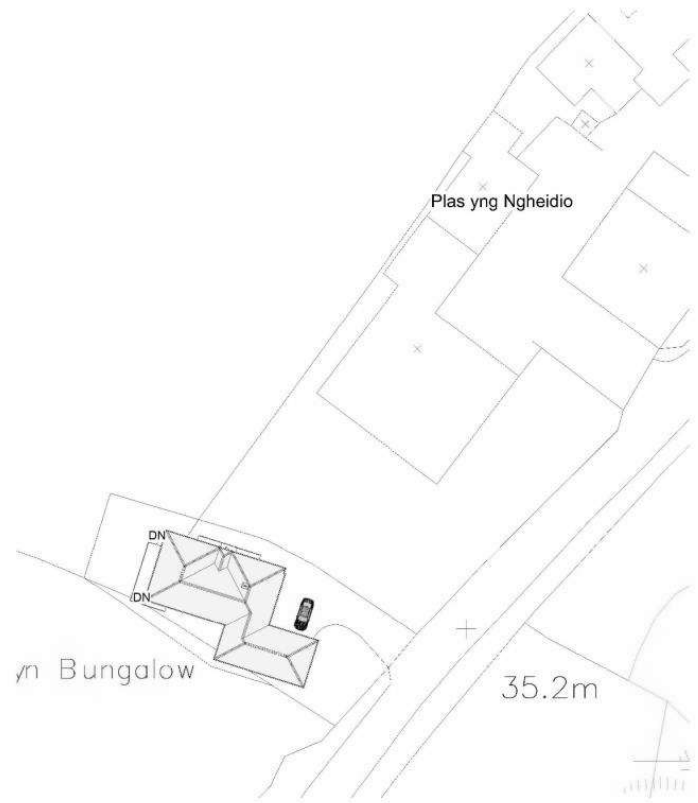
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GRADDFA - SCALE (@A2) As indicated		RHIF PROSIECT - PROJECT NUMBER 0822
RHIF CYLLUN - DRAWING NUMBER 0822-S101		REV



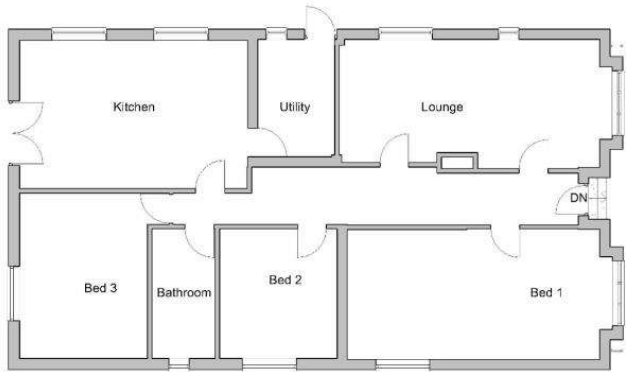
1 Location
1 : 1250



2 Site
1 : 500



3 Site - Proposed
1 : 500



1 Level 0
1 : 100



2 East
1 : 100



3 North
1 : 100



4 South
1 : 100



5 West
1 : 100



Haydn E. Williams Cyf.
 Syrfewyr Adeiladu Siartredig
 Chartered Building Surveyors
 Gellidara, Penrhos, Pwllheli, Gwynedd, LL53 7HF
 (01758) 614444
 info@haydnwilliams.com
 www.haydnwilliams.com

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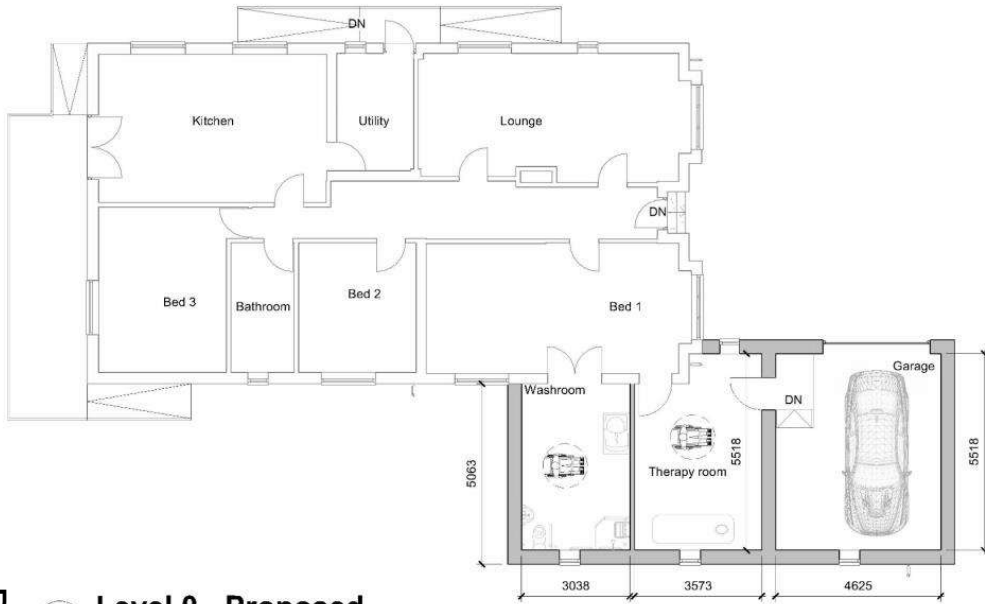
No.	Description	Date

TEITL PROSIECT - PROJECT TITLE
Ty Ni, Boduan

TEITL - TITLE
Existing

CLEIENT - CLIENT
Hywel Davies

DARLUNWYD GAN DRAWN BY: GEW	GWARBYDD GAN CHECKED BY: HEW	DYDDIAD DATE: 23/02/23
GRADDFA - SCALE (@A2) 1 : 100	RHIF PROSIECT - PROJECT NUMBER 0822	
RHIF CYNLLUN - DRAWING NUMBER 0822-A101	REV	



Haydn E. Williams Cyf.
 Syrffwyr Adeiladu Siartredig
 Chartered Building Surveyors
 Gellidara, Penrhos, Pwllheli, Gwynedd, LL53 7HF
 (01758) 614444
 info@haydnwilliams.com www.haydnwilliams.com

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No.	Description	Date

TEITL PROSIECT - PROJECT TITLE

Ty Ni, Boduan

TEITL - TITLE

Proposed

CLEIENT - CLIENT

Hywel Davies

DARLUNWYD GAN DRAWN BY: GEW	GWYBRYD GAN CHECKED BY: HEW	DYDDIAD DATE: 23/02/23
GRADDFA - SCALE (@A2): 1 : 100	RHIF PROSIECT - PROJECT NUMBER: 0822	RHIF CYNLLUN - DRAWING NUMBER: 0822-A102
REV		

1 Level 0 - Proposed

1 : 100



2 East - Proposed

1 : 100



3 North - Proposed

1 : 100



4 South - Proposed

1 : 100



5 West - Proposed

1 : 100



