

PLANNING COMMITTEE	DATE: 13/03/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

Number: 2

Application Number: C16/1406/18/LL

Date Registered: 10/11/2016

Application Type: Full - Planning

Community: Llanddeiniolen

Ward: Bethel

Proposal: Erect four affordable houses, create a new estate road and a new vehicular access

Location: Land at the rear of Bethel Chapel, Bethel, Caernarfon, LL55 1UN

Summary of the Recommendation: TO DELEGATE POWERS TO APPROVE THE APPLICATION SUBJECT TO SIGNING A 106 AFFORDABLE HOUSING AGREEMENT AND TO PLANNING CONDITIONS.

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1. Description:

- 1.1 This is a full application to erect four two-storey affordable houses on a site that abuts the Bron Gwynedd Estate, Bethel.
- 1.2 The proposal involves creating an estate road with a turning area and site four houses semi-detached, two-storey houses. They will have three bedrooms each. It is proposed to finish the external walls with render or pebble dash and coloured panels, grey windows and plastic gutters and natural slate roofs. There will be two parking spaces in front of every house as well as a curtilage/garden to the front, side and rear.
- 1.3 The site is located near a residential area of the village of Bethel, near the development boundary as defined by the Gwynedd Unitary Development Plan Proposals Map. It is proposed to use the Bron Gwynedd unclassified estate road as access to the site that is off the B4366, namely the highway that runs through Bethel.
- 1.4 A Planning and Affordable Homes Statement was submitted with the application to explain the logic behind the development.
- 1.5 This application is submitted to the Committee on the basis of the number of objections.

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 Unitary Development Plan.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act; in making the recommendation the Council has sought to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

2.3 Gwynedd Unitary Development Plan 2009:

POLICY B18 - PROTECT REGIONALLY IMPORTANT GEOLOGICAL/GEOMORPHOLOGICAL SITES (RIGS)

Refuse proposals that are likely to cause significant harm to regionally important Geological/Geomorphological sites (RIGS) unless the need for the proposals is more important than the site's value.

POLICY B20 – SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT

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Refuse proposals that are likely to cause unacceptable disturbance or harm to protected species and their habitats unless they can conform to a series of criteria aimed at safeguarding the recognised features of the site.

POLICY B22 - BUILDING DESIGN

Promote good building design by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and character of the local landscape and environment.

POLICY B23 - AMENITIES

Safeguard the amenities of the local neighbourhood by ensuring that proposals must conform to a series of criteria aiming to safeguard the recognised features and amenities of the local area

POLICY B25 – BUILDING MATERIALS

Safeguard the visual character of the Plan area by ensuring that only natural Welsh slates or slates that are similar in terms of their appearance, colour and weathering properties are permitted, other than in circumstances in which the type of building or its particular setting, or the sustainability benefits, are such that another material would be appropriate. In respect of other parts of the building, development will be required to use high quality building materials that complement the character and appearance of the local area. Proposals that introduce substandard or intrusive materials will be refused.

POLICY B27 – LANDSCAPING PLANS

Ensure that permitted proposals incorporate high quality soft/hard landscaping which is appropriate to the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

POLICY B29 – DEVELOPMENTS ON LAND AT RISK FROM FLOODING

Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A unless they can conform to a series of criteria relevant to the features of the site and to the purpose of the development.

POLICY B32 – INCREASING SURFACE WATER

Refuse proposals that do not include appropriate flood minimisation or mitigation measures that will reduce the volume and rate at which surface water reaches and flows into rivers and other water courses.

POLICY B34 – LIGHTING AND LIGHT POLLUTION

Ensure that proposals do not significantly harm the amenity of neighbouring land uses and the environment.

POLICY C1 - LOCATING NEW DEVELOPMENT

Land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

POLICY CH7 – AFFORDABLE HOUSING ON RURAL EXCEPTION SITES DIRECTLY ADJOINING THE BOUNDARIES OF VILLAGES AND LOCAL CENTRES

Permit affordable housing on rural sites directly adjoining the boundaries of Villages and Local Centres if they conform to criteria relating to local need, affordability and impact on the form of the settlement.

POLICY CH33 - SAFETY ON ROADS AND STREETS

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Development proposals will be approved provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

POLICY CH36 - PRIVATE CAR PARKING FACILITIES

Proposals for new developments, extensions to existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council's current parking guidelines, and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

Supplementary Planning Guidance (SPG): Building new Houses in the Countryside (2009)

SPG: Affordable Housing (2009).

SPG: Planning and the Welsh Language (2009).

2.4 **Gwynedd and Anglesey Joint Local Development Plan (Composite Version including Matters Arising Changes, January 2017)**

POLICY ISA 1: INFRASTRUCTURE PROVISION

POLICY PCYFF 1: DEVELOPMENT CRITERIA

POLICY PCYFF 2: DESIGN AND PLACE SHAPING

POLICY PCYFF 3: DESIGN AND LANDSCAPING

POLICY TAI 10: EXCEPTION SITES

STRATEGIC POLICY PS4: SUSTAINABLE TRANSPORT, DEVELOPMENT AND ACCESSIBILITY

POLICY TRA 2: PARKING STANDARDS

POLICY TRA 4: TRANSPORT IMPACT CONTROL

STRATEGIC POLICY PS5: SUSTAINABLE DEVELOPMENT

POLICY PS6: MITIGATE AND ADAPT TO THE IMPACT OF CLIMATE CHANGE.

2.5 **National Policies:**

Planning Policy Wales - (Edition 9, November 2016)

Technical Advice Note 2: Planning and Affordable Housing (2006)

Technical Advice Note 12: Design (2016)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 18: Transport (2007)

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3. Relevant Planning History:

- 3.1 C16/0963/18/LL - Full application to erect four affordable houses, create a new estate road, car parking and a new vehicular access. Withdrawn.
- 3.2 3/18/384E - Residential development. Refused 04/02/93 and refused on appeal.
- 3.3 3/18/384D - Residential development. Refused 03/01/92

4. Consultations:

Community/Town Council: Objection on the grounds of: sewage problems, close to a highway - child safety, parking, exit out of the site via a single track.

Transportation Unit:

Initial Response:

I can confirm that there is no objection to the proposal of erecting four houses and a small extension to the estate road.

The number of additional houses, with the improvements proposed such as a turning area, is acceptable and it is not expected that this scale of development would have a significant impact on the local roads network. It is recommended that conditions / notes are included in relation to completing and providing the estate road, parking spaces and pavements.

However, it is recommended to amend the layout of the road slightly to provide a road that neatly joins with the end of the existing estate. The surface water drainage plan shows the estate road to be 'lopsided' with the existing road. It is necessary to ensure a natural extension to the estate rather than it to be lopsided.

Second Response:

Amended plan responding to the matters previously raised.

Welsh Water:

Initial Response:

Object the proposal on the grounds of the houses' proximity to the public sewage.

Second Response:

Welsh Water were recently consulted on planning application C16/1406/18/LL and by written response on 30th November 2016 (Ref: PLA0024360) raised an objection to the proposals given the proposed new development would be situated in close proximity to the public combined sewer. However, with respect to this latest request for observations we acknowledge receipt of an amended block plan (Drawing No. 303/C2.1c) which identifies that the proposed development would be situated a minimum of 3 metres from the public combined sewer and therefore withdraw our objection on this ground.

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Notwithstanding this, the latest consultation also comprises of additional information in the form of a Porosity Report and Drainage Scheme (Drawing No. 16261) which proposes discharge of surface water into the public combined sewer. Whilst the Porosity Report includes an assessment of the potential to dispose of surface and land water by sustainable means, it fails to demonstrate that all other options for surface water drainage have been explored and exhausted. Further guidance on the approach that should be taken can be found in Part H of the Building Regulations.

Accordingly, we would request that if you are minded to grant Planning Consent for the above development that the **Conditions and Advisory Notes** provided below are included within the consent to ensure no detriment to existing residents or the environment and to Welsh Water's assets:

Conditions

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

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 the matter listed on our Check List. Therefore, we have no observations to make on the proposed application.

Water and Environment Unit.

Of what has been submitted as an application and from looking at the available information, it does not appear that the proposed development impacts the watercourse. Due to this, the Water and Environment Unit has no objection to the development from this viewpoint.

As the Lead Flooding Authority, the unit also has to protect the nearby area's interests from suffering flooding impacts from any new development. Of the submitted information, it appears that the applicant's intention is to connect all surface water to Welsh Water's sewerage system. If the Planning

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Department intends to approve the development, it is essential that Welsh Water's written approval to this purpose is available before allowing any development on this land. Should the application's details on surface water disposal change for whatever reason, it is necessary that the applicant contacts the unit before submitting an amended application to ensure that the development follows TAN 15 guidelines.

- Biodiversity Unit: No objection - Conditions needed to ensure that any clearing work is completed outside the bird nesting season. Need to submit and implement a biodiversity management plan. Need to get rid of any invasive species on the site. Trees Report needed.
- Housing Strategic Unit: Acknowledge the need for affordable houses of this size in the area.
- Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has ended and correspondence was received objecting on the following grounds:
- Land is unsuitable for soakways.
 - Land drainage problems on this field already.
 - The river is not suitable to dispose of additional surface water because the river overflows frequently
 - The local sewerages are already under pressure and unsuitable for additional use.
 - The highway's drainage system is unsuitable for additional surface water.
 - Roads around this part of the village overflow frequently.
 - Approving this development would create a precedent to build additional houses on the site.
 - Too much development work in Bethel and not enough consideration to the environment.
 - Environmental risk to the public emanating from the proposal.
 - Additional cost to the Council and other public services.
 - Contrary to policy B23 as the proposal will not ensure sufficient privacy to houses that surround the site.
 - Additional street lighting would be contrary to policy B34 by creating glare and increasing the visual impact.
 - Additional traffic creating disturbance and nuisance.
 - More cars would be dangerous and contrary to policy B33.
 - Out of character
 - Contrary to the historic use of the land.
 - Environmental impact from vehicles and detrimental impact on the community.
 - Detrimental impact on biodiversity and habitats.

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- A residential development has already been refused on appeal on the grounds of unsuitable access and impact on amenities.
- Application contrary to the planning inspector's opinion.
- The development would lead to over-development.
- Access road unsuitable for additional traffic.
- Need to develop sites within the development boundary first of all.
- New sites have been designated in the Local Plan for additional houses.
- Need more four bedroom houses rather than small houses.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 This site is located outside the Bethel development boundary, as noted in the Gwynedd Unitary Development Plan (GUDP), therefore, this site is defined as one that is located in open countryside; however, the site does abut the development boundary. Policy C1 notes that “land within town and village boundaries and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in open countryside will be refused with the exception of a development which is permitted under another policy within the Plan.”
- 5.2 In some cases it is possible to release land in locations where housing would not usually be supported. Policy CH7 approves proposals for affordable homes on rural exception sites directly adjoining the boundaries of villages or centres. The southern side of the site abuts the the development boundary which is near the Bron Gwynedd estate and, from this perspective, the site could be a rural exception site.
- 5.3 Policy CH7 only allows developments for affordable housing where the need has been proven. A Planning and Affordable Homes Statement was received with the application in order to prove the need for the houses. Observations were also received from the Council’s Housing Strategic Unit, acknowledging the need for these types of affordable houses in the area.
- 5.4 Policy CH7 also requires such developments to form a reasonable extension to the village. The proposal involves expanding the existing estate road, allocating semi-detached houses on each side of the road and creating a turning area. It is considered that the site's setting follows Bron Gwynedd's general development pattern and can form a reasonable extension to the village without creating a fragmented development pattern or unacceptable intrusion to the countryside. Based on the above, it is considered that the proposal is in accordance with the requirements of policy CH7.
- 5.5 The Planning and Affordable Homes Statement confirms that the internal design and layout of the houses meet the needs of the Design Quality Requirements Booklet (DQR). Meeting these requirements involves the units being able to be transferred to social housing should the development be approved. A copy of a letter from the Cynefin Group was received, showing their proposal to buy the houses. In order to ensure that the units are transferred to a housing association, the applicant will have to sign a 106 agreement. Therefore, it is considered that the proposal satisfies the

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requirements of Policy CH7 and the requirements of the Supplementary Planning Guidance on affordable housing.

- 5.6 A number of the objections received object due to the existence of sites within the development boundary which have not been developed yet, and also the Local Development Plan would provide new sites for additional housing in the village. Despite this, policy CH7 does not require other sites within the development boundary to satisfy the need in the first instance, and all that is needed under this policy is that there is proven local need for affordable housing and it is considered that this need has been proven. However, even if other sites within the development boundary would be developed, the policies only ask for a proportion of the units to be affordable, and therefore it is unlikely that it would meet the current need for affordable housing that was noted by the Housing Strategic Unit.
- 5.7 It is a requirement that planning applications are determined in accordance with the adopted Development Plan, unless other material planning considerations state otherwise. The current 'Development Plan' is the Gwynedd Unitary Development Plan (2001-2016) and the Joint Local Development Plan for Gwynedd and Anglesey (JLDP) replaces the UDP as the 'development plan' once it is adopted. It is hoped that the JLDP will be adopted during July 2017.
- 5.8 When dealing with any planning application the statutory test should be your first consideration at all times, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other relevant considerations state otherwise. The JLDP is now a material planning consideration for the purposes of development control - see paragraph 3.1.3 Planning Policy Wales that states: *"Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies..."*.
- 5.9 Although many policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not know for certain what the contents of the Plan will be until the Inspector presents his binding report. Paragraph 2.14.1 of Planning Policy Wales states: *"...thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances."*
- 5.10 In this case, the JLDP policies as listed in 2.4 above are material and as these policies are consistent with the policies of the Unitary Development Plan, it is considered that the above assessment and the recommendation of this report is consistent with the emerging policy.

Relevant Planning History

- 5.11 A large number of the objections refer to previous refusals for a residential development on this site and the fact that it also has been refused on appeal. Planning history can be a material planning consideration when assessing such planning applications, but the weight that can be put on this depends on the application's specific circumstances and also if there have been any other relevant changes e.g. policy changes, the size and nature of the application etc.
- 5.12 The application that was refused on appeal (3/18/384E) was an application for outline permission to develop the whole field for a residential development. The policy

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considerations at the time were different to the existing ones and the policies did not release land outside of the development boundaries to provide affordable houses as a rural exception site and there was no justification at the time to release land for a residential development. Therefore, part of the refusal involved matters of principle and, as explained above, it is considered that this development is acceptable in principle based on the policies of the Gwynedd Unitary Development Plan and also within the Joint Local Development Plan for Gwynedd and Anglesey and therefore there is no justification to object the proposal on policy grounds.

- 5.13 At the time of the 3/18/384E application, it was possible to submit an application without many more details than a location plan and a red line around the site. The application site included the whole field and therefore it was significantly larger than the application in question. When reading the historical file, the whole field could provide between 12 and 25 houses, a significantly higher number than the existing application. The Planning Inspector was of the opinion that it was impossible to gain acceptable access to the site and that additional traffic off Bron Gwynedd was unacceptable. After discussing these matters with the Transportation Unit, it is agreed that the Bron Gwynedd road is unsuitable to service a new housing estate. Nevertheless, the Unit is of the opinion that the increase that would derive from three or four additional houses would not be significant and could be acceptable without causing detriment to road safety, but that an increase of more than that would be unacceptable based on the current situation.

Design and visual amenities

- 5.14 Policies B22, B23, B25 and B27 of the GUDP are relevant to this application and involve design, finishes, appearances, visual amenities and landscaping. The Gwynedd Design Guide also offer guidance on these matters.
- 5.15 The plans submitted with the application show that the houses would be of a relatively standard design. The scale of the units would be relatively consistent with the Bron Gwynedd houses and would adhere to the usual height of two storeys. It is shown that the finish of the external walls would be with render or pebble dash and coloured panels, grey windows and plastic gutters and natural slate roofs. Final details on finishes will be agreed upon through planning conditions in order to ensure a satisfactory appearance to the development. A condition would also be needed to agree on treatments of the site boundary and soft and hard landscaping in order to ensure a satisfactory appearance to the development in its entirety. As a result, and with conditions, it is not considered that the development's appearance would be detrimental to the area's visual amenities nor the street scape, and it is considered that the proposal is in accordance with policies B22, B23, B25 and B27 of the GUDP.

General and residential amenities

- 5.16 Policy B23 requests that consideration is given to the effect of the proposal on nearby residential amenities. A number of objections to the proposal were received on the basis of amenities. By assessing the setting of the new houses, the location of windows and nearby houses, it is not considered that the proposal would cause unacceptable detriment to the amenities of residents in nearby houses in terms of matters such as shadowing or overlooking, and the proposal is therefore acceptable in terms of the aspects in Policy B23 that involves protecting private amenities.
- 5.17 Observations were received on the grounds of disturbance during the construction period. Usually, matters involving implementing planning permission is beyond planning considerations. However, it is recognised that there would be a period of

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unusual disturbance during the construction phase; however, this in itself is not sufficient to warrant refusing the application. The planning system should not duplicate other rules that are managed by e.g. Natural Resources Wales, Building Control, Environmental Health, that are in place to ensure safety and development would not have a detrimental impact on the environment. Nevertheless, it is considered reasonable to limit the construction hours to normal working hours.

- 5.18 It is acknowledged that additional vehicular use from the Bron Gwynedd road would not have an additional impact on the amenities of nearby residents but it is not considered that the impact would be incompatible with the current use of the road and it is not considered that the scale of the proposal (namely four houses) would have a significant impact on residential amenities that derive from additional movements to such a degree that it would lead to refusing the application under policy B23.
- 5.19 An objection was received on the basis that the proposal is contrary to policy B34 that involves lighting systems because the proposal would cause glare and increase the village's visual impact. No details on lighting or street lighting have been submitted with the application. The proposal involves a small extension to the current village and therefore the presence of street lighting is not an incongruous characteristic. Nevertheless, should the applicant want to erect street lighting, it is considered acceptable to set a condition to agree on the type, location and number of lights in order to ensure that there would be no detriment to residential amenities. With a condition, it is considered that the application is in accordance with policy B34.

Transport and access matters

- 5.20 Policy CH33 and CH36 are relevant to this element of the application. The policies ensure safety on roads and streets and the provision of private parking facilities. The plans show a proposal to provide a parking space in front of every house and create a new parking area at the top of the new estate road. Amended plans were received to ensure two parking spaces for every property and also assessments for the pavements to ensure that they join with the Bron Gwynedd road in a suitable manner. Although the Transport Unit had no objection to the proposal, a large number of objections were received, raising concerns for the safety of Bron Gwynedd's existing users and the fact that the road is unsuitable for additional vehicular use which is in keeping with the opinion of the Planning Inspector when a residential development was refused on the field.
- 5.21 As discussed above in paragraphs 5.10 - 5.12, the proposal that was refused on appeal was significantly larger than the application in question and, based on the current situation, it is agreed with the Planning Director that the Bron Gwynedd road is unsuitable to service a new large housing estate. Nevertheless, the Transport Unit is of the opinion that a small increase in Bron Gwynedd's vehicular use of no more than four houses would not be significant and could be acceptable without causing detriment to road safety.
- 5.22 The new turning area at the end of the road also offers an improvement to the road's safety by providing an appropriate turning area that is large enough for refuse lorries away from the houses and existing vehicular accesses. Currently, the existing turning area is in front of the current driveway and cars also tend to park in this area which can cause difficulties for vehicles to turn in a convenient and safe manner.
- 5.23 Full consideration was given to the objections but it is considered that the application meets the requirements of policies CH33 and CH36 of the GUDP which relate to road safety and the provision of private parking with appropriate conditions.

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Impact on Biodiversity

- 5.24 Natural Resources Wales had no observations to offer following the statutory consultation period. The council's Biodiversity Unit has carried out an assessment of the site and is of the opinion that the field is of moderate biodiversity value because there were a lack of species that are connected with rush pastures. From this point of view, the Unit had no objection to the proposal. Nevertheless, in order to mitigate the loss from the pasture, a biodiversity management plan will need to be submitted and implemented to improve the field's biodiversity standard and also to impose a condition to ensure that any work of clearing vegetation is completed outside of the bird nesting season. The Unit has asked for a condition to dispose of Himalayan balsalm but it is considered possible to ensure this through the biodiversity management plan condition and there is no need to duplicate conditions.
- 5.25 The Unit also asks whether there is truly a need for a turning area at the end of the road in order to decrease the impact of the proposal on the rush pastures. By giving full consideration to all transport objections and observations, it is considered that this element of the proposal is necessary in order to ensure road safety and the plan's acceptability in its entirety and, in this case, outweighs the Biodiversity Unit's observations to decrease the size of the development site.
- 5.26 The Unit has also asked for a tree survey due to the existence of an ash tree on the outskirts of the site. One of the new houses' curtilage is approximately 18m away from the tree and the house itself is further yet. Due to the distance and the fact that there is no tree preservation order in existence, it is not considered necessary or reasonable to ask for a tree survey in this case. Also, concerns were received about the hedge between the site and 8 Bron Gwynedd. It is considered possible to set landscaping conditions to protect any natural boundaries that are in accordance with policy B27.
- 5.27 As a whole, it is considered that the proposal is acceptable with conditions and complies with policies B20 and B27 of the UDP.

Infrastructure matters

- 5.28 Policy B32, B29 and CH18 are relevant to this element of the application. The policies relate to flooding, managing surface water and ensuring that there is sufficient provision of infrastructure for the development. Following the statutory consultation period, a large number of objections raised concerns about flooding, surface water problems and also problems with the main sewer.
- 5.29 Technical Advice Note 15, which relates to flooding and acknowledges areas that are at risk of flooding. By looking at the maps, the site is not within a flood zone and the closest zone is over a kilometre away, near the Seiont river. Natural Resources Wales had no objection to the proposal on flood grounds and, consequently, the proposal is not considered contrary to policy B29 or TAN 15.
- 5.30 Usually, it would be possible to set conditions to agree on a land drainage plan after releasing planning permission. Nevertheless, due to the land's marshy nature, the type of objections received and the advice from the Water and Environment Unit as the Lead Flooding Authority, it is considered appropriate to ensure that it would be possible to dispose of foul water and surface water without causing detriment and problems to the local environment before granting any planning permission.

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- 5.31 Welsh Water did not object to the proposal from the perspective of disposal of dirty water to the main sewer. In accordance with policy B32 and the requirements of Planning Policy Wales, applicants need to consider using Sustainable Urban Drainage Systems in order to dispose of surface water. A porosity report was received, showing that the land is unsuitable for use of soakways or other infiltration systems. The report also acknowledges that there is a surface water system to the east of the site that flows to a small river to the north of the site. Nevertheless, the report agrees with the objections received and acknowledges that there are already flooding problems with the river and it would be unsuitable for additional water. Another option was to use a road drainage system but the Transport Department was not happy with this.
- 5.32 The applicant has therefore asked for the powers to dispose of surface water into the main sewer. As evidence shows that there is no other option and Welsh Water is satisfied with the conditions, there is no valid planning reason to refuse the application on this basis. Although concerns are acknowledged on the sewer's capacity, Welsh Water had no objection to the proposal on a capacity basis and therefore, it is not considered reasonable to refuse the application on this basis. By disposing of surface water into the main sewer, it is not considered that the proposal would have a detrimental impact on local property nor would it cause an increase in the surface water in the remainder of the field. As the proposal does not impact the watercourse, the Council's Land Drainage Unit had no objection to the development.
- 5.33 It is therefore believed that the proposal complies with policy B32, B29, CH18 and TAN 15.

6. Conclusions:

- 6.1 The objections from local residents have received full consideration as noted above. Based on the above assessment, and having considered all the relevant matters, including the objections, it is not considered that the proposal is contrary to the local and national policies and guidelines noted in the assessment, nor are there any other material planning considerations that state otherwise. Based on the above, it is considered that the proposal is acceptable subject to relevant conditions and completing a 106 affordable homes agreement in order to ensure that the houses are transferred to a housing association and to relevant conditions.

7. Recommendation:

- 7.1 To delegate the powers to approve the application subject to signing a 106 affordable housing agreement to ensure that the houses are transferred to a housing association and to relevant planning conditions involving:
- Time
 - In accordance with plans
 - Materials
 - Landscaping including boundary treatments
 - Biodiversity management plan
 - Transport (complete the estate road, parking spaces etc)
 - Welsh Water
 - Withdrawal of permitted rights
 - Lighting plan
 - Building work hours (8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, with no building work on Sunday or Bank Holidays)
 - Submit land levels as it is and proposed.