

PLANNING COMMITTEE	DATE: 01/11/2021
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

Number: 4

Application Number: C21/0617/16/LL

Date Registered: 28/06/2021

Application Type: Full

Community: Llandygai

Ward: Tregarth and Mynydd Llandygái

Proposal: Erect 12 affordable dwellings, new access and associated works.

Location: Land near Cae Gors, Tregarth, Bangor, LL57 4NE

Summary of the Recommendation: TO APPROVE SUBJECT TO COMPLETING A SECTION 106 AGREEMENT FOR A FINANCIAL CONTRIBUTION FOR OPEN SPACES.

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1. Description:

1.1 This is a full application to erect 12 two-storey affordable homes on a site that is located on the north-eastern outskirts of the village of Tregarth. The application can be split into several different elements, which include:

- Provision of 12 affordable homes in the form of: (i) 4 x two-bedroom houses, 4 persons (social rent); (ii) 4 x three-bedroom houses, 5 persons (social rent); 1 x two-bedroom house, 4 persons (intermediate rent) and 3 x three-bedroom houses, 5 persons (intermediate rent).
- Closing the existing access from the class III county road (Tal Cae) and create a new access further to the east.
- Creating a footpath at the front of the site that will link with the existing footpath to the west.
- Widening the adjacent road to 5.5m to meet the Council's adopted requirements.
- Deviating the watercourse that runs through the site to the western peripheries of the site.
- Creating ecological corridors.
- Parking spaces within the curtilage of the proposed houses.
- Erecting fences of varying design, height and material.
- Erecting domestic sheds within rear gardens as well as bin storage sites.

1.2 The site is located below and to the east of an established housing estate known as Bro Syr Ifor and to the north-east of the village of Tregarth. Currently, it is a plot of grazing land with surrounding trees and shrubs and is 0.5ha in size. The land slopes downwards from the east to the west and the existing double entrance is located in the north-western corner of the field. To the north of the site, there is a class III county road with agricultural land further afield, to the east is a woodland and the former railway (Lôn Las Ogwen) with residential dwellings further afield, to the south is a quite substantial woodland (Tregarth Wildlife Site) and to the west are residential dwellings. The site is located within a 500m buffer zone of an ancient monument (Caer Pen Dinas), is within the Dyffryn Ogwen Landscape of Outstanding Historic Interest and within 2km of the North-west Wales Slate Landscape World Heritage Site.

1.3 The site is located within the development boundary of Tregarth as contained in the Gwynedd and Anglesey Joint Local Development Plan, 2017 (LDP) with the exception of a narrow strip of land behind plot numbers 4 to 12. In order to support the application, the following documents were submitted - Planning Supporting Statement; Affordable Housing Statement; Design and Access Statement; Pre-application Consultation Report; Housing Mixture Statement; Archaeological Evaluation; Welsh Language Statement; Preliminary Ecological Assessment; Water Conservation Statement; Arboriculture Statement; Heritage Impact Assessment and Sustainable Drainage Statement.

1.4 It was confirmed that the applicant (who works alongside Adra to provide affordable homes in the area) had undertaken a pre-application consultation in accordance with Article 1 of the Town and Country Planning Act (Development Control Procedure) (Wales) (Amendment) 2016, as the proposal is a development that is defined as major. A Pre-application Consultation Report (PAC)

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has been included with the application in order to reflect this consultation. Although the development is one that is described as a major development, there is no need for an Environmental Impact Assessment in relation to this development as it does not entail erecting more than 150 houses on a site that is more than 5ha in size - Schedule 2, Regulation 2(i) of the Town and Country Planning Regulations (Environmental Impact Assessment) (Wales), 2017.

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:

Policy PS 1 - the Welsh language and culture.

Policy PS 2 - infrastructure and developer contributions.

Policy ISA 1 - infrastructure provision.

Policy ISA 5 - provision of open spaces in new housing developments.

Policy TRA 2 - parking standards.

Policy TRA 4 – managing transport impacts.

Policy PS 4 - sustainable transport, development and accessibility.

Policy PS 5 - sustainable development.

Policy PS 6 - mitigating the effects of climate change and adapting to them.

Policy PCYFF 1 - development boundaries.

Policy PCYFF 2 - development criteria.

Policy PCYFF 3 – design and place shaping.

Policy PCYFF 4 - design and landscaping.

Policy PCYFF 5 - carbon management.

Policy PCYFF 6 - water conservation.

Policy PS 17 - settlement strategy.

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Policy TAI 8 - an appropriate mix of housing.

Policy TAI 15 - threshold of affordable housing and their distribution.

Policy AMG 5 - local biodiversity conservation.

Policy PS 20 - preserving and where appropriate enhancing heritage assets.

Policy AT 1 - conservation areas, world heritage sites and landscapes, parks and registered historic gardens.

Gwynedd Design Guidance (2003).

Supplementary Planning Guidance (SPG): Housing Mix.

SPG: Maintaining and Creating Unique and Sustainable Communities.

SPG: Affordable Housing.

SPG: Open Spaces in New Housing Developments.

2.4 **National Policies:**

Planning Policy Wales, Edition 11 (2021).

Future Wales: The National Plan 2040.

Wales Development Quality Requirements, Appendix A and B (2021).

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2017).

TAN5: Planning and Nature Conservation (2009).

TAN 12: Design (2016).

TAN 18: Transport (2007).

TAN 20: Planning and the Welsh Language (2017).

TAN24: The Historic Environment (2017).

3. **Relevant Planning History:**

3.1 There is no relevant planning history to this particular site.

4. **Consultations:**

Community/Town Council: Observations regarding the following:

- Surface water flood risk.
- Sub-standard visibility and width to the highway into Tregarth / A5 as it is a very dangerous corner.

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- No footpath linking the existing footpaths below and above Cae Gors/Ffordd Tan Rhiw.

Transportation Unit:

No objection and noting that the proposal offers improvements to the nearby road such as the intention to widen it along the periphery of the site and to provide a link on foot such as a footway that joins the network in the village. Propose relevant conditions together with notes for the applicant.

Natural Resources Wales:

No objection to the application, but offer the following observations:

Protected Species We note that the Preliminary Ecological Assessment report submitted to support the above application (Etive Ecology Ltd, May 2021) states that there are no bats or otters on the application site. From the information submitted, we consider that the proposed development represents a lower risk for bats and otters, as defined in our guidance document, 'Natural Resources Wales Approach to Bats and Planning' (2015). Additionally, we advise that the proposed development is not likely to harm or disrupt the bats or otters or their breeding sites and resting places on this site, as long as the recommendations described in section 4.3 of the report are implemented.

Flood Risk The site is within Zone A of the Development Advice Maps (DAM), which has been included in Technical Advice Note 15, Development and Flooding Risk (July 2004). TAN15 advises that the justification test is irrelevant for a development located in Zone A and that surface water requirements are relevant. The acceptability criterion is that no increased flooding will occur in other places as a result of the development. Given the location of the development in Zone A, we advise that surface water requirements should be assessed. We note that providing observations on the suitability of these proposals is a matter for the Authority's Land Drainage Department. We also recommend that any watercourse diversion/culvert should be discussed with the Land Drainage Department of your Authority.

Advice for the Developer: Managing the Environment: The applicants must reduce discolouration to the watercourse from the construction work. Silty water should be treated, either through the use of settlement lagoons, or tanks, or discharged across a grassed area. For work in river channels the use of coffer dams is recommended, to keep river water out of the working area.

River crossings must be kept free from mud or dust deposits.

Oil and chemical storage must be kept away from the watercourse,

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on an impervious base, within a bund, and secured. Absorbents or a suitable spill kit must be kept on site for use in the event of an emergency. Natural Resources Wales should be notified immediately of such an occurrence.

The mixing, use and washing of machinery and shuttering of wet concrete and cement must be carefully controlled to minimise the risk of any material entering the watercourse. It is recommended that the applicant follows the guidance within the Guidance for Pollution Prevention 5 "Works and maintenance in or near water".

Welsh Water: Need to submit a foul water drainage scheme for the development.

Public Protection Unit,
Pollution Control: Construction work may cause a noise and dust problem to nearby residents. It is noted that the site is very close to housing. In order to safeguard the area's residents, the building work should be undertaken between the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 Saturday and not at all on Sundays or Bank Holidays.

The best practical methods should be used to reduce noise and vibration from the work and to consider the recommendations of 'BS5228: *Control of Noise and Vibration on Construction and Open Sites*', that may include mitigation measures such as erecting acoustic barriers around the site near residential premises.

A detailed plan to manage dust, noise and vibration as a result of construction work should be submitted to the Local Planning Authority.

It is advised that a noise barrier should be installed opposite nearby housing to reduce noise.

Water and Environment Unit: Our maps show that a watercourse runs through the site and the developer intends to divert the watercourse as part of the plan. The developer is advised to avoid installing / constructing any structures within 3m of the course of the river as this could impede future maintenance. Additionally, an Ordinary Watercourse Consent would be required for any work that could affect the river flow, whether it be permanent or temporary.

Since 7 January 2019, sustainable drainage systems (SuDS) are required to control surface water for every new development of more than one dwelling or where the building surface area has drainage implications of 100m² or more. Drainage systems must be designed and constructed in accordance with the minimum standards for

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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. The details provided show that the developer intends to use sustainable measures to drain the site; however, until an application is made to the SAB, there is no certainty that the site plan would enable compliance with the full suite of national SuDS standards. It is therefore proposed that a discussion is held with SAB prior to submitting any application.

The Unit has also stated that they are confident that sufficient area has been allowed for the new watercourse and that the housing is sufficiently located above the ditch level. The Unit has no record of flooding close to the site and if no residential property has been affected by flooding, then it would be unlikely that the Unit would have investigated the matter.

Biodiversity Unit:	No objection subject to compliance with the mitigation measures included within the Preliminary Ecological assessment. Condition required in relation to: (i) providing a Pollution Prevention Plan; (ii) that the site is permeable for hedgehogs and (iii) submission of a biodiversity improvement plan.
Information Officer, Education Department:	Sufficient capacity available at Ysgol Tregarth (primary school) and Ysgol Dyffryn Ogwen (secondary school) for the number of children who could derive from this development.
Trees Unit:	No response had been received at the time of preparing this report.
CADW:	No response had been received at the time of preparing this report.
Gwynedd Archaeological Planning Service:	Following the receipt of the Archaeological Evaluation document, the Service has no objection to the development as the land is sterile in terms of archaeology.

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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:

- Narrow and winding road network to the detriment of road safety - new access in an unsuitable location.
- Increase in traffic.
- Need to ensure that all homes are affordable for local need.
- A risk of flooding on this site (surface water/small stream) and to nearby properties as the surface water would have to discharge to the stream that runs through the site.
- No commitment to preserve the Welsh language/local history especially the need to preserve the local name for the development.

In response to the above concerns, the applicant has submitted the following information:

- This is an application for 12 affordable homes within the development boundary of Tregarth that responds to the demand for such housing within the local community and is not a commercial scheme. The development would be in the ownership of Adra now and in perpetuity.
- Flooding - there is a flood risk in the form of surface water/watercourse running through the site. The re-alignment of the watercourse and raising the land level/plots would be a means of managing this risk and the plot of land between plots 3 and 4 would provide storage for any future overflow from the stream as well as other attenuated structures within the site. One of the contributory factors for flooding in the lowest part of the site is water from the nearby road and measures will be implemented such as installing kerbs and creating a plateau across the junction in order to keep water away from the estate with any overflow directed to a new drainage system within the road as part of the development. Any additional surface water within the site will be managed by a new drainage system for the site itself. Any water discharge to the stream will have to be designed and managed in accordance to the requirements of the Council's Water and Environment Unit (see the Unit's observations above).

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- Land condition - there is no intention to improve the infiltration system from the existing land and any water discharging to the re-aligned stream will be at a limited scale and the responsibility of managing the drainage system within the site, and undertaking maintenance work, lies with Adra (the applicant). A consultation was held with the Water and Environment Unit prior to submitting the application to provide a sustainable drainage system for the development. It is also noted that Natural Resources Wales have no objection to the application. Access/highways - the Transportation Unit has not requested improvements to the junction between Tregarth and the A5 and, therefore, it is not part of this project. In relation to improvements to visibility and the width, it is presumed that this is a reference to "*Halfway Bridge*" on the A5 and it is unlikely that an increase in construction traffic will place more pressure on this bridge. It is noted that the proposal involves improvements to the bridge and the road adjacent to the site in order to ensure that they meet the Council's adopted standards, and includes creating a new footpath. Work will not commence on the site until these improvements have first been completed and this can be stipulated should the application be approved.
- Footpaths - it is intended to provide a path link to connect to the existing path on the junction with Tal Cae and from this point onwards to Ffordd Tanrhiw and the B4409 to the school. Unfortunately, land to the south of the site is in third party ownership and properties are located up to the carriageway which does not allow improvements to widen the road or to create a new footpath.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The principle of constructing houses on this particular site is based in Policies PCYFF 1, TAI 4, TAI 15 and PS 5 of the LDP. Policy PCYFF1 states that proposals will be approved within development boundaries in accordance with other policies and proposals in the Plan, national planning policies and other material planning considerations. As referred to above, the majority of the site (with the exception of a strip of narrow land at the rear of plot numbers 4 to 12) is located within the development boundary of the Tregarth Local Village and, therefore, from this viewpoint the application can be considered under Policy TAI 4 of the LDP.
- 5.2 Policy TAI 4 states that in the local villages, new housing to meet the LDP's strategy will be supported through housing designations and suitable unallocated sites within the development boundary based on the indicative provision within the Policy itself. The indicative supply level for Tregarth over the Plan period is 13 units (including a 10% 'slippage allowance'). During the

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period between 2011 and 2020, a total of 5 units have been completed in Tregarth and the windfall land bank, i.e. sites with extant planning permission on sites not designated for housing, stood at 1 unit as of April 2020 (disregarding units identified in the LDP as unlikely to be completed). This entails that the proposal will mean that Tregarth will go beyond the indicative growth level.

- 5.3 However, in relation to the D25 indicator, which is the number of new housing permitted per category in the Settlement Hierarchy set out in Policy PS 17, expressed as a percentage of all developments developed per annum, it is noted that the information noted in the Annual Monitoring Report 2019 effectively correlates with the target and the noted trigger levels for the indicator. Currently therefore, support can be given to approve this site against general provision (based on the completion rate so far) within the Villages, Clusters and Open Countryside category.
- 5.4 Policy TAI 15 seeks to ensure an appropriate provision of affordable housing. It has a threshold figure of 2 or more units in the local villages such as Tregarth. Since the proposed development proposes an increase of 12 affordable units, this means that the proposal corresponds with the percentage requirements of affordable units within this Policy. In this case, all of the proposed units will be affordable and will be designed to the Wales Development Quality Requirements and tenancy will be part social rent and part intermediate rent. In order to provide these affordable homes successfully and to ensure that rent levels are in accordance with the requirements of affordable housing, the development will rely on receiving a social housing grant from Gwynedd Council and Welsh Government. In order to be eligible for the intermediate rent homes, prospective tenants must register with the Gwynedd Common Housing Register whilst applicants for the intermediate rent homes will need to register with Tai Teg.
- 5.5 Policy PS 5 states that developments will be supported where it can be demonstrated that they are consistent with the principles of sustainable development, including suitable sites within the development boundaries. It is deemed that this specific site can be defined as a sustainable site based on its location within the development boundary and opposite an established residential area, its location close to the local road network and public transport and that the homes are constructed in accordance with Lifetime Homes standards and will be insulated to a very high level. It is also noted that the element of sustainable development and accessibility on this site will be one of the main considerations when choosing sites for constructing houses within the LDP by the Planning Inspector.
- 5.6 Given the above and the fact that all houses will be affordable (rather than the 20% that needs to be provided), it is considered that the application is acceptable in principle. It is also a requirement that the proposal complies with other relevant policies and these are discussed below.

Affordable housing and housing mix

- 5.7 An Affordable Homes Statement was submitted by Adra on behalf of the applicant along with a Housing Mix Statement in accordance with the requirements of Policy TAI8 and TAI15 of the LDP together with the SPG: Housing Mix and Affordable Housing. This information states:
- The proposal will provide 12 affordable units (in two-storey form) including two-bedroom houses (4 persons) and three-bedroom houses (5 persons).
 - The rent levels of the affordable units will be in accordance with the requirements of the Welsh Government Rent Policy and Adra as a Registered Social Landlord and will be allocated to

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people on the Gwynedd Common Housing Register by making an application to the Housing Options Teams and those registered with Tai Teg in accordance with the local rent policy.

- The Waiting List for social housing in Tregarth (October, 2020) includes 68 applicants for a two-bedroom house and 49 applicants for a three-bedroom house and approving this application would offer opportunities for various families that are currently in unsuitable homes (e.g. some suffering with bedroom tax due to under-occupancy) to have a new home with a private garden in a sustainable and attractive location.
- Four of the units would be for intermediate rent offering another choice for people who are having difficulties on the open market but are not considered a priority for social housing. Intermediate rent levels are set depending on open market rent levels – usually, rent will be set at 80% of the market rent for similar dwellings in this area.
- Arrangements for transferring the affordable housing - subject to receiving planning permission, Adra would buy the site and employ local contractors (the applicant) to build on their behalf. Following the completion of the units, they would then be under the ownership and management of Adra as a registered social landlord.
- It appears that robust evidence is available (following the relevant SPG guidelines) regarding the need for affordable homes and that the greatest need in the Tregarth area is for social and intermediate rented units consisting of two and three bedrooms and the proposed development, if approved, will offer flexibility based on a mixture of tenures to a number of local individuals/families within Tregarth and within the local catchment area. It can be ensured that the homes will be affordable currently and in perpetuity by imposing a standard planning condition within any planning permission that relates to agreeing on details such as determining eligible occupiers for the affordable homes and details of the timetable to transfer the affordable homes.

Visual amenities

- 5.8 There is a mix in terms of form, construction and design of existing developments in the application site catchment area. Two-storey residential houses account for the majority of the housing that can be seen in the application site's area, including houses with a standard mid-20th century design (e.g. Bro Syr Ifor), housing of modern design and older houses that have been the subject of adaptations and improvements in the past. The main construction materials that are common to the local area are clean brickwork, natural stone, natural slate, smooth render as well as pebble-dash. The elevations of the proposed housing will be in keeping with these materials using natural slate on roofs, coloured smooth render together with natural slate on walls, UPV-c doors of varying colours with grey windows and rainwater goods in UPV-c with the garden sheds of metal material and of a standard design. The enclosure boundaries will be made from timber fences, steel railings and some of the existing natural stone walls at the front of the site will be rebuilt.
- 5.9 The development plan follows an "L" shape in a *cul-de-sac* form with parking provision to the front of the houses and open amenity areas on the northern peripheries of the site, which also includes landscaping. There will be open gardens to the front of the houses along with private gardens at the rear of the houses. The proposed houses are partially located on the same level as the adjacent road and partially below the road, considering the land topography and the downward slope from east to west. The plan and feel of the development will be similar to the adjacent estates, including a mix of private lawns, open amenity land and hard surfaces for pedestrians and vehicles. The height and size/scale of the houses will reflect what is in the

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catchment area of the application site, and although the site is located on the eastern periphery of the village, it is believed that it will not create an intrusive feature or present a fragmented development pattern that is contrary to the overall development pattern of Tregarth, considering that the site itself is in a slight swale between two plateaus (Lôn Las Ogwen to the east and Bro Syr Ifor to the west) with a substantial woodland providing a backdrop (Tregarth Wildlife Site).

- 5.10 As referred to above, the site is located within a 500m buffer zone of an ancient monument (Caer Pen Dinas), is within the Dyffryn Ogwen Landscape of Outstanding Historic Interest and within 2km of the North-west Wales Slate Landscape World Heritage Site and from this viewpoint a Heritage Impact Assessment was submitted with the application, which concludes that the development would not have a substantial impact on some local heritage assets (Penrhyn Quarry Railway ancient monument and the Slate Landscape World Heritage Site) due to a lack of intervisibility between them. There may be intermittent views of the development from the Penrhyn Quarry Railway ancient monument but this land is not open to the public along with the fact that there is dense woodland on the embankment of this part of the railway. There are two small spots to the south-east where it would be possible to have intermittent views of the development from Lôn Las Ogwen (especially in winter) but these views would not be the primary views considering the flow of the public footpath itself. Subject to receiving a favourable response from CADW, it is believed that the proposal is acceptable based on its limited impact on heritage assets in the catchment area of the application site.
- 5.11 Following the initial observations of the Gwynedd Archaeological Planning Service stating that there could be potential here to disturb local archaeology, an Archaeological Evaluation document was submitted and following a re-consultation with the Service, it is confirmed that there is no objection to the proposal as submitted.
- 5.12 Based on the contents of the above considerations, it is considered that the proposal is acceptable based on the requirements of Policies PCYFF 3, PCYFF 4, PS 20 and AT 1 of the LDP.

General and residential amenities

- 5.13 As referred to above, residential dwellings are located to the west (Bro Syr Ifor), and to the north-west of the application site together with their private and public gardens/amenity spaces. However, considering the design, layout and location of the proposed houses in relation to these dwellings, along with vegetation on the western periphery of the site, it is believed that the proposal would not have a substantial impact on the residents of these dwellings on the grounds of overlooking, loss of privacy and noise disturbance. It is acknowledged that there will be an element of noise disturbance during the construction work but this can be reduced by undertaking mitigation measures and the fact that the construction period will only be temporary. 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

- 5.14 The above assessment refers to the concerns of local residents regarding the suitability of the local road network to cope with additional traffic. The proposal will include closing the existing agricultural access and creating a new access to the east and further away from the existing junction/corner on the class III county road. Improvements are proposed for this part of the road by widening it and providing a footpath that will link with the existing footpath to the west of the site to meet the Council's adopted statutory requirements. The proposal involves the creation of

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parking and turning spaces within the site, which would deter vehicles from parking on the carriageway of the existing road to the detriment of road safety. In response to the statutory consultation period, the Transportation Unit has confirmed that there is no objection to the proposal noting that improvements are proposed to the nearby road and that it is also intended to provide parking on a ratio of two parking spaces per property; a small estate road with an access of standard design along with a turning space to allow vehicles to turn and exit the site in forward gear. Therefore, the Unit recommends imposing relevant conditions/notes should this application be approved in order to ensure that the work is completed to statutory standards. It is therefore deemed that the proposal is acceptable on the grounds of the requirements of Policies TRA 2 and TRA 4 of the LDP.

Biodiversity matters

- 5.15 As referred to above, the site is located within the Tregarth Wildlife Site and, as a result, a Preliminary Ecological Assessment document was submitted with the application, which has been completed to good standard according to the Biodiversity Unit. Although the proposal will result in the loss of 2000m² of improved grassland and 350m² of wet woodland, the proposal will create 350m² of species-rich grassland by creating wildlife corridors along with long-term management of all habitats that are preserved based on their biodiversity value.
- 5.16 However, conditions will need to be included with any planning permission involved with: (i) compliance with the mitigation measures included within the Preliminary Ecological Assessment; (ii) providing a Pollution Prevention Plan; (iii) ensuring that the site is permeable for hedgehogs and (iv) submission of a biodiversity improvement plan. As part of the application, an Arboriculture Statement was submitted and although no response has been received from the Trees Unit, the Statement concludes that the proposal would involve felling trees of moderate to low value and in order to mitigate this loss, new trees can be planted within the site by including a planning condition to this end in any permission. There will be a need to protect the retained trees by following the guidelines of British Standard Number (BS no.) BS5837 and NJUG Volume 4 (Guidelines for the Planning, Installation and Maintenance of utility Apparatus in Proximity to Trees). To this end, therefore, it is believed that the proposal complies with the requirements of Policy AMG 5 of the LDP.

Flooding and drainage matters

- 5.17 As referred to above, concerns have been submitted by local residents regarding the fact that the watercourse running through the lowest part of the site is, currently, located within Zone A of the Development Advice Maps (DAM), which have been included in Technical Advice Note 15: Development and Flood Risk (July 2004). TAN 15 advises that the justification test is irrelevant for a development located in Zone A and that surface water requirements are relevant here and the acceptability criterion is that no increased flooding will occur in other places as a result of the development.
- 5.18 The proposal involves realigning the existing watercourse (which is one of several tributaries to afon Ogwen) towards the western periphery of the site with the intention of discharging surface water from the site/new structure to the watercourse itself. Attenuation structures will be provided within the site that will ensure that only limited discharge will enter the watercourse in the form of the Greenfield water run-off rate. Any water discharge to the watercourse will have to be agreed with the Water and Environment Unit as a Sustainable Drainage System Approving Body (SAB), and an Ordinary Watercourse Consent will be required for any work that could affect the

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river flow, whether it be permanent or temporary. Drainage systems must be designed and constructed in accordance with the minimum standards for sustainable drainage as published by Welsh Ministers. The applicant's agent confirms that advance discussions have been held with the Council's Water and Environment Unit regarding this element of the application, which included a discussion on a drainage strategy for the development. The consensus was that there was support to upgrade the existing watercourse (where no supervision or any maintenance work has been carried out on it in the past) by realigning it and undertaking appropriate mitigation measures with regards to discharging surface water from the development to the new watercourse and this has been confirmed by the Unit, which stated that they were confident that a sufficient area had been allowed for the new watercourse and that the houses were sufficiently located above ditch level. The Unit has no record of flooding close to the site and if no residential property has been affected by flooding, then it would be unlikely that the Unit would have investigated the matter.

- 5.19 A note can be attached (as is standard in similar situations) in any planning permission referring the applicant to the need to obtain the relevant consents and licences from the Council's Water and Environment Unit prior to the commencement of any work on the site. Therefore, to this end, it is considered that this element of the proposal complies with the requirements of Policy ISA 1, PS 1 and PS 6 of the LDP as well as the advice included in TAN 15: Development and Flood Risk.

Educational Matters

- 5.20 The relevant policy within the context of educational contributions for residential developments is Policy ISA 1 of the LDP and consideration should also be given to the contents of the SPG: Housing Developments and Educational Provision when discussing this application. The information/formula within the SPG confirms that no educational contribution would be required in relation to this application as capacity is available in the primary school and secondary school regarding the number of children that would derive from this development. Given the above assessment, it is therefore believed that the proposal complies with the requirements of Policy ISA 1 of the LDP.

Linguistic matters

- 5.21 Policy PS 1 of the LDP notes those occasions when a Welsh Language Statement will need to be submitted with planning applications and in accordance with criterion 2 of the Policy as this site is an unexpected windfall site for a large scale housing development, a Linguistic Assessment will need to be submitted with the application. To this end, such an assessment was submitted which concluded that the development, if approved, would meet the recognised need for affordable homes in Tregarth; the proposal would assist local people to meet their housing needs by offering stability to the local community and encourage local people to remain in the community; bearing in mind that the Welsh language is strong within the community/area, it is anticipated that the majority of prospective tenants would be Welsh speakers; the proposal would be likely to have a positive impact on the Welsh language by stabilising the local population.
- 5.22 The scheme would also positively contribute to the visible elements of the language within the local area by means of a commitment to develop the scheme itself along with Adra's Welsh Language Plan. Subject to the receipt of favourable observations from the Language Unit, it is believed that the application can be approved based on its compliance with the requirements of Policy PS1 and the SPG: Maintaining and Creating Unique and Sustainable Communities.

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Open space matters

5.23 Policy ISA 5 of the LDP states that new housing proposals for 10 or more dwellings, in areas where existing open space cannot meet the needs of the proposed housing development, should provide suitable provision of open spaces in accordance with the Fields in Trust benchmark standards. The current information received by the Joint Planning Policy Unit shows that there is a lack of play areas with play equipment for children in Tregarth and, therefore, to this end, a financial contribution of £2,380.43 is required in order to meet this lack of provision. This contribution can be secured subject to the applicant signing an agreement under Section 106. It is, therefore, believed that the proposal is acceptable based on the requirements of Policy ISA 5 of the LDP along with SPG: Open Spaces in New Housing Developments.

6. Conclusions:

6.1 Having considered the above assessment, it is believed that the proposal to develop 12 affordable houses is a positive response to the various housing needs that have been identified in the area. In assessing the application, full consideration has been given to the observations received in response to the consultation period and the response received from statutory consultees. Based on the above assessment, it is not considered that the proposal is contrary to local or national policies and there is no material planning matter that outweighs these policy considerations. To this end, therefore, it is believed that this proposal is acceptable subject to the inclusion of the following conditions.

7. Recommendation:

7.1 To delegate powers to the Senior Planning Manager to approve the application subject to the applicant completing a Legal Agreement under Section 106 to ensure a financial contribution for the provision of open spaces and the following conditions:

To approve – conditions:

1. Five years.
2. In accordance with the plans and documents submitted with the application.
3. Natural slate.
4. Highway conditions.
5. Tree planting scheme.
6. Biodiversity mitigation measures conditions to include compliance with the requirements of the Preliminary Ecological assessment; provision of Pollution Prevention Plan; ensuring that the site is permeable for hedgehogs and submitting a biodiversity improvement plan
7. Limit working hours between 08:00-18:00 Monday to Friday, 08:00-13:00 Saturday and not at all on Sundays or Bank Holidays.
8. Agree on details regarding a Welsh name for the development together with advertising signage informing of and promoting the development within and outside the site.
9. Removal of development rights from the affordable housing.

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10. Ensure a plan/arrangements to provide the affordable housing.
11. Submit an Environmental Management Plan to include noise, vibration and dust.
12. Ensure compliance with British Number *BS 5837:2012*.
13. Condition to submit a foul water drainage plan from the development.
14. Samples of materials and colours for the houses and the hard and soft landscaping.

Note: inform the applicant of the need to submit a sustainable drainage strategy plan for approval by the Council's Water and Environment Unit.