

PLANNING COMMITTEE	DATE: 17/07/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 7

Application Number: C23/0201/08/LL

Date Registered: 30/03/2023

Application Type: Full

Community: Penrhyndeudraeth

Ward: Penrhyndeudraeth

Proposal: Construction of 41 affordable housing and associated developments

Location: Land near Trem Y Moelwyn, Penrhyndeudraeth. Gwynedd,

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

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1. Description:

1. This is a full application to provide 41 houses, new access, new estate road and associated work on a plot of land designated under T48 as a housing site as noted in the Gwynedd and Anglesey Joint Local Development Plan, 2017 (LDP). The site measures 1.26 ha and the application can be divided into different elements, which include:-
 - Provision of 41 residential units to include 30 two-storey houses (20 x 2-bedroom, four person houses; 5 x 3-bedroom, 5 person houses; 1 x 7 person, 4-bedroom house and 4 x 5-person side access houses); 1 x 2-bedroom, 3-person bungalow; 8 flats (1-bedroom, 2 person); 1 x 6-bedroom, 10 person supported living house, as well as one x 4-bedroom bungalow with wheelchair access.
 - Providing parking spaces within the curtilage of each house and off-road.
 - Creation of new access off Trem y Moelwyn Estate.
 - Creation of new pedestrian access off the nearby A487 highway.
 - Landscaping and soft and hard landscaping within and on the outskirts of the site.
 - Biodiversity improvement plan.
 - Provision of informal open space for children as well as an amenity space.
 - Installation of surface water drainage and foul water drainage system to serve the development.
 - Culverting a part of the watercourse running through the site.

- 1.2 The site is located on a plot of agricultural land being used as livestock pasture and in the middle of the settlement of Penrhyndeudraeth and within the development boundary as included in the Gwynedd and Anglesey Joint Local Development Plan, 2017 (LDP). Gated access can be gained to the site off an unclassified county road and public footpath Number 21 Penrhyndeudraeth which serves the Trem y Moelwyn housing estate, as well as residential dwellings further to the north. The south-western corner of the site is on the same land level as the nearby highway but the land runs down towards the north and east so that the land in the south-eastern corner of the site is lower than the nearby highway. To the west, residential dwellings are located; to the east, residential dwellings are located; to the south, the A487 highway is located, along with residential dwellings further afield and to the west, a telephone exchange is located along with agricultural field with residential dwellings further afield.

- 1.3 In order to support the application, the following documents were submitted - Design and Access Statement; Planning Statement; Street Lighting Plan; Preliminary Ecological Assessment and Reptile Survey; Desk Archaeological Assessment; Elimination of Invasive Species Statement; Construction Environmental Management Plan; Flood Risk Assessment; Drainage Strategy; Transport Statement; Housing Statement and Housing Mix; Water Conservation Statement; Viability Statement; Community Statement along with a Pre-application Consultation Report (PAC).

- 1.4 It was confirmed that the applicant has undertaken a pre-application consultation in accordance with the requirements of Article 1 of the Town and Country Planning Act (Development Control Procedure) (Wales) (Amendment) 2016, as the proposal is a development that is described as *major*. A Pre-application Consultation Report (PAC) has been included with the application in order to reflect this consultation.

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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 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.

PS 4 - Sustainable transport, development and accessibility.

PS 5 – Sustainable development.

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

PS 17 - Settlement strategy.

ISA 1 - Infrastructure provision.

ISA 5 - Provision of open spaces in housing developments.

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.

TAI 2 - Housing in local service centres.

TAI 8 - An appropriate mix of housing.

TAI 15 - Threshold of affordable housing and their distribution.

TRA 2 - Parking Standards.

TRA 4 - Managing transport impacts.

AMG 5 - Local biodiversity conservation.

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Supplementary Planning Guidance (SPG): Housing Mix.

SPG: Maintaining and Creating Sustainable Communities.

SPG: Planning Obligations.

SPG: Open Spaces in New Housing Developments

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 18: Transportation.

TAN 20: Planning and the Welsh Language.

TAN 24: The Historic Environment.

3. **Relevant Planning History:**

- 3.1 Pre-application enquiry number Y22/0721 for the provision of 42 houses - the Local Planning Authority has responded by referring to the following matters that would need to be addressed should a planning application be submitted - affordable housing provision/housing mix; density, design and scale of the development; residential amenities; visual amenities; the Welsh language; parking and access; education contributions; ecology; open spaces within housing developments; access for all and drainage.

4. **Consultations:**

Community/Town Council: No response.

Transportation Unit: After receiving amended plans, the Unit does not have concerns about the application subject to the inclusion of relevant conditions/notes within any planning permission.

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Natural Resources Wales: Comments 04.07.2023

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the documents identified are included in the approved plans and documents condition on the decision notice.

Protected Species

Bats

We note that the ecological report submitted in support of the above application (Land near Trem Y Moelwyn, Penrhyndeudraeth, Preliminary Ecological Appraisal and Reptile Survey, Report Ref: EE.3749.AB.22.V3, Enfys Ecology Ltd) has identified that bats are present at the application site. From the information submitted, we consider that the proposed development is likely to represent a higher risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three tests set out in the Regulations (Please also refer to Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning). Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the test relating to "demonstration of no detriment to the maintenance of the favourable conservation status of European protected species".

We advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site. Therefore, we advise that the report and plans listed above must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Hedgerow Management –

We welcome the revised landscaping plan submitted (Drawing ref: 303-LST-XX-XX-DR-L- 0101 Revision P12) shows that hedges within the development and boundaries will be maintained to 2m height in line with our advice dated 27th April 2023 and cut biannually with the exception of the hedgeline alongside the A487 Trunk Road which will be maintained to a height of 1.8m.

Lighting –

In our response of 27/04/2023 (Our reference CAS-214464-D6D5), and our email to the LPA of 01/06/2023 we advised that the Lighting report (Lighting Reality, 24/01/2013) and Street Lighting Layout P1886-CDP-XX-EX-DR-E-2101 Revision P04 was insufficient to demonstrate that the lighting associated with this development would not impact nocturnal species from continuing to commute through and forage within the proposed development site. As part of our response, we advised that a revised lighting plan should be submitted to include the ephemeral ditch through the site and preferably cover

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the whole site as previously it had only focused on the northern boundary of the site.

We note that the External Lighting Layout 07398L-SDS-EX-XX-DR-E-7080-01 Issue P05 has been submitted and demonstrates appropriate dark zones will be maintained.

Furthermore, the revised Landscape General Layout Plan 303-LST-XX-XX-DR-L-0101 Revision P12 submitted on 15/06/2023 shows the additional hedgerows along parking spaces and roadways within the development to block car headlights in line with our advice dated 01/06/2023. We also note that temporary fencing has been included to provide adequate 'day one' screening until the vegetation is sufficiently established to provide adequate screening. We therefore consider these matters to be adequately addressed within the submitted plans.

Road over watercourse –

We note that the Drainage Detail Sheet 4 22129/505 Rev P01 and the Preliminary Road Vertical Alignments plan No. 22129/SK401 RevB++ have been submitted to show the amendments to the proposed culvert on the ephemeral ditch and also additional labelling to the drawing has been added as per advice dated 01/06/23.

The details on Sheet 4 22129/505 Rev P01 is in keeping with NRW's advice in our letter dated 24/05/23 and we advise that the amended design as shown in drawing 22129/505 Rev P01 is acceptable.

Tree Removal –

Page 9 of the Pre-Application Consultation Report (Reference 1495/04/22, Owen Davenport Ltd) states that the trees to the northern boundary will not be felled as part of the development. We also note that these trees are detailed on the proposed Landscape General Arrangement Plan (Drawing ref: 303-LST-XX-XX-DR-L-0101 Revision P12).

Section 7.2.1 of the ecological report confirms that tree felling is not proposed as part of the development. Therefore, we have no concerns in relation to the impacts of tree felling on potential bat roosts. If tree felling is subsequently proposed, please re-consult us.

Water voles

We welcome that the Landscape plan (303-LST-XX-XX-DR-L-0101 Revision P12) has been updated, in line with our comments dated 27th April 2023, to include an area of habitat along the ephemeral ditch as a 'tussock grass mixture' to replace the previously proposed close mown amenity grassland. We also advise the inclusion of stone piles would provide additional benefits as a refuge to species using this area.

Protected Sites

Special Area of Conservation (SAC)

The application site is located within 352m of the boundary of Pen Llyn a'r Sarnau SAC.

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We have reviewed the two submitted Method Statements in respect of Invasive Non-Native Species for the control of Japanese Knotweed and concur with the methodologies proposed in relation to the excavation and removal of Japanese Knotweed and also its incineration.

We have reviewed the submitted Construction Environmental Management Plan (Construction Environmental Management Plan, Williams Homes (Bala) Ltd) and are satisfied that the proposal is unlikely to have a significant effect on the designation. We also note that the surface water drainage proposals as set out in the Drainage Statement (Reference: 22129/E01 Rev B, Datrys) incorporate SuDS features designed to settle any pollutants/contaminants which should benefit the protected sites downstream in the longterm.

The Method Statements, CEMP and Drainage Strategy must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 has been undertaken by your authority or it has not been forwarded to NRW for consideration. Should you conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being re-consulted. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC.

Site of Special Scientific Interest (SSSI)

NRW consider the proposals have the potential to impact upon the Morfa Harlech SSSI.

Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

Sylwadau 24.05.2023

Object and request further information on the matters below which could affect bats:

- Landscaping plan – confirm the height of the hedges on the grounds of the requirements of North and Mid Wales Trunk Road Agent..
- Lighting Plan – need further information on the grounds of the dark zones by considering all light sources. Need to reconsider the location of the bat boxes as a result.
- Road across the water course – need to revisit this design in order to ensure that wildlife can connect from both sides without using the road.

We advise, based on the information submitted to date, that the content of the documents noted below in the condition which notes

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the approved plans and documents on the decision notice. . In the absence of these documents, we would object to this planning application. Approved Documents: • Method Statement for Invasive Non-native Species – Incineration, Project Ref.: HTFM 262104, Henderson a Taylor • Method Statement for Invasive Non-native Species – Excavation and Movement, Project Reference: – HTFM 262104, Henderson a Taylor • Construction Environmental Management Plan, Williams Homes (Bala) Ltd • Drainage Statement, Land Near Trem y Moelwyn, Reference: 22129/E01 Amended B, Datrys.

Special Area of Conservation (SAC) The application site is located within 352m of the boundary of Pen Llŷn a'r Sarnau SAC. We have reviewed both Method Statements submitted in relation to Invasive Non-native Species for the management of Japanese Knotweed and we agree with the methodology proposed in relation to the excavation and removal of Japanese Knotweed and its incineration.

We have reviewed the Construction Environmental Management Plan submitted (Construction Environmental Management Plan, Williams Homes (Bala) Ltd) and are satisfied that the proposal is unlikely to have a substantial impact on the designation. We also note that the surface water drainage proposals as noted in the Drainage Statement (Reference: 22129/E01 Amended B, Datrys) incorporate the features of sustainable drainage systems designed to settle any pollutants/contaminants which should benefit the protected sites downstream in the long-term. the Method Statements, Construction Environmental Management Plan and Drainage Strategy should be included within the 'list of approved plans/documents' condition within the decision notice, should the project be approved.

No assessment of the likely significant impact under Regulation 63 of the Conservation, Habitats and Species Regulations 2017 has been undertaken by your authority, or it has not been forwarded to NRW for consideration. If you conclude that the proposed development is likely to have a substantial impact on the European site, we look forward to advising you regarding the situation. In the absence of this assessment, NRW cannot provide assurances that the proposal would not have a harmful impact on the Special Area of Conservation.

Site of Special Scientific Interest (SSSI) NRW consider that the proposal has potential to impact the Morfa Harlech SSSI. Provided that the impact pathways referred to above for the Special Area of Conservation are addressed sufficiently, NRW consider that the features of the SSSI are also safeguarded appropriately.

Local Flooding Lead Authority - The Lead Local Flooding Authority (as quoted in the Flood Management and Water Act 2010), is

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normally the appropriate body to provide advice on the existing surface water flooding risk and management of surface water drainage from new developments. Advice should be sought on the local flood risk due to rain, surface water or ground water as soon as possible in the development process by the relevant Lead Local Flooding Authority. It is possible that any work that affects the ordinary water course will require Ordinary Water Course Permission from Cyngor Gwynedd by virtue of its function as Lead Local Flooding Authority.

Welsh Water: Need to include advisory notes on any planning permission which relate to a sustainable drainage system.

Language Unit:

- The role of the Language Unit is to offer an objective and independent opinion on the content of the Language Assessment and Statement submitted by the developer as a part of their planning application. We do not offer an assessment of the likely impact of the development ourselves, or express an opinion which approves or objects the application in question. Instead, we will look at the opinion offered in the documents and on the evidence presented to support that opinion.
- In terms of the document submitted therefore, our main concern is that there is a lack of hard evidence and data being submitted to support the opinion on the potential impact. Important statistical information is missing from the document, which means that the handling of the potential impact will be superficial.
- We do not necessarily agree with the conclusion that the development would be a means to create a long-term solution to the local need for housing, and we acknowledge that the information about the housing need and the mix of units will be available in the Housing Statement.
- Whilst acknowledging the comment that this is a development on a site designated in the LDP and that the statement must equate to the nature of the application, it is also true that this application takes the housing number over the indicative number for the area.
- The fact that the development includes 41 houses is reason enough to ask for a more detailed assessment.
- By now, more recent data is also available from the 2021 census. Considering that the statement was reviewed in February 2023, we would have expected to see the data from the 2021 census alongside the data submitted from 2001 to 2011.
- The handling of the data does not go further than noting how many speakers are in the area, and in different age groups, based on the 2011 census. No consideration has been given to what demographic change the development could lead to since there is no information about the potential number of residents.

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- Public Protection Unit:
- Advise the developer to install a noise barrier adjacent to the houses of nearby residents as a further noise reduction measure during the construction work.
 - There must be compliance with all requirements of the Environmental Construction Management Plan submitted with the application.
 - Construction work to take place between the hours of 08:00 to 18:00 Monday to Friday; 08:00 - 12:00 on Saturdays and not at all on Sundays and Bank Holidays.
 - If the developer does the work outside usual working hours, there will be a need to apply for a Section 61 CoPA for prior permission to agree on working hours as well as noise levels.
 - There will be a need to use the best practical methods to reduce noise and vibration from the development and implement the recommendations of British Standards 5228: 2009 as well as A1:2014

Biodiversity Unit: After receiving additional information regarding the reptile mitigation plan as well as a cross-location plan, a second consultation was held with the Unit and the following responses were received:

- Suggest using wetland meadow mixed seed
- Confirm that the lighting plan is acceptable and shows the locations of bird, bat and swallow boxes.
- There is a need to agree on a location for the reptiles before commencing work on the site - planning condition.

An assessment of the likely substantial impact under Regulation 63 of the Habitats and Species Protection Regulations 2017 has been carried out for this development, which states that this proposal is unlikely to affect the European designated sites.

It is also suggested that the trees that are to be planted include two cherry trees (*Prunus avium*) and two apple trees (*Malus domestica*), and it would also be good should the shrubs include red currant (*Ribes rubrum*).

Economy and Infrastructure Department, Welsh Government (Transport): Condition for the work to be carried out in accordance with the proposed footpath plan.

North Wales Fire and Rescue Service: No objection and provide advice for the developer regarding the water supply for extinguishing fires.

Water and Environment Unit:

- It appears that an open water course runs through the development site and it is intended to cross this in order to allow for access in two different places. In principle, this is acceptable to the Council provided that the crossings are

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sufficient to allow for the flow of the ditch without introducing/increasing flood risk to property. The plan of the new development will also need to consider this ditch and ensure that it can be maintained in the future - the site owner(s) will be responsible for this. An Ordinary Watercourse Consent will be required for any work that could affect the flow of this culvert, and the developer should contact FCRMU@gwynedd.llyw.cymru to seek further advice.

- 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 Cyngor Gwynedd 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 may need to be submitted to the SuDS Approval Body to be approved before construction work commences. The information provided shows that the developer intends to drain the site in a suitable, sustainable manner; 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. A consultation with the SuDS is recommended.

Gwynedd Archaeological
Planning Service:

Need to include a condition that relates to undertaking the archaeological work programme before any work commences on the site and for a detailed report to be submitted regarding these details.

Strategic Housing Unit:

- Information about need: The information provided in the planning application by means of the affordable housing statement is consistent with the information regarding the need in the area.
- Suitability of the plan: Based on the above information it seems that the plan addresses the need in the area
- The plan has been included within the programme to receive a Social Housing Grant from the Welsh Government.
- These plans contribute directly to the aim of Cyngor Gwynedd's Housing Action Plan to provide more housing to meet with the current high demand that exists in the county.

Trees Unit:

A minor impact on the arboriculture value of the site and the tree schedule is of a good standard and includes a suitable mix of trees for the site.

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Rights of Way Officer: It does not appear that there are any Rights of Way recorded that will be affected by this proposal.

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

- Ensure that the land will not flood during heavy rainfall and happy that a water harvesting scheme is a part of the application.
- Local people on the housing waiting list must have a chance to reside in the houses.
- Is the surgery and the school suitable enough to accommodate more people?
- A construction project of this scale would have a detrimental impact on a nearby holiday accommodation business (Canol Cae) on the grounds of noise disturbance, odours, pollution, traffic congestion on a sub-standard road and possibly pest issues from mice.
- Who's responsible for maintaining the site boundaries?
- Loss of privacy.

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 CYFF 1, CYFF 2, TAI 2, TAI 8, TAI 15 and PS 5 of the LDP. Policy PCYFF1 states that proposals will be approved within development boundaries in accordance with the other policies and proposals in the LDP, national planning policies and other material planning considerations. As referred to above, the site is located within the development boundary of the Local Service Centre of Penrhyndeudraeth in the LDP, and it has been designated under T48 as a housing site for an estimated 31 units as noted in the Gwynedd and Anglesey Joint Local Development Plan.
- 5.2 Criterion (3) of Policy PCYFF 2 seeks to ensure the most efficient use of land, including achieving densities of a minimum of 30 housing units per hectare for residential development (unless there are local circumstances or restrictions on the site that determine a lower density). It is noted that the site is approximately 1.2 hectares, which means that the proposed development has a density of 34 units per hectare. Therefore, in principle, a higher density can be supported on this site unless it creates an unacceptable impact on the amenities of nearby properties.
- 5.3 The 10% 'slippage allowance', which means that the method of calculating the figure has taken into account potential unforeseen circumstances which could influence the provision of housing, e.g. land ownership matters, infrastructure restrictions, etc.. During the period 2011 to 2022, a total of 34 units have been completed in Penrhyndeudraeth (all on windfall sites). The windfall land bank, i.e. sites with extant planning permission, in April 2022, was 12 units, again all on windfall sites. Additionally there are 3 housing designations in Penrhyndeudraeth with an estimated 108 units. This means that Penrhyndeudraeth exceeds its indicative level with this development.

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5.4 The Plan's Monitoring Framework will consider the number of units that are completed annually in order to determine whether the Plan is delivering the housing requirement. Annual monitoring will also enable the Councils to determine what type of sites will supply housing i.e. allocations or windfall sites. The focus will be on the completed units rather than permissions. Additionally, the Monitoring Framework will try to assess whether the Plan's Settlement Strategy is being achieved. This indicator looks at housing consents. Policy PS 17 in the Plan states that 22% of the Plan's housing growth will be located within the Local Service Centres. The indicative growth level for Local Service Centres (including a slippage allowance of 10%) is 1754 units. 906 units were completed between 2011 and 2022 in each Local Service Centre and 557 were in the land bank. This means that there is a deficit of 291 units. Based on the completion rates to date within the Local Service Centre category, this proposal is acceptable.

5.5 The settlement will see its expected growth level on windfall sites through units completed in the period from 2011 to 2021, by completing the current land bank and considering this proposed application. Therefore, to this end, since Penrhyndeudraeth will exceed its indicative level, justification will be required with this application outlining how the proposal would address the needs of the local community by providing an appropriate mix of housing (Policy TAI 8). To this end, the applicant submitted the following information to support the application: -

- The registered social landlords of Grŵp Cynefin and Clwyd-Alyn are working together to build affordable housing on this site, which has been designated for housing development in the LDP.
- Grŵp Cynefin and Clwyd-Alyn will own the site once the development has been completed.
- The plan has been included within the programme to receive a Social Housing Grant from the Welsh Government.
- The Rural Housing Enabler has confirmed that there is a substantial need for housing in Penrhyndeudraeth, particularly one-bed, two-bed and three-bed houses. The information comes from the Council's Housing Options Register and the Tai Teg Register.
- Grŵp Cynefin will be responsible for 19 affordable housing and Clwyd-Alyn will be responsible for 22 affordable housing, with the occupancy a mix of social and intermediate rent; part-ownership and affordable intermediate housing for sale and this housing mix responds to the local need for affordable housing in Penrhyndeudraeth.
- One bungalow will be used to meet the need for a supported living unit following discussions with the Council's Adults Unit and the 10 person, 6-bed house will be for a specific family with special needs following discussions with the Council's Housing Team.
- The Housing Strategic Unit has confirmed that the proposal meets the need for affordable housing in the area.
- Approving the application would mean that it exceeds the indicative housing level for Penrhyndeudraeth by 12 houses, i.e., 10 additional houses to the estimated 31 houses on the site (see para. 5.2 above regarding density), along with 2 units exceeding the indicative housing level. The low figure of 12 additional houses is justified by considering the clear need for affordable housing within the settlement, which is based on current and robust evidence within the Council's Housing Options Register and the Tai Teg Register.
- The houses have been designed to the requirements of the Lifelong Living Standards as well as the requirements of Wales Development Quality, Beautiful Places and Homes, 2021.

5.6 Policy TAI 15 seeks to ensure an appropriate level of affordable housing. It has a threshold figure of 2 or more units in the Service Villages such as Penrhyndeudraeth. As the proposed development proposes an increase of 41 units, this corresponds with the threshold noted in Policy TAI 15 for making a contribution towards affordable housing. As Penrhyndeudraeth is inside the

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'West Coast and Rural Arfon' house price area of the Plan, it is noted that providing 10% of affordable housing is viable. In this case, it would be expected that 4.1 affordable units are provided on the site. The proposal is for the development of the whole site for affordable housing with all housing complying with the Wales Development Quality Requirements (DQR). The floor area of the two-bed, three-bed and four-bed houses along with the 2-bed bungalow and the 1-bed flats, comply with the maximum affordable housing floor area as noted in Supplementary Planning Guidance: Affordable Housing. The assumed floor surface area figures within the Guidance do not extend to the specific 6-bed units and 4-bed bungalow; however, considering that there is a specific need for these units and when comparing their floor area with the closest ones, they are considered to be acceptable. This means that the proposal complies with the requirements of Policy TAI 15.

- 5.7 Furthermore, the Affordable Housing and Housing Mix Statement submitted as a part of the application confirms that the mix reflects the need in the area regarding the number of houses with the specific number of bedrooms, and the Housing Strategic Unit has confirmed that the proposal meets the local need. Therefore, the proposal in complies with the requirements of policy TAI 8, and it is considered that there is justification for the proposal.
- 5.5 Policy PS5 states that developments will be supported where it can be demonstrated that they are consistent with the principles of sustainable development, including reusing sites located in appropriate locations. In this case, it can be considered that the application site is a suitable site for residential use in an area that does, specifically, include residential dwellings and is accessible to alternative modes of transport to using a private car, along with the fact that it has been designated in the LDP for residential development. Given this assessment as a whole, it is believed that the applicant has submitted justification to develop this particular site for affordable housing and, from this perspective, it is considered acceptable in principle. It is also required that the proposal complies with other relevant planning policies and these are discussed in turn below.

Visual amenities

- 5.9 The site is located on a plot of land that is visible from the four directions adjacent to the highway, the A487 and within the development boundary of the settlement. A variety of buildings and structures are located in the catchment area of the application site, which include buildings of various sizes, height, elevations and age such as single-storey houses, two-storey houses, terraced houses, a workshop, holiday accommodation, garage and BT building. The housing plan is laid out in an inverted "F" shape with gardens/amenity spaces located to the rear and front of the houses (which vary in surface area from 40m² to 168m²), also including parking spaces. These open green spaces are complemented by an informal play area (259m²) as well as an amenity area (579m²), in the centre of the proposed estate. The houses will be two-storey of traditional design, with materials that reflect the construction materials used in the catchment area of the site, including slate roofs, natural stone, timber features and off-white coloured render, as well as white UPV-c windows. Solar panels will be installed on the roofs of some of the houses. It is intended to install 1.8m timber fences on the peripheries of the gardens and between the houses with 1.0m railings to the front of the houses as well as hard and soft landscaping within the site and on its periphery, including native hedges 1.6m to 1.8m high and the retention of existing walls.
- 5.10 It was reiterated that the design was of a domestic appearance which reflected the developed pattern of the nearby area. Considering the design details submitted as part of the application, it is believed that the proposal is acceptable based on the impact of visual amenities and it is

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envisaged that ultimately it will create a positive contribution to the built character of this section of the streetscape. Planning Policy Wales, Edition 11, as well as TAN 12: Design, support developments that promote and encourage good design by providing opportunities for innovative design that meet current and future needs. Although there is no environmental or heritage designation to this particular site, taking the above assessment into account, it is believed that the proposal is acceptable on the basis of its natural and built context and on the basis of the scale, landscaping, design, height, layout, appearance and elevation treatments. The proposal therefore complies with the requirements of Policies CYFF 3 and CYFF 4 of the LDP.

General and residential amenities

- 5.11 As referred to above, residential dwellings are located in the four different directions, including Trem y Moelwyn Estate and Canol Cae (holiday accommodation business) to the east; dwellings adjacent to Bryniau Hendre to the north, as well as dwellings to the south, which are adjacent to the A487 highway. Residential dwellings are also located further away to the west. An objection was received from the occupiers of Canol Cae as a result of the statutory consultation process with regard to residential amenities - overlooking, loss of privacy, noise nuisance, rubbish, odours and pollution.
- 5.12 **Overlooking and loss of privacy** - the dwelling and holiday accommodation known as Canol Cae are located to the north-east of the application site with plots 39 to 41 with their backs facing the curtilage of Canol Cae along with the gable end of housing plot 38. Although the windows on the first floor are facing this property, there is a void of around 27m between the rear of houses 39 to 41 and the gable end of number 38 and the western elevations of Canol Cae. Within this void, is it intended to install a 1.8m high garden fence as well as planting a 2m high hedge and considering these elements of the application, including the distance between them, it is believed that the proposal would not involve loss of privacy or substantial overlooking within the curtilage and windows in the side elevations of Canol Cae. It is also not considered that the proposed development would not substantially disrupt the residential amenities of the occupants of the dwellings in Bryniau Hendre, Trem y Moelwyn Estate or the dwellings adjacent to the highway to the south, considering the layout, landscaping plan, design and voids between the proposed houses and these dwellings. Cross-sections were submitted with the application to show the relationship between the proposed houses and the existing houses noted above.
- 5.13 **Noise and light nuisance** - there are concerns that approving 41 new houses on this site would create noise nuisance to the detriment of residential and general amenities of nearby occupants. It is acknowledged that there will be some increase in noise and disruption emanating from this development, however it is not believed to be any different to any noise disruption deriving from general residential areas, e.g. Trem y Moelwyn Estate, located immediately to the east of the application site. Such noise would emanate from associated domestic and transport activities, which was normal disruption already associated with residential areas. Although it is acknowledged that noise would emanate from the construction activity, it is considered that this element of the application would only be for a temporary period.
- 5.14 As usual with applications of this scale, conditions may be imposed that restrict working hours and the applicant has already confirmed that any contractor would work in accordance with the requirements of the Environmental Building Control Plan, which would prevent machines from working outside working hours and to ensure noise mitigation measures; such a requirement may be imposed in any planning permission. It is also noted that the objector refers to light pollution from the development which would affect the amenities of the occupiers/visitors to the property.

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Street lighting will be located within the estate, instead of on the periphery of the site and only the living room lights of some of the houses will be facing Canol Cae and it is considered that they will be at the same scale as existing in the catchment area of the application site, and which is characteristic of an established residential area.

- 5.15 **Rubbish, odours and pollution** - as referred to above, an Environmental Construction Management Plan was submitted with the application, which includes matters such as preventing land/soil contamination, dangerous substances, air and water quality, ground vibrations, rubbish and odours and the need to manage building activities within the site in accordance with statutory requirements. Concerns regarding the potential for mice infestation is a matter that would be dealt with under the specific pest control regulations of the Public Protection Service.
- 5.16 **Risk of flooding** - concern has been raised by a third-party regarding flooding that may derive from the course running through the site. Following the statutory consultation process, no concerns were submitted regarding this element of the development by the Council's Water and Environment Unit or Natural Resources Wales. It is noted that the site is not located within any flood zone in the current Technical Advice Note (TAN) 15: Development and Flood Risk, or within the amended TAN - Development, Flooding and Coastal Erosion, 2021, which is a material document to be considered with planning applications.
- 5.17 Bearing in mind the above assessment, it is considered that the proposal is acceptable and would not have a substantial unacceptable impact on the residential or general amenities of nearby occupants. Therefore, it is believed that the proposal is in accordance with the requirements of Policies PCYFF 2 and PCYFF 3 of the LDP.

Transport and access matters

- 5.18 As referred to above, objections were received from local residents regarding the suitability of the county road as well as the driveway serving Canol Cae and Trem y Moelwyn to cope with additional traffic that would derive from permitting this development. A Transport Statement along with an Environmental Construction Management Plan was submitted to support the application on the grounds of road safety.
- 5.19 In response to the statutory consultation process, neither the Transportation Unit nor Welsh Government (Transport) had an objection to the proposed development on the grounds of road safety, subject to the inclusion of appropriate conditions. The above documents confirm that the development will not have a material detrimental impact on the activity of the local roads network, also stating that the new access to the development is planned to a standard design for this type of application.
- 5.20 Whilst acknowledging the concern submitted by the occupants of Canol Cae properties regarding the suitability of the existing access as well as the potential traffic congestion, it is important to note that the applicant has convinced the Transportation Unit and Welsh Government that what is proposed in terms of new entrances (for pedestrians and vehicles) and additional traffic flow is acceptable on the grounds of road and pedestrian safety and it is considered that the proposal, therefore, is acceptable on the grounds of the requirements of Policy TRA 2 and TRA 4 of the LDP.

Biodiversity matters

- 5.21 In order to support the application, many ecological documents were submitted in the form of a Preliminary Ecological Assessment; Reptile Survey along with an Elimination of Invasive

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Species Statement. In response to the statutory consultation process, the Council's Biodiversity Unit states that there will be a need to present additional information about the reptile mitigation plan and the cross-location plan. In addition, since the Surveys have confirmed that bats are present on the site, Natural Resources Wales has asked for further information relating to confirming the height of the hedges on the site, the lighting plan as well as the location of the bat boxes and the design of the road over the watercourse.

- 5.22 The response of the Biodiversity Unit to these matters were received, and it was confirmed that the lighting plan is acceptable and shows the location of bird, bat and swallow boxes. It was suggested to use wetland meadow mixed seed and this has now been added to the landscaping plans. It is noted that there would be a need to agree to a location for relocating the reptiles before commencing work on the site and that this would need to be ensured through a planning condition/legal agreement.
- 5.23 Subsequently, a response had been received from Natural Resources Wales to further information submitted on the matters previously raised. To this end, Natural Resources Wales has confirmed that the proposal is acceptable, subject to the inclusion of the additional and amended ecological, lighting and landscaping documentation and plans in the list of documents/plans approved on any planning decision. The observations of Natural Resources Wales confirm that matters relating to bats, hedgerow management, lighting, road over the watercourse, trees, water voles and Japanese Knotweed management are acceptable.
- 5.24 An assessment of the likely substantial impact under Regulation 63 of the Habitats and Species Protection Regulations 2017 has been carried out for this development, which states that this proposal is unlikely to affect the European designated sites.
- 5.25 To this end, and subject to relevant planning conditions/legal agreement, it could be considered that the proposal would be acceptable on the basis of the requirements of Policy AMG 5 and PS 19 of the LDP.

Sustainability matters

- 5.26 There are many policies within the LDP that promote sustainability in new developments in Gwynedd. Policy PCYFF 5 states that a contribution from renewable or low carbon energy will need to be demonstrated to satisfy the proposal's needs for electricity and heating and Policy PCYFF6 states that proposals should incorporate water conservation measures where practicable. To support the application under the sustainability heading, the following documents were submitted: - Transport Statement, Water Conservation Statement and Design and Access Statement as well as confirmation that the units will comply with the Welsh Government's Design Quality Requirement - Beautiful Homes and Places (2021) and Lifelong Homes.
- 5.27 It is considered that the site is previously developed, is accessible for various methods of travel, not far from community resources and facilities and the applicant has a sustainability strategy in mind that entails using sustainable materials and measures to reduce energy use such as insulation measures and measures that involve the use of sustainable heating and hot water systems (e.g. installation of solar panels on the roof and undertaking a sustainable drainage system *SuDS*). The Water Conservation Statement states that the proposal will include measures to harvest and control surface water that flows from the site. To this end, therefore, it is believed that the proposal complies with the requirements of Policies PCYFF 5 and PCYFF 6 of the LDP.

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Linguistic matters

5.28 A Language and Community Statement was submitted with the application in accordance with criterion 1b of Policy PS 1 of the LDP and the Statement concludes:

- (i) it is expected for proposals to have a minimum impact on the Welsh language, considering its scale in relation to the local resident population, with the development aimed directly towards responding to the local need for affordable housing;
- (ii) the proposal for 41 units of different types, sizes and tenure would enable local people to satisfy their needs for housing and to remain in the local area and, in turn, this maintains the percentage of Welsh speakers in Penrhyndeudraeth;
- (v) as it is anticipated that prospective residents will move from one location to another in the town, the proposal will have a neutral impact on the Welsh language.

5.29 The Statement also recommends many mitigation measures, including:-

- (i) Using Welsh names for the development and this can be ensured by including an appropriate condition within any planning permission.
- (ii) The houses can be marketed bilingually by Tai Teg and/or local estate agents.
- (iii) The proposal would involve providing affordable housing for the local population by registered social landlords which ensure that the houses would be affordable.
- (iv) Information packs that raise awareness of the Welsh language for the prospective occupiers of the houses, e.g. advertise Welsh-medium schools; community activities and language centres (Hunaniaith) and
- (v) Use local contractors to undertake the construction work.

5.30 A response was received from the Language Unit stating that they do not necessarily disagree with the conclusion that the development would be a means to create a long-term resolution to the local need for housing, and acknowledging that the information about the need for housing and the mix of units was available in the Housing Statement, however, there is concern about the lack of evidence and hard data submitted to support the views on the potential impact on the Welsh language. In response to this concern, the applicant's agent has submitted the following information: -

- (i) There is cross-reference between the Language and Community Statement and other documents within the application, which refer, for example, to the clear need within the local area for affordable housing.
- (ii) In relation to the need for more information relating to a changing population, the agent states that the development is specifically targeted towards the provision of social housing, using reliable sources from the Tai Teg and Council registers and that this is a minimum of 12 houses above the indicative level, which is believed not to be a substantial or material figure in order to submit more demographic information. It must also be considered that the development can provide 31 units only (site density according to Policy PCYFF 2), with only 10% affordable units and 26 open market units, which would be open for anyone to occupy. It is anticipated that the occupancy of the development would be around 71 persons and this figure is a minimum figure compared with the population of 2,364 for the local area. It is also noted that the site has been designated for housing in the LDP and that this is not a development on a windfall site.

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- (iii) Using the data from the 2021 census - the local level data was released very recently and after the application was submitted. However, after receiving the observations of the Language Unit, the statement was updated to include the data for 2021. As a result of reviewing the latest data, it is noted that despite the decline in the language skills of the older generation, there has been an increase in the school age and workforce cohort and therefore, the main priority is to provide affordable housing and an economic foundation in order to keep young people in the area that would, in turn, maintain the Welsh language. The original statement would have come to the same conclusion as the amended statement.

- 5.31 Whilst acknowledging the concerns of the Language Unit on the impact of the development on the Welsh language, it is considered that the information that has been submitted and updated by the applicants responds positively to the objective of maintaining and promoting the language in Penrhyndeudraeth and in order to ensure that the proposal fully complies with the requirements of Policy PS 1, specifically, criteria 4 and 5 which notes the need to ensure bilingual signage and a Welsh name for the new development, it is intended to impose a standard condition that would require details to be agreed for these elements. In doing so, it is believed there would be a positive impact on the local community and it would add to the linguistic character of the local area and protect it. Given the above assessment, the development can be considered acceptable based on the requirements of Policy PS1 and SPG: Maintaining and Creating Distinctive and Sustainable Communities.

Educational matters

- 5.32 The relevant policy within the context of educational contribution for residential developments is Policy ISA 1 of the LDP. Consideration must also be given to the contents of the SPG: Planning Obligations document when discussing this application. The information/formula within the SPG suggests that 7.2 primary school-age pupils would derive from the proposed development. The SPG notes that consideration should be given to the situation in the school that serves the catchment area where the development is located. In response to the statutory consultation, the Planning Policy Unit has confirmed that there is plenty of capacity in the schools in the catchment area, namely Ysgol Gynradd Cefn Coch and Ysgol Ardudwy, to accommodate the proposed number of children that could be expected from approving this proposal. Therefore, it is considered that the proposal complies with the requirements of Policy ISA1 and the relevant SPG.

Open space matters

- 5.33 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*. The current information received from the Joint Planning Policy Unit in relation to this application confirms that there is a lack of children's play areas and a lack of play areas with equipment for children in the catchment area of the application site. A viability statement was submitted with the application which states, should there be a need to provide open play areas for the anticipated number of children, this in turn would lead to the loss of many housing, rendering the development not viable. The applicants have already commenced initial discussions with the Community Council regarding making a financial contribution towards improving the facilities of Parc Mileniwm, which is located close to the application site and in the town centre, by signing a legal agreement to realise this contribution.

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5.34 A provision of informal open spaces are to be located in the centre of the site, which would give prospective occupiers an opportunity to use them, as well as other local residents. This provision of informal and separate formal/informal play areas for children and outdoors sports areas is additional to the need.

5.35 By using the SPG and viability statement, a financial contribution of approximately £18,906.46 would be required and this can be secured by arranging a legal agreement under Section 106 of the Town and Country Planning Act 1990, and on this basis it is therefore believed that the proposal complies with the requirements of Policy ISA 5 of the LDP.

6. Conclusions:

6.1 Having considered the above assessment, it is believed that the proposal, as amended, is acceptable in principle and it is believed that the fact that 100% of the units are affordable would respond to the needs that have already been identified and it is considered that they make a vast contribution to the affordable housing needs of the settlement. Full consideration was given to observations received from local residents and statutory consultees, however, in assessing the current proposal in its entirety, no substantial harmful impact contrary to local planning policies and relevant national guidance has been identified. Therefore, to this end, it is considered that the proposal is acceptable.

7. Recommendation:

7.1 To delegate powers to the Senior Planning Manager to approve the application subject to the applicant signing a Section 106 agreement to ensure an open spaces financial contribution and the following conditions: -

1. 5 years.
2. In accordance with the plans/details submitted with the application.
3. Landscaping
4. Secure a plan/arrangements to provide the affordable units e.g. mix, tenure, occupancy criteria, timetable and arrangements to ensure that units are affordable now and in perpetuity.
5. Compliance with the recommendations of the following documents: Preliminary Ecological Assessment; Reptile Survey and Elimination of Invasive Species Statement.
6. Agree on details regarding Welsh names for the development before the residential units are occupied for any purpose along with advertising signage informing and promoting the development.
7. Working hours limited to 8:00-18:00 Monday to Friday; 08:00-13:00 Saturday and not at all on Sunday and Bank Holidays.
8. Compliance with the content of the Environmental Construction Management Plan document submitted as part of the application.
9. Relevant conditions from the Transportation Unit regarding improvements to the access and parking spaces.
10. Submit and agree to samples of materials and colours for the residential dwellings.
11. Submit and agree to a biodiversity improvement plan to include reptile re-location.
12. Submit and agree on solar panel details.
13. Restrict the use of proposed housing to Use Class C3 of the Town and Country Planning Order (Use Classes) (Amended) (Wales), 1987 - residential houses used as a sole residence or main residence.
14. Agree on the location and type of noise barrier adjacent to the houses of nearby residents before work is commenced on the site.

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106 condition/agreement for the relocation of reptiles.

Note - need to submit a sustainable drainage system application to be agreed with the Council.

Note - refer the applicant to Welsh Water observations and amended advice.

Note - refer the applicant to observations and advice from Natural Resources Wales.