

PLANNING COMMITTEE	DATE: 20/11/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 2

Application Number: C23/0614/16/LL

Date Registered: 04/08/2023

Application Type: Full

Community: Tregarth

Ward: Tregarth and Mynydd Llandygai

Proposal: Full application for the erection of seven dwellings together with associated works to include improving the existing access, associated internal access road and landscaping.

Location: Penrala, Tregarth, Bangor, Gwynedd, LL57 4AU

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is a full planning application to erect seven dwellings along with associated works to improve the existing access, to create landscaped areas and an internal access road on land that is currently used by an electrical contractor business. It is intended to keep the existing office building on the site, which is associated with the business, but it will involve developing the surrounding land and demolishing an existing workshop to facilitate the construction of the new dwellings and access road. It is intended for two of the new dwellings to be intermediate affordable homes.
- 1.2 All the houses will be two-storeys with an 8.6m high pitch roof and finished in a mixture of materials including:
- Natural slate roofing with composite uPVC fascias and soffits, and a ridge in red concrete or clay ridge tiles
 - Walls - facing brickwork in various shades and textures with decorative features and the remaining areas to be roughcast painted render
 - Rainwater goods: Powder coated steel system
 - Windows and doors: UPVC composite window systems, white and grey and coloured front doors.
- 1.3 The proposed layout includes associated parking provisions and garden areas for each property. Each property will be provided with two parking spaces either to the front or side of the dwellings. Seven parking spaces will be provided to serve the existing office building on site and this will be situated to the front of the office building.
- 1.4 The site is located within the Tregarth Local Village development boundary as defined by the Anglesey and Gwynedd Joint Local Development Plan, but the site has not been allocated for any specific use. It is situated within a designated Special Landscape Area and the Dyffryn Ogwen Landscape of Outstanding Historical Interest. It is also within the buffer zones of two Scheduled Monuments such as CN202 Parc Gelli Huts and CN417 Penrhyn Quarry Railway, which also form part of the UNESCO World Heritage Site.
- 1.5 The following information was submitted in support of the application:
- Planning Statement
 - Welsh Language Statement
 - Letter from an Estate Agent regarding the local housing market
 - Land Contamination Risk Assessment
 - Initial Ecological Assessment
 - Arboriculture Assessment
- 1.6 This application was submitted to the Committee at the last meeting on 23/10/23 when the discussion was postponed to carry out a site visit.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to

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meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act, and in making the recommendation the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

2.3 Anglesey and Gwynedd Joint Local Development Plan. (July 2017)

PCYFF 1: Development boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

TAI 4: Housing in local, rural and coastal villages

TAI 8: An appropriate mix of housing

TAI 15: Affordable housing threshold and distribution

TRA 2: Parking standards

TRA 4: Managing transport impacts

PS 1: The Welsh Language and Culture

PS 19: Conserve and where appropriate enhance the natural environment

AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens.

AT 4: Protection of non-designated archaeological sites and their setting

AMG 2: Special landscape areas

Supplementary Planning Guidance: Affordable housing

Supplementary Planning Guidance: Housing Mix

2.4 National Policies:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Letter of the Welsh Government's Minister for Climate Change, dated 11 October 2023 announcing an update to chapter 6 of Planning Policy Wales with immediate effect.

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Technical Advice Note 2: Planning and affordable housing

Technical Advice Note 5: Planning and nature conservation

Technical Advice Note 12: Design

3. Relevant Planning History:

C00A/0030/16/LL – Erection of store: Approved 01/03/00

C98A/0025/16/LL - Demolish the existing store and erect new offices and store - Approved 21/07/98

4. Consultations:

Community/Town Council:	No objection
Transportation Unit:	No objection in principle, but ask for confirmation regarding the waste collection system. Propose a series of conditions and instructions for the applicant
Welsh Water:	Require a condition to ensure proper foul water drainage and standard observations for the developers
Trees Unit:	The Arboriculture Assessment has been completed to a good standard. Conditions will be required to ensure that recommendations are implemented. Further recommendations for the landscaping plan.
Biodiversity Unit:	Ask for measures to ensure that the trees on the northern boundary of the site are preserved. The recommendations of the Initial Ecological Assessment must be observed
Land Drainage Unit:	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.
Cadw	No objection
Gwynedd Archaeological Planning Service	There is potential for the development to affect archaeological features and request a condition to ensure that an archaeological work programme is completed prior to commencing work on the site.
Public Protection	Request conditions to ensure that the requirements of the Land Contamination Risk Assessment are realised
Strategic Housing Unit	Acknowledge there is demand for the type of affordable housing proposed within the village.
Municipal Services	Not received.

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Public Consultation:

A notice was posted on the site and the neighbours were consulted. The advertising period has expired and the following observations regarding material planning matters were received, namely:

- Concern regarding safety on the highway nearby the access
- Concern regarding parking problems when events are held in Capel Shiloh Newydd opposite
- Concern regarding overlooking onto neighbours' properties and the impact on privacy.
- Concern regarding the potential impact of the landscaping plan on visibility from the existing vehicular access of neighbouring properties
- The proposed planting work could shadow neighbours' gardens
- The development would be damaging to the village's character
- There was no need for more affordable housing in the village
- Concern due to the proximity of the site to an agricultural shed where livestock and manure are stored

In addition, observations were received which are not material planning matters for this application:

- The proposed retaining wall on the boundary with neighbours is insufficient for the intended purpose
- Concern regarding the potential increase in anti-social behaviour
- Questioned the rights of owners / access to parts of the land
- Allegation that several trees had already been lost to make room for this development

5. Assessment of the material planning considerations:

The principle of the development

5.1 It is a requirement that planning applications be determined in accordance with the adopted development plan unless other material planning considerations indicate otherwise. The Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case. The application site is located within the development boundary of the Local Service Centre of Llanberis as defined in the LDP.

5.2 In accordance with Policy PCYFF 1 ('Development Boundaries'), proposals will be approved within development boundaries in accordance with the other policies and proposals in the Plan, national planning policies and other material planning considerations. Tregarth has been identified as a Local Village under policy TAI 4. This policy allows housing developments to

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- meet the Plan's strategy by using suitable windfall sites within the development boundary, based on the indicative provision contained in the Policy.
- 5.3 The indicative supply level for Tregarth over the LDP period, as noted in Appendix 5 of the Joint Local Development Plan, is 13 units (including a 10% 'slippage allowance'). During the period 2011 to 2023, a total of 5 units have been completed in the village. In April 2023, the windfall land bank, i.e., sites with extant planning permission on sites not designated for housing was 14 units. This means that Tregarth will achieve its indicative growth level by developing the units in the current land bank.
- 5.4 Policy PS 17 of the LDP, which is the Settlement Strategy, states that 25% of the housing growth will be located within Villages, Clusters and open Countryside. A review of the situation in relation to the windfall provision within all the Villages, Clusters and open Countryside in April 2022 indicates that 1,565 units from the total of 1,953 units predicted on windfall sites had been completed, and that 592 units were in the land bank (and likely to be completed). This data reflects the fact that the Plan inherited several permissions granted by the Local Planning Authorities, based on the previous development plans' requirements and relevant planning considerations. Currently, this site can be approved against expected provision within the Villages, Clusters and Countryside category (based on the completion rate so far).
- 5.5 As the settlement can see its expected growth level through units completed in the period from 2011 to 2023, along with those in the land bank, there was a need for justification with this application, outlining how the proposal will address the needs of the local community. A Planning Statement was submitted to support the application and this includes information from the Local Housing Market Assessment (LMHA) of the need for specific types of housing as well as a letter from local estate agents of the need for this type of units in the area.
- 5.6 Policy TAI 8 states that all new residential development should contribute to improving the balance of housing and meet the identified needs of the whole community and Supplementary Planning Guidance "Housing Mixture" encourages the use of available information, which can include the LHMA and commercial information, to help ensure that the housing provided meets the needs of the local community.
- 5.7 The Planning Statement submitted to the LHMA reports that the biggest need for housing is currently for smaller dwellings with one or two bedrooms but the data also showed that the need for larger dwellings (5+ person) will increase. This application offers a mixture of 40% of two bedroom units that would meet the need for smaller units highlighted in the LMHA with three bedroom units to provide for 5 people. Although recognising that the proposed housing mixture would not correspond entirely with the mixture noted in section 7 of the LHMA, the developer has selected a higher percentage of three-bedroom properties for the site as the current housing market for the area indicates demand for properties of such size. This is reiterated by the evidence of a local estate agent who notes *"I have no doubt that the demand for such a development would be very strong should these houses be available in the current market, not only as the proposed plan is suitable for local young families, but also as there is a shortage of houses available in the village of Tregarth at present"*.
- 5.8 In the above context, it is believed that appropriate evidence has been received that this plan will help to meet the recognised housing needs in the local community. Therefore, it is deemed that the proposal is consistent with the objectives of policies TAI 4, PCYFF 8 and PS 17 and that the principle of the development is consistent with the LDP's housing policies.
- 5.9 According to the application form, the size of the site is around 0.31 hectares. Criterion (3) of Policy PCYFF 2 states that the best use of land should be made, 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). Based on 30 units per hectare, a site of this size could provide 9.3 residential units. However, an office building is already on the site and it is proposed to keep it as part of the plan. Furthermore, the office space requires separate parking provisions to the residential development, which ultimately reduces the

room available to include the further houses. The site is also partially restricted by the need to protect existing mature trees, which would once again affect the general space available to construct further units on the site. Consequently, it is believed that the development density in this case is acceptable and it would intertwine well with the development pattern of the surrounding area. Therefore, it is considered that the application is consistent with this aspect of policy PCYFF 2.

Affordability Matters

- 5.10 As this proposal is for the provision of seven new houses, it meets the threshold noted in Policy TAI 15 to consider affordable provision. Tregarth falls within the 'Northern Coast and South Arfon' House Price Area where developments are expected to provide 20% of affordable units. Based on a proposal for 7 units, this would mean 1.4 affordable units. The proposal provides two affordable units which satisfies the requirements of Policy TAI 15. Additionally, the Strategic Housing Unit figures below confirm the demand for affordable housing in the community:

Number of applicants registered with Housing Options for a social property: 248

Number of bedrooms	Need as a %
1 bed	30%
2 beds	42%
3 beds	22%
4 beds	6%
5 beds	0%

Number of applicants registered with Tai Teg for an intermediate property: 4

Number of bedrooms	Rent	Buy	Need as a %
1 bed	0%	0%	0%
2 beds	0%	25%	25%
3 beds	0%	50%	50%
4+ beds	0%	25%	25%

*Note that figures could be duplicated between the social and intermediate need and between the rent and buy need.

- 5.11 The two proposed affordable dwellings include a two-bedroom terraced house with a surface area of approximately 82m² and a three-bedroom semi-detached house with a surface area of approximately 99m². The Supplementary Planning Guidance "Affordable Housing" notes presumed floor space to ensure that houses are of an appropriately-deemed size for affordable properties. The size noted for a three-bedroom property (for 5 persons) is 94m² and the size for a two-bedroom property (4 persons) is 83m². Although slightly larger than presumed sizes, it is believed that the proposed units are consistent with the sizes noted in the SPG, especially when considering that intermediate affordable housing is proposed here, where it is expected for prices

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to be higher than social housing but lower than houses on the market. The letter of the Estate Agent that was submitted provides estimates for these houses, which suggest that it would be possible to ensure that they would be available for an affordable price with a 106 Agreement in place to ensure an appropriate discount. To ensure the size of this discount, a "Red Book" valuation of these houses will be needed and this information has been sought by the applicant.

- 5.12 When considering the above, accepting that the "Red Book" valuation will be consistent with the estate agents' estimates, it is believed that this development will provide affordable homes in accordance with the requirements of policy TAI 15.

Location, Design and Visual Impact

- 5.13 Generally, policies PCYFF 2 and PCYFF 3 of the Joint Local Development Plan support proposals for new developments provided they do not have a detrimental impact on the health, safety or the amenities of the residents of local properties or on the area in general. In addition, developments are required to:

- Contribute to, and enhance the character and appearance of the site
- Respect the site and its surroundings in terms of its position in the local landscape.
- Use appropriate materials

- 5.14 In considering the semi-urban context of the site and the fact that it is a previously developed site, it is deemed that the layout, design and materials of the proposed development will be in-keeping with the location in an appropriate way. It is believed that the houses have been designed to a standard quality with use of bricks reflecting the townscape in this part of Tregarth. It is also believed that the landscaping proposals are in-keeping with the nature of the village. Although the observations received are acknowledged, it is not considered that the houses would cause significant harm to the built quality of the site or the local neighbourhood and, consequently, it is considered that the development is acceptable under Policies PCYFF 2 and PCYFF 3 of the LDP as they relate to these matters.

The Historical Landscape

- 5.15 The area of the proposed development is located within 1km of several designated historical assets and given their elevated location, a development in this area is likely to be visible from them. However, the site is part of Tregarth's current settlement and houses are designed in a traditional style that would assimilate into the historical landscape in a manner that is not damaging to the designated historical assets. Cadw was consulted and it was of the opinion that the proposed development would not have any harmful impact on the context of scheduled monuments or on the exceptional general value of the World Heritage Site or designated landscapes. It is therefore considered that the application is consistent with the objectives of policies AT1 and AMG 2 of the LDP.

Archaeological Matters

- 5.16 Policy AT 4 encourages the refusal of developments that will affect local archaeological remains unless the need for the development overrides the significance of the archaeological remains. In this case, the Gwynedd Archaeological Planning Service notes that there is archaeological potential both in the form of known (features on historic mapping) and unknown (industrial and prehistoric settlement) sub-surface remains to this location and that there is high archaeological

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potential to the site. As a result, it is recommended that the planning authority should insist that appropriate mitigation measures are undertaken if the application is approved and that a condition should be imposed on any permission requiring the applicant to agree on an Archaeological Work Programme prior to commencing work on the site. In doing so, it is believed that the application would meet the requirements of policy AT 4 of the LDP.

General and residential amenities

- 5.17 Because of the location, design, orientation, and size of the proposed houses, it is not believed that there would be any significant detrimental impact on private amenities deriving from the development. While accepting that surrounding houses abut the site, this is an infill site within a development boundary, and it is not considered unreasonable for development for housing. It appears that the layout of the proposed houses has been designed to avoid direct overlooking and while it is inevitable to have some inter-visibility between the area's properties, it is not believed that this would be unreasonable or unexpected in such a location. The concerns of a neighbour regarding the potential impact of the house on Plot 1 specifically on privacy are noted; however, when considering that only a landing window on the first-floor of the gable end of this property will be facing neighbours, it is not believed that any loss of privacy would derive from it.
- 5.18 In addition, in recognising that the houses would be within 6m of the garden of "Station Cottage" nearby, and that it is likely that there would be some shadowing of that property, due to the size of the new houses and the surrounding space, it is not believed that the shadowing would cause significant harm to the amenities of the residents of "Station Cottage". Also, a concern is noted that trees planted as part of the development may shadow neighbours' properties; however, when considering the current wooded nature of the site, it is not believed that additional significant damage will derive from this development.
- 5.19 In considering the above discussion, it is deemed that the development is acceptable under Policies PCYFF 2 and PCYFF 3 of the LDP in terms of its impact on private amenities.

Transport and access matters

- 5.20 Several objections were received to the plan as parking issues already exist on the B4409 nearby, especially when events are held in the chapel opposite the access, with concern that the construction of seven houses at this location would exacerbate the situation. In addition, there are concerns regarding the hazard to street users from increased traffic, including those using Lôn Las Ogwen who have to pass the site when linking from one part of the path to the other.
- 5.21 Despite the above, the Transportation Unit had no objection to the proposal in principle although they sought more information about waste / recycling collection arrangements from the houses. An amended site plan was received showing the proposed bin store/collection location near the site access. Looking at the plans, it is noted that there is a private parking space for each new property and specific space would remain for the Electrical Contractors' business. In considering that the parking arrangements and vehicular access were acceptable by the Transportation Unit, it is considered that the traffic caused by the seven new houses would not increase the risk for road users in a significant manner.
- 5.22 Given the above, it is considered that the parking provision and access overall is acceptable for the location and the proposal meets the essential requirements in terms of road safety and parking provision and that a convenient and safe access arrangement could be ensured by means of

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appropriate planning conditions. In doing so, it is believed that the plan meets with policies TRA 2 and TRA 4 of the LDP as they relate to these matters.

Trees and Biodiversity Matters

- 5.23 An Initial Ecological Assessment and Arboriculture Assessment of the site were submitted along with landscaping proposals to mitigate the impacts of the development. The report concluded that the building that is to be demolished has low potential to be a bat roost but the proposed work will lead to loss of habitat and therefore reasonable avoidance measures should be followed. Reasonable avoidance measures have been recommended for bats and nesting birds, mammals, reptiles and amphibians and these include lighting recommendations, pre-works checks and general measures if animals are found in the area of the work. The Biodiversity Unit was also eager to ensure that trees are preserved along the site's northern boundary and it is believed that by adding a condition to secure a full landscaping plan that biodiversity interests on the site will be protected. It is believed, by ensuring compliance with recommendations in the ecological and trees reports and by securing an appropriate landscaping plan through planning conditions, the development will be acceptable under Policy 19 of the LCP along with the Letter of the Welsh Government's Minister for Climate Change dated 11 October 2023 which published an update to chapter 6 Wales Planning Policy relating to green infrastructure and the step-wise approach.

The Welsh Language

- 5.24 In accordance with criterion (1b) of Policy PS 1 'The Welsh Language and Culture', as this development, collectively, will provide more than the total indicative housing provision for Tregarth, it was required to submit a Welsh Language statement with the application. A report was received which concluded that the proposed development would generally have a neutral impact on the Welsh language and the community within Tregarth by providing open market and affordable housing to meet the needs of the local community. A Welsh name could be ensured for the development by means of a planning condition and a condition could also be imposed to ensure that the houses would not be converted into holiday units. When considering the above discussion regarding the propriety of the principle of the plan in question, it is believed that the development is consistent with the objectives of Policy PS 1 as it would meet recognised housing needs.

Contaminated Land Matters

- 5.25 Due to the historic use of the site as railway land and the proximity of a historical landfill site, the land may have been contaminated. A Contaminated Land Risk Assessment was submitted with the application, which noted that no significant contamination was present on the site from its past industrial use that may create a risk today. However, it is recognised that the composition of the materials used to fill the site was unknown and it is recommended that an 'Intrusive Investigation' is undertaken to confirm ground conditions. The objectives of this investigation will be to confirm the nature of ground materials within the former railway cutting and to gather additional information needed to refine and confirm the site's conceptual model. The Public Protection Service must approve the site investigation and any precautionary and/or remedial measures in writing prior to the commencement of the development. In doing so, it is considered that the development will be acceptable under policy PCYFF 2 as it seeks to protect properties from pollution from development sites.

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Other matters

- 5.26 An objection has been raised regarding the site's proximity to the existing agricultural building which is used to keep animals / manure. The building is located within 5m of the site's northern boundary and approximately 17m from the nearest proposed house. It is noted that planning permission was granted for an agricultural building on this site on 19/03/09 and that the building is on a higher level than the housing site with a screen of trees growing between them. An objector has claimed that legislation prevents the construction of housing within 400m of an agricultural building however it is not clear as to what legislation the objector is referring to and planning officers are not aware of any such legislation (although it is noted that planning permission is needed to construct a building to keep animals within 400m of a house). The response of the Public Protection Service to this observation is awaited.
- 5.27 Ultimately, it must be accepted that this is a site within a village in rural Wales and the presence of agricultural buildings and activities nearby dwellings is unavoidable in some cases. The site is allocated to be suitable for inclusion within the development boundary and there was an opportunity as part of the process of adopting the LDP to object to the location of the boundary in this part of the village. This objection has not changed the relevant planning considerations that are discussed in the remainder of the report.

6. Conclusions:

- 6.1 It is believed that this development has been designed to meet the needs of the local housing market, which includes an appropriate element of affordable homes on a brownfield site within a development boundary. As a result, it is believed that the plan is acceptable on the grounds of principle and that it complies with relevant local and national planning policies regarding all the relevant material planning matters.

7. Recommendation:

To delegate powers to approve the application subject to receiving a red book valuation of the houses to be able to determine a discount on the affordable homes, a 106 affordable housing agreement and conditions relating to the following:

Commencement within five years

Development to comply with the approved plans

Use Welsh roof slates or similar slate

Agree on external materials

Removal of Permitted Development Rights from the affordable units to ensure their affordability

Welsh Water Condition

Highways Conditions

The recommendations of the Preliminary Ecological Assessment must be observed

The recommendations of the Arboriculture Assessment must be observed

Landscaping conditions

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The recommendations of the Contaminated Land Risk Assessment must be observed

A Welsh name for the housing estate and individual houses.

Restrict the use to class use C3 only

Note - Welsh Water

Sustainable Drainage System

Transportation Unit

Trees Unit: