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

**Number: 4**

**Application Number: C22/0523/14/LL**

**Date Registered: 07/06/2022**

**Application Type: Full**

**Community: Caernarfon**

**Ward: Caernarfon Town Centre**

**Proposal: Single-storey extension to create a training / day room and office.**

**Location: Y Deri, Hen Furiiau Ffordd Bont Saint, Caernarfon, Gwynedd, LL55 2YS**

**Summary of the**

**Recommendation: TO APPROVE WITH CONDITIONS**

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

## 1. Description:

- 1.1 Full application for extending a building that provides home care services including the provision of a lunch club for their clients. The extension would facilitate the existing use by offering a small day facility including warm meals, social services and gardening, personal care, and support services for family members / informal carers. The proposal would result in employing an additional member of staff.
- 1.2 The property is located outside any development boundary between the town of Caernarfon and the village of Bontnewydd. The site is within a few metres of a nearby residential property and a hotel. The site is served by a narrow access road which links the site to an access off the adjacent class 1 county road. Note that the access serves this site and an adjacent residential property.
- 1.3 The single-storey extension will be on the side of the building and would measure 10 metres long and 8.8 metres in its longest part and would include a day / training room and an office. The building would have a slate roof and the finish of the walls would match the existing building.
- 1.4 The extension would back onto a high stone wall which abuts an adjacent property to the south east.
- 1.5 The applicant states that it is intended to retain the existing access and there would be sufficient space for parking for three cars and a turning area.
- 1.6 The applicant states that the site would use the existing sewage system provision which is shared with other properties.
- 1.7 The application is submitted to the Committee at the request of the Local Member.

## 2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

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

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

PCYFF 1: Development Boundaries  
 PCYFF 2: Development criteria  
 PCYFF 3: Design and place shaping  
 PS 5: Sustainable developments  
 AMG 5: Local Biodiversity Conservation  
 PS 1: The Welsh Language and Culture  
 PS 4: Sustainable Transport, Development and Accessibility  
 TRA 2: Parking standards  
 TRA 4: Managing transport impacts  
 PS13: Providing opportunities for a prosperous economy  
 PS 19: Conserving and where appropriate enhancing the natural environment

Supplementary Planning Guidance: Maintaining and Creating Distinctive and Sustainable Communities

### 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.

Technical Advice Note 12: Design

Technical Advice Note 18: Transport

Technical Advice Note 23: Economic Development

### 3. Relevant Planning History:

3.1 3/14/79M - Conversion of building to office - Approved February 1995 with a 106 Agreement.

C09A/0365/14/LL - CHANGE OF USE OF BUILDING FROM OFFICE USE (CLASS B1 TO RESIDENTIAL USE (CLASS C3) - Refused - 17-09-2009

### 4. Consultations:

Community/Town Council: Resolved to support the application in principle, provided that the owner takes steps to alleviate the residents' concerns in terms of the septic tank, the traffic and the sewage system (unanimous).

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

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

Natural Resources Wales: We do not oppose the proposed development as submitted and we provide the following advice.

**Protected Sites**

We note that the application site is within the catchment of Afon Gwyrfai and Llyn Cwellyn Special Conservation Area. As you are aware, on 21 January 2021, we published an evidence pack outlining the phosphorus levels for every river SCA across Wales. As part of this pack, a Planning Position Statement was published where Natural Resources Wales advised that any proposed development that could increase phosphate (or phosphorus) levels within a SAC catchment area could lead to damaging impacts on the SAC. Therefore, such proposals should be screened by means of a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant impact on the SAC.

However, we understand that the existing foul drainage system is located outside the catchment, and therefore the application as submitted is unlikely to increase the volume of phosphorous that enters the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant impact on the Afon Gwyrfai and Llyn Cwellyn SCA.

**Protected Species**

We note that there is no information regarding protected species with the application and therefore we take it for granted that your authority has screened the application and has concluded that there is no reasonable likelihood of protected species being present.

**Other matters**

Our comments above only relate specifically to matters included on our checklist, *Advice Service on Development Plans: consultation topics (September 2018)*, which is published on our website. We have not considered the potential impacts on other matters and we cannot disregard the possibility that the proposed development can impact the interests of others.

Welsh Water: Since the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice from Natural Resources Wales and or the Local Authority Building control

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

Department / Approved Building Inspector as both are responsible to regulate alternative methods of drainage.

Public Protection Unit: 30.06.2022

It is noted from the application that the proposed extension will be connected to the existing sewage treatment unit. The applicant must ensure that the existing system is in a good condition and is adequate to deal with the flow and additional load as a result of the development. The applicant should provide these details to the Authority to prove that there is enough capacity in the existing tank and that any stone ditch can cope with the increase.

I suggested that you contact Natural Resources Wales regarding the site's sewage treatment unit regarding any permits that may be required.

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

Trunk Roads  
Do not intend to provide any instruction.

Biodiversity Unit  
Site data

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- Closest bat record is S.pip at 205m, other bat species within 1km are BLE, C.pip, LHS, Myotis, Natterer's, Noctule
- Other species within 1km are several bird species hedgehog, hare, otter; no records of any reptiles or amphibians
- Closest Schedule 9 species is Montbretia, other species within 1km are mink, giant hogweed, Japanese knotweed, montbretia, new Zealand pigmyweed, three cornered garlic.

#### Ecology Reports

None provided.

- Currently no ecological surveys have been provided; however, the proposed works will impact only the existing side wall of the building, and tie in below the existing roof line. It is unclear from the submitted plans whether the loft space will be affected, and therefore if features suitable for bats and nesting birds will be affected.

- If the works only affect the rendered exterior wall then it is unlikely that any such features will be affected.

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

- Therefore, the applicant should either:
  1. Provide confirmation that the works will not affect the existing roofline and internal loft space if present, or
  2. Provide a Preliminary Roost Assessment to determine if the proposed works will have an impact on bats, or nesting birds, if present.
- Depending on the results of the survey, if potential for bats is found then emergence surveys may be required during the bat activity season (May – August).
- The proposed location of the extension appears to be on hard standing and not affecting any habitats of ecological value so a PEA will not be required if this can be confirmed.
- All planning applications must result in biodiversity enhancement on the site, therefore enhancements such as provision of bird and bat boxes or habitat enhancement must be included within the ecology report.

#### Recommendations

I object to this proposal until it is confirmed that works do not impact roof and are on hard standing – as long as all biodiversity enhancements are shown on plans.

If works will affect roof line or loft space of adjoining building until a PRA survey (and possible emergence surveys) are carried out – all biodiversity enhancements will be detailed within report and marked on the plans.

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

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period expired prior to the date of the committee and correspondence was receive objecting on grounds of:

- Concern regarding the speed of traffic along the private road
- The existing septic tank is not large enough and pipes need to be cleaned often.
- Increase in traffic is likely to affect the amenities of the residents of the adjacent house.
- The access road measures 10 feet wide and is unsuitable for the proposed use.

In addition to the abovementioned objections, objections were received that were not valid planning objections, including:

- The owner of Y Deri has agreed to ask the staff to take care when driving past Hen Furiu and Hendy.
- The owner of Y Deri has agreed to inspect pipes in the sewage system and to discuss the option of installing a new septic tank.

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

### **The principle of the development**

- 5.1 The application form, plans and letters dated 31.05.2022 that were submitted with the application note that that the proposal is for using a day room, but it is noted that a more recent e-mail has been received (13.12.2022) noting that the extension would be for the purpose of training staff members. It is considered fair to use the extension as a day room and training room and this would be associated with the current use of the site as a home care business.
- 5.2 The statements that have been submitted as part of the application set out the reason for the proposal and it is therefore considered that the proposal supports the economic success of a business that already exists and complies with the requirements of criterion 4 of Policy PS13 and policies PCYFF 1 and PS5 of the LDP.

### **Visual amenities**

- 5.3 Policy PCYFF 3 states that proposals will be approved, including extensions and changes to existing buildings and structures, if they comply with a number of criteria including that the proposal adds to or improves the character or appearance of the site, the building or the area in terms of setting, appearance, scale, mass, the height and elevation treatment; that it respects the context of the site and its place in the local landscape; that it uses materials that are appropriate to their surroundings and incorporates soft landscaping; that it improves a safe and integrated transport and communications network; that they limit the risk and danger of flood water run-off and prevent pollution; that it achieves an inclusive design that allows access for all and helps to create healthy and lively environments taking into account the health and well-being of future users.

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

- 5.4 The proposal involves constructing a slate roof extension on the gable-end of the existing building. The design of the extension would blend with the site and it is not likely to have a substantial negative impact on the landscape. The proposal would only be prominent and visible from the adjacent public footpath. The proposal is in line with the requirements of Policy PCYFF3 of the LDP.

#### **General and residential amenities**

- 5.5 The single-story extension is located on the gable of the existing building and near a high stone wall which abuts the adjacent property. The extension windows would face the applicant's land and therefore there would be no significant overlooking, and due to the extension's location on the site as opposed to nearby dwellings and the boundary wall, it is not considered that the proposal would have any impact on the amenities of nearby residents in terms of size.
- 5.6 The application was advertised on the site and nearby residents were notified and correspondence was received objecting to the application noting the above-mentioned points. One of the matters raised was a concern regarding the condition of the existing septic tank and doubts whether it is adequate to accept additional pressures. The observations of the Public Protection Unit were received which stated as follows "The applicant must ensure that the existing system is in a good condition and is adequate to deal with the flow and the additional load as a result of the development. The applicant should provide these details to the Authority to prove that there is enough capacity in the existing tank and that any stone ditch can cope with the increase." Further information was received from the applicant confirming that they have engaged a company to assess the sewage system; consequently, a sewage pipe was repaired but it was not possible to determine the capacity of the septic tank as it is shared/used by other properties also.
- 5.7 Section 3 of Policy PCYFF 2 states that proposals will be refused if they will have a significantly harmful impact on drains, amongst other things. It has been given to understand that the septic tank is located in the adjacent field and therefore the proposal will not have a direct impact on it. From the information presented as part of the application, it is not considered that the proposal is likely to cause a significant increase in the use of the existing septic tank.
- 5.8 As the foul water drainage system and the septic tank are there already, any problems that may arise are a civil matter between the owner and the user of the system and is a matter that would be regulated by Building Control. Therefore, there is no need for the planning system to duplicate other legislation which is in place to protect the environment although a condition could be imposed to agree on the details of any improvements or a new system should the need arise.
- 5.9 It is considered that the application can be approved with an appropriate condition to ensure that any alterations or upgrades to the existing system are submitted and agreed with the LPA prior to the use of the extension. It is therefore considered that the proposal is not contrary to the requirements of policy PCYFF 2 of the LDP.

#### **Transport and access matters**

- 5.10 The proposal involves constructing a side extension and it would not affect the existing access or parking spaces. The observations of the Transportation Unit state that there is no objection to the proposal.
- 5.11 It is noted that objections have been received on grounds of the condition and the suitability of the existing access, increase in traffic along with the speed of vehicles travelling along the track towards the site. As noted, the Transportation Unit has confirmed there is no objection to the proposal and it is therefore considered that the existing access is acceptable for its current purpose along with the proposed extension. It is not considered that an increase in traffic using the site



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

would be significant as the business has already been holding activities during the day and staff trained on-site would be current staff. The application form confirms that one additional member of staff would be employed. It is noted that the applicant has confirmed that it would ensure that staff members take care when travelling along the track from the highway to the site.

- 5.12 To this end, it is considered that the proposal is acceptable and that the extension will not have a detrimental impact on road safety. The proposal complies with the requirements of policies PS 4, TRA 2 and TRA 4 of the LDP.

#### **Biodiversity matters**

- 5.13 In response to the consultation, the Biodiversity Unit states there is no objection provided the extension does not touch the space in the existing roof. The plan shows that the extension roof will be at a lower level than that of the existing building and given this along with the size of the proposal and there is separate legislation in place which protects protected species, it is not considered that an ecological report would be needed with this application. To this end, the proposal will not have any impact on biodiversity, nevertheless, it is proposed to include a condition to ensure biodiversity improvements (e.g. bat/nesting boxes), therefore the proposal complies with the requirements of policies AMG 5 and PS19 within the LDP along with the Letter of the Welsh Government's Minister for Climate Change, dated 11 October 2023 which announced an update to chapter 6 of Planning Policy Wales related to green infrastructure and the step-wise method.

#### **Language Matters**

- 5.14 In accordance with the Planning (Wales) Act 2015, it is a duty when making a decision on a planning application to consider the Welsh language, where it is relevant to that application. This is reiterated further in para. 3.28 of Planning Policy Wales (Edition 11, 2021), and Technical Advice Note 20. The Supplementary Planning Guidance (SPG) 'Maintaining and Creating Distinctive and Sustainable Communities' (adopted July 2019), provides further guidance on how it is expected for Welsh language considerations to be incorporated in each relevant development.
- 5.15 It is noted that there are some specific types of developments where it will be required for the proposal to submit a Welsh Language Statement or a Welsh Language Impact Assessment. The thresholds in terms of when it is expected to submit a Statement/Report have been highlighted in Policy PS1 of the Joint LDP, along with Diagram 5 of the SPG. In terms of the type of developments in question, the following is noted: The proposal does not reach the thresholds to submit a Welsh Language Statement or a Report on a Welsh Language Impact Assessment. However, Appendix 5 of the SPG notes that every housing development, retail, commercial or industrial development where there is no need to submit a Welsh Language Impact Statement/Assessment should show how consideration has been given to the language.
- 5.16 The proposal in question is to extend an existing business building and it is noted that the business is local with a Welsh name and provides service to a local community which includes providing care so that the community can remain in their homes, and a provision where vulnerable members of the community would be able to socialise and therefore it is not considered that the proposal is likely to have a detrimental impact on the Language and therefore complies with the requirements of policy PS1 in relation to this.

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

**6. Conclusions:**

- 6.1 Having considered the proposal in the context of relevant policies, it is considered that the proposal is acceptable with conditions as it would not have an impact on the landscape, the amenities of nearby residents, road safety, biodiversity or the Welsh language.

**7. Recommendation:**

Approve – conditions

1. Five years to commence the work.
2. In accordance with plans.
3. Any changes or upgrades to the foul water drainage system must be agreed prior to using the extension
4. Finish to match with the existing building.
5. Biodiversity Enhancements

Note

Welsh Water Letter