

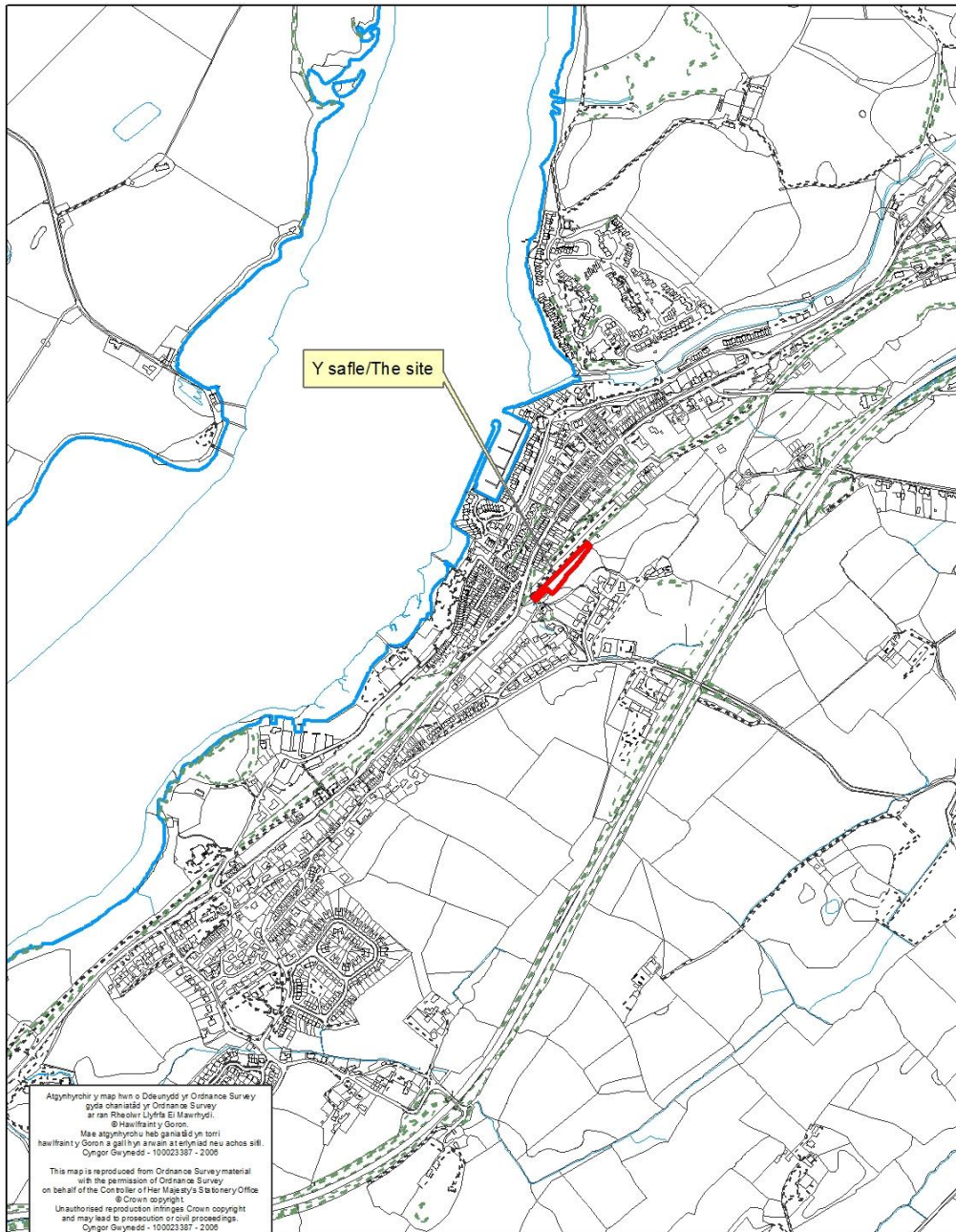
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| PLANNING COMMITTEE  | DATE: 16/05/2016 |
| REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER | DOLGELLAU        |

Number: 1



Rhif y Cais / Application Number : C14-1110-20-LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.  
Location Plan for identification purposes only. Not to scale.



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Application Number: C14/1110/20/LL  
Date Registered: 31/03/2016  
Application Type: Full - Planning  
Community: Y Felinheli  
Ward: Y Felinheli

Proposal: TO ERECT FOUR THREE-BEDROOM HOUSES, ONE OF WHICH WILL BE AN AFFORDABLE HOUSE  
Location: LAND NEAR OAKLANDS, PENYBRYN, Y FELINHELI, GWYNEDD, LL564YQ

**Summary of the Recommendation:** TO APPROVE SUBJECT TO CONDITIONS AND A 106 AGREEMENT

**1. Description:**

- 1.1 This application is an application to erect four three-bedroom houses, one of which will be an affordable house for local need.
- 1.2 The site on which it is proposed to erect the dwellings is located within the development boundary of the village of Y Felinheli. Two separate properties have already been permitted at the front of the site, under the references C13/0702/20/LL and C13/0950/20/LL. The site is long and narrow with the Lôn Las Menai path running along one side of the site, and trees protected by a Tree Preservation Order on the other side. The private Penybryn Road runs past the site entrance from the Caernarfon Road highway. The site is surrounded by a variety of houses on Caernarfon Road and Penybryn Road, and Trem y Foel at the rear.
- 1.3 It is proposed to erect four two-storey dwellings on the site, along with extending the access road to provide a vehicular entrance past these new dwellings.
- 1.4 The proposal provides two parking spaces within each plot. The three open market houses measure approximately 118m<sup>2</sup> squared in floor area and 7m in height at their highest, and the affordable house measures approximately 93m<sup>2</sup> in floor area and 6.5m in height at its highest.
- 1.5 It is proposed to finish the dwellings with slate roofing and to cover the walls with render and brickwork.
- 1.6 A Design and Access Statement has been submitted as part of the application, along with a Trees Report, an Affordable Homes Report and a Viability Assessment.
- 1.7 The original application involved erecting five houses, and since then it has been reduced in number to four houses, and their location has moved nearer to the cycle path, with the access road between the houses and the trees behind the site, after receiving responses to a consultation from the Council's Highways, Biodiversity and Trees Units

**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 in accordance with the Development Plan, unless material considerations indicate

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otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

## **2.2 Gwynedd Unitary Development Plan 2009:**

### **POLICY B19 – PROTECTED TREES, WOODLAND AND HEDGEROWS**

Proposals which will lead to the loss or damage of a protected tree, woodland or hedgerow will only be permitted when the development's economic and/or social benefits outweigh any harm.

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

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

### **POLICY B22 – BUILDING DESIGN**

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

### **POLICY B23 - AMENITIES**

Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

### **POLICY B25 - BUILDING MATERIALS**

Safeguard the visual character by ensuring that building materials are of a high standard and are in keeping with the character and appearance of the local area.

### **POLICY C7 – BUILDING IN A SUSTAINABLE MANNER**

Proposals for new developments or for the adaptation and change of use of land or buildings will be refused where consideration has not been given to specific environmental matters. Proposals must conform to specific criteria relating to building in a sustainable manner, unless it can be demonstrated that it is impractical to do so.

### **POLICY CH4 – NEW DWELLINGS ON UNALLOCATED SITES WITHIN THE DEVELOPMENT BOUNDARIES OF LOCAL CENTRES AND VILLAGES**

Approve proposals to build new dwellings on unallocated sites within the boundaries of Local Centres and Villages provided they conform to criteria aimed at ensuring an affordable element within the development.

### **POLICY CH22 – CYCLING NETWORK, PATHS AND RIGHTS OF WAY**

All parts of the cycling network, footpaths and rights of way will be protected by encouraging proposals which will incorporate them satisfactorily within the development and by prohibiting plans to extend the cycling network, footpaths or rights of way. Should this not be possible, appropriate provision will have to be made to divert the route or to provide a new and acceptable route.

### **POLICY CH33 – SAFETY ON ROADS AND STREETS**

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

### **POLICY CH36 – PRIVATE CAR PARKING FACILITIES**

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

#### POLICY CH37 – EDUCATIONAL, HEALTH AND COMMUNITY FACILITIES

Development proposals for new educational, health or community facilities or extensions to existing facilities will be approved provided they conform to a series of criteria relating to the location of the proposal, its accessibility using different modes of travel, together with highway considerations, the design of any new school and the effect on a defined town centre.

Supplementary Planning Guidance:

Planning Obligations  
Housing developments and educational provision  
Affordable Housing

### 2.3 National Policies:

Planning Policy Wales (Edition 8) 2016  
TAN 2: Planning and Affordable Housing (2006)  
TAN 12 Design (2016)

### 3. Relevant Planning History:

- 3.1 C07A/0490/20/CC – Thinning of hazel hedge / trees along the north-western boundary of the site APPROVED 19.07.2007
- 3.2 C13/0705/20/CC – Work on trees protected by a Tree Preservation Order APPROVED – 22.08.2013
- 3.3 C13/0702/20/LL - Erection of a three-storey house APPROVED 05.02.2014
- 3.4 C13/0950/20/LL – Erection of three-storey house APPROVED 05.02.2014

### 4. Consultations:

Community/Town Council: No response.

Transportation Unit:

#### **Observations following the June 2015 consultation**

It is recommended to include a turning area at the end of the estate as well as an estate road of a suitable width and construction.

It is also recommended that the applicant submits a construction method statement and a temporary works method statement for any construction work on the houses on the slope between the site and the nearby *lôn las* path, to ensure that the proposal is not likely to undermine the land or have a detrimental impact on the council's land.

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Footpaths Unit: **Observations following the December 2014 consultation**  
 Concerned about the use of vehicles increasing during and after the completion of the development on the first section of the public footpath (private access road) to this development from Bangor Street / Caernarfon Road

Welsh Water: **Observations following the December 2014 consultation**  
 Standard observations and conditions

**Observations following the June 2015 consultation**  
 Standard observations and conditions

Natural Resources Wales: **Observations following the June 2015 consultation**  
 No observations to offer.

**Observations following the April 2016 consultation**  
 No observations to offer.

Biodiversity and Trees Unit: **Observations following the December 2014 consultation**

**Trees** - Object to the application on the following grounds:

- Overdevelopment
- There are very important trees protected by a Tree Preservation Order near the site. Such a development would be likely to have an impact on the trees and cause a loss of trees.
- Should the application be approved, it is anticipated that there would be difficulties in future with trees growing on the houses
- Should the houses realise their 'pd' rights, this would cause further damage to the trees and cause more problems.

**Biodiversity** - The proposal to build five houses falls slightly within a candidate Wildlife Site (Coed Penrallt) designated for its woodland habitats.

The tree report submitted with the application does not show the correct number of trees that would be required to be felled or be severely cut back as a result of this development. I have attached a map of the site with aerial photograph showing the canopy of the woodland. I am concerned that this proposal will eat into the woodland. Additionally the disused railway is likely to be a habitat of high biodiversity value and support reptiles.

I would like to request further information showing the areas of habitats and the topography of the site and the proposed developments landtake. Habitat survey should be in the form of a Phase 1 habitat with a species list for each habitat area. This information will allow us to accurately assess the

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impact of this development on the habitats and the Wildlife Site. UDP policy B17 states that developments that cause direct or indirect significant harm to Wildlife Sites will be refused unless they can compensate for the loss of biodiversity features.

#### **Observations following the June 2015 consultation**

I am pleased to see that the amended plans have sited the proposed houses and access road to minimize the damage to the mature trees on the south-eastern border of the site. Although the plans will be reducing the impact to trees as much as possible, some damage will still occur and to compensate this, the northern end of the site should be planted with oak trees to reduce habitat fragmentation to the woodland (Wildlife Site). This area should be fenced while construction takes place to ensure that the newly planted trees are protected. I recommend that a tree planting plan shall be provided to the LPA for approval and implemented within 1 year of the date of this permission, and that any loss of tree shall be replaced

#### **Observations following the April 2016 consultation**

The plans have been altered since the previous amendment in June 2015. I commented on these plans on 2nd July 2015, in which I was satisfied that the amendments had reduced the impact to biodiversity and trees as much as possible. The current amended plans dated 14.3.2016 and 31.3.2016 now include an extra part of the road (see attached plan). This additional part of the road increases the impact to the candidate Wildlife Site and trees and it also reduces the area which is to provide compensation for damage/loss of trees and habitat during construction. The compensation area was agreed in a site meeting with the developer in March 2015.

The plans should be altered to remove the additional part of the road. The plans should show the area that will be provided for wildlife and tree compensation (see attached plans). I recommend that amended plans are provided showing the area for tree planting and a reduction in the length of road.

Affordable Housing:

#### **Observations following the December 2014 consultation**

Confirm that the information submitted is consistent with the Strategic Housing Unit's data in terms of the information about the type of need, and the need itself, and that the proposal meets the need for affordable housing in the area at a discount of 30%

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### **Observations following the April 2016 consultation**

Note that if four units are proposed then one of the units must be an affordable one.

#### Public Consultation:

A notice was posted on the site and nearby residents were notified. The consultation period will come to an end after the preparation of this report and during the preparation of this report several correspondences were received objecting on the following grounds:

- Additional traffic
- The safety of pedestrians and cyclists
- Need to improve the road between the highway and the entrance to the new estate
- The plan for developing the site as a car park has been refused at a local level recently.
- Problems with water flowing from the site

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

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

- 5.1 Policy CH4 of the Gwynedd Unitary Development Plan involves proposals for new houses on unallocated sites within the development boundaries of local centres and villages, and states that a proportion of the units on every site (which will vary from site to site) should be affordable.
- 5.2 Policy CH37 relates to educational, health and community facilities, and states that when a new residential development is approved which means that the educational needs of children living in the new houses cannot be satisfied in the existing school...planning conditions or a planning obligation will be used...to ensure that the developers provide the essential facility in order to satisfy those needs or contribute towards them.
- 5.3 In this case, the submitted proposal involves erecting four new properties, and two other open market properties have already received planning permission on an adjacent site under the references C13/0702/20/LL and C13/0950/20/LL. Because of this, it was originally considered that two of the houses that are the subject of this application needed to be affordable for local need (namely 30% of 6). In addition, given the developments that have already received planning permission in Felinheli since the adoption of the LDP, it appears that the number of pupils that would derive from the development would be more than the number of surplus places available at the school. This development would involve two additional pupils at the local school, and the latest figures indicate that the school's capacity is 162 pupils and the number attending the school is 138. Although this means that there are currently 24 places at the school, the recent developments that have been permitted mean that these places will be filled by children deriving from the developments (a total of 40). This would therefore involve an educational contribution for the two pupils resulting from this proposal.
- 5.4 However, more recently, a viability assessment was received which argued against providing an educational contribution and offered two affordable units based on the impact on the developmental viability of the site. Based on the Joint Planning Policy

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Unit's assessment of this information, it was confirmed that the development would not be viable by including two affordable units, and the development, with one affordable unit and the payment of the educational contribution, would just about be viable. Therefore, it is considered that there would be a risk of the development being inviable as a result of providing an affordable unit and payment of the educational contribution. Paragraph 18 of the Supplementary Planning Guidance: Planning Obligation states that the Council does not want to jeopardise the viability of development plans by seeking too many contributions from developers. The Council will need to come to an agreement regarding the balance between, for example, affordable housing and other Planning Obligations, so that this will not be part of the discussion with the applicant/developer. It should be noted that the Welsh Assembly Government is of the opinion, as long as the infrastructure required to realise the development is protected, that providing affordable housing should be prioritised.

- 5.5 Therefore, based on the above it is considered reasonable to provide one affordable unit only as part of the plan, in order to ensure an affordable element and to ensure that the development is a viable one. More recently, revised plans have been submitted which indicate that one of the four properties is affordable, and indicates floor area which complies with the Supplementary Planning Guidance: Affordable Housing. Therefore, based on this, it is considered that the proposal complies with the requirements of policies CH4 and CH37 of the UDP and that the proposal is acceptable in principle.

#### **Visual, general and residential amenities**

- 5.6 Policies B22, B23 and B25 of the Unitary Development Plan relate to assessing the design of the proposal, amenities and external materials and policy C7 relates to building in a sustainable way.
- 5.7 The proposal involves erecting four new two-storey houses on the site. Two three-storey properties have already been permitted and are in the process of being built. These two current properties are located near the entrance, with their backs to the protected trees and the access road directly in front of them. The houses that are the subject of this application face the public footpath with the access road directly behind them, forming a border between them and the protected trees. The other houses around the site (apart from the two houses on this site that are referred to above) are two-storey houses and are located either on land that is higher than the application site, or below it. There is a public footpath between the houses that are the subject of this application and the terrace of houses located on Bangor Road.
- 5.8 It is not considered that the proposal is likely to cause significant overlooking, because of the location of the public footpath to the front, the land rising and the protected trees to the rear. It is not considered that the proposal is inconsistent or incompatible with the development pattern of the area, and it is considered that the proposal is suitable in terms of its location, design and size.
- 5.9. It is proposed to finish the dwellings with slate roofing and to cover the walls with render and brickwork. As a result of the above, it is considered that the proposal complies with all the requirements of policies C7, B22, B23 and B25 of the Unitary Development Plan which involve building in a sustainable manner, assessing the design of the proposal, amenities and external materials.



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### **Transport and access matters**

- 5.10 Policy CH22 of the UDP relates to the cycling network, footpaths and rights of way; stating that all parts of the cycling network, footpaths and rights of way will be protected by encouraging proposals to incorporate them in a satisfactory manner within the development and by refusing proposals which will prohibit plans to extend the cycling network, footpaths or rights of way. In this case, a public footpath and a cycle path run past the site. The paths are not located within the application site, therefore, it is not considered that the paths will be affected by the development itself. The Footpaths Unit has expressed concern about the number of Vehicles which will be using a section of the path between Bangor Road and the entrance to the estate, as this section forms part of the footpath, but it does not object to the application, nor does the Transportation Unit.
- 5.11 Policies CH33 and CH36 of the Unitary Development Plan involve assessing the impact of proposals in terms of safety on roads and streets along with providing private parking facilities.
- 5.12 The proposal involves using the current site entrance that was approved under C13/0702/20/LL along with providing an Access road beyond this which was approved under C13/0702/20/LL and C13/0950/20/LL. The proposal also includes the provision of two parking spaces for each dwelling, and a turning area at the far end of the site. The Transportation Unit has no objection to the proposal, but it has noted that a construction method statement for the proposal will be required based on the proximity of the houses to a slope that leads to the public footpath below, and it will be reasonable to confirm this through a planning condition.
- 5.13 Therefore, on the above grounds, it is considered that the proposal complies with policies CH22, CH33 and CH36 of the Unitary Development Plan.

### **Trees and Biodiversity matters**

- 5.14 Policy B19 of the UDP relates to protected trees, woodlands and hedgerows. The policy approves proposals that will involve losing or damaging a protected tree, woodland or hedge only when the development's economic benefits and/or social benefits outweigh any damage.
- 5.15 Policy B20 of the UDP relates to species and their habitats which are of international and national importance and proposals which are likely to cause disturbance or unacceptable damage to protected species and their habitats will be refused unless they can conform to a series of criteria aimed at safeguarding the recognised features of the site.
- 5.16 In this case, the woodland located behind the proposal site is protected by a formal Tree Preservation Order and a tree report has been submitted as part of the application. Originally, the proposal involved erecting five properties in a row with the other two properties that have already been approved on the site. The Trees Officer examined the report and the trees on site and he is of the opinion that the two properties that had already been permitted have damaged the trees, and therefore this proposal would be likely to cause more damage.
- 5.17 In addition, a Biodiversity Officer assessed the site and was also concerned about the impact of the proposal on the trees and therefore the impact on the site's

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biodiversity. It is also noted that the site is a wildlife site, and that the applicant must compensate for the loss somewhat.

- 5.18 Following discussions and a site visit with the applicant, it was decided to reduce the number of houses that were the subject of the original application from five to four, and to change their location so that they are further away from the protected trees. Based on these changes, it was confirmed that the proposal was suitable in terms of the impact on trees, on the condition that what was originally going to be plot number five is used for planting and improving Biodiversity. In doing this (and ensuring it through a condition) it is considered that the proposal therefore complies with the requirements of policies B19 and B20.

### **Section 106 agreement matters**

- 5.19 The proposal will be subject to a section 106 agreement to ensure that one of the houses (that is noted on the block plan) is an affordable unit for local need with a discount of 30%, and the applicant has stated that he is satisfied with this procedure.

### **Response to the public consultation**

- 5.20 In terms of the response received to the public consultation period, the main points raised are traffic matters, impact on pedestrians and cyclists and surface water.
- 5.21 The relevant Council Units and Natural Resources Wales do not object to the proposal, and therefore it is not considered that the observations submitted are sufficient to change the recommendation in this case.

## **6. Conclusions:**

- 6.1 As a result of the above assessment, it is not considered that the proposal would be contrary to any of the relevant policies noted above. The proposal is unlikely to have a detrimental impact on the amenities of the local area or any nearby properties.

## **7. Recommendation:**

- 7.1 To delegate the right to the Senior Planning Manager to approve the application subject to the signing of a Section 106 Agreement to ensure that one of the houses is an affordable house for general local need and to relevant conditions relating to:

1. 5 years
2. In accordance with plans
3. Slate roofing
4. Welsh Water
5. Highways (parking and construction method statement)
6. Planting scheme/improving biodiversity to compensate and ensure that this area is preserved for Biodiversity value
7. Safeguard the public footpath
8. Withdrawal of permitted rights
9. Materials to be agreed