

PLANNING COMMITTEE	DATE: 10/06/2019
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	DOLGELLAU

**Number: 1**

**Application Number: C19/0014/19/LL**

**Date Registered: 07/01/2019**

**Application Type: Full - Planning**

**Community: Bontnewydd**

**Ward: Bontnewydd**

**Proposal: Full application to erect 29 residential units together with landscaping, car parking, create a new access and open public area**

**Location: Land near Lôn Cefnwerthyd, Bontnewydd, Caernarfon, Gwynedd, LL55 2UD**

**Summary of the Recommendation: TO APPROVE SUBJECT TO CONDITIONS**

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**1. Description:**

- 1.1 Members are reminded that this application was deferred at the Planning Committee meeting on 29 April, 2019 in order to receive further information/amended plans that would address the Committee's concerns referred to below.
- 1.2 Full application to erect 29 living units and create a new vehicular access, parking spaces, landscaping and create a public open space.
- 1.3 The existing site is agricultural land with further agricultural land extending beyond the site's western boundary with residential housing parallel to the northern boundary and further to the east and south. A class 3 public highway (Lôn Llanfaglan) abuts the southern boundary of the site whilst an unclassified road (Lôn Cefnwerthyd) runs parallel to the eastern boundary. Running alongside the public highway south of the site is afon Beuno that flows into afon Gwyrfai which is further away to the west.
- 1.4 The site is located within the development boundary of the village of Bontnewydd and is designated as a site to erect new housing in the Anglesey and Gwynedd Joint Local Development Plan (LDP). The village of Bontnewydd has been acknowledged as a service village in the LDP; this means that it has a strategic role to meet with the Plan's strategy via housing designations together with suitable windfall sites.
- 1.5 For clarity, the proposal provides the following:
- 6 affordable flats - 2 bedrooms
  - 3 affordable houses - 3 bedrooms
  - 6 houses - 3 bedrooms
  - 8 houses - 3 bedrooms
  - 6 houses - 4 bedrooms
- 1.6 Two parking spaces are shown for each house and some have garages while one parking space each is provided for the flats.
- 1.7 Access to the site is provided from the public highway to the south of the site with improvements proposed in the form of a pavement running alongside this road boundary, passing area provided on Lôn Cefnwerthyd and also a pedestrian access included off Lôn Cefnwerthyd.
- 1.8 All buildings on the site will be two-storey, including the flats, and the finish will be a mixture of bricks and render with roofs of natural slate. The site boundary treatment shown is a mix of a wooden fence, brick and stone walls and railings. The landscaping will comprise scattered tree planting within the site. The developer confirmed that the existing hedge and 'clawdd' the site that abuts Lôn Cefnwerthyd will be retained and rebuilt if damaged during the construction period.
- 1.9 A plot of land has been designated near the site's access as an open public space with a brick wall and railings along its boundaries. As discussed further in the report, playground equipment will now be installed on this land.

As part of the application, the following information was submitted:

- A Pre-application Consultation Report
- Design and Access Statement
- Affordable Housing Statement

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- Planning Statement
- Drainage Strategy
- Ecological Evaluation and Hedgerow Assessment
- Community and Linguistic Statement
- Transport Statement

Furthermore, the following documents were submitted with the application:

- Archaeological survey
- Impact Assessment (specifically concerning plots 14, 15, 16, 17)
- Amended Landscaping Plan and confirmation of bat box use
- Amended plan concerning the appearance of plots 14 and 18.
- Amended plan to include the details of a gas pipe, hedge to be retained along the Lôn Cefnwerthyd boundary, playground equipment to be installed within the open space and relocating the houses on plots 14, 15 and 16

1.10 Since the development provides 29 new houses, according to the current regulations, this is defined as a 'major' development. Applicants are required to conduct public consultations themselves prior to submitting an application and to include the results of the consultation in the form of a formal report to be presented as part of the planning application. In addition, a pre-application enquiry was submitted to the Local Planning Authority where material planning matters that would need to be satisfied were noted, including an affordable housing provision on the site, contributions, drainage systems etc.

1.11 For information, a previous permission was granted to erect 26 houses on this site. As part of the application, the vehicular access was to be located off Lôn Cefnwerthyd and more recently this access was created in accordance with the permission granted. As a result, it is considered that a material commencement of this consent has been made and this means that it remains 'live' and that a legal right exists to erect 26 new houses on the site.

1.12 Because of the Committee's concern about the effects of plots 14, 15 and 16 on nearby residential amenities, amended plans were received for the three proposed properties. It is understood that the applicant had discussed the amendments with the owner of the adjacent property and these changes are discussed in greater detail in the report.

1.13 In addition, a plan was received showing the current and proposed location of the gas pipe for the site and it was confirmed that work will have to be carried out to change and relocate the pipe because of its current poor condition.

## **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 Act (Wales) 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

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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 2011-26, adopted 31 July 2017**

PS 1: The Welsh Language and Culture

PS 2: Infrastructure and developer contributions

ISA 1: Infrastructure provision

ISA 5: Provision of open spaces in new housing developments

PS 4: Sustainable Transport, Development and Accessibility

TRA 2: Parking standards

TRA 4: Managing transport impacts

PS 5: Sustainable development

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

PCYFF 1: Development boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

PCYFF 6: Water Conservation

PS 16: Housing provision

PS 17: Settlement strategy

TAI 3: Housing in Service Villages

TAI 8: An Appropriate Mix of Housing

PS 18: Affordable Housing

TAI 15: Affordable Housing Threshold and Distribution

PS 19: Conserving and where appropriate enhancing the natural environment

AMG 5: Local Biodiversity Conservation

AT 4 Protection of non-designated archaeological sites

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In addition to the above, the following is also considered pertinent:

Supplementary Planning Guidance (SPG): Affordable housing

SPG: Planning obligations

SPG: Open Spaces in New Housing Developments

SPG: Housing Mix

SPG: Housing developments and educational provision

SPG: Planning and the Welsh language

SPG: Design Guidance

#### 2.4 **National Policies:**

Planning Policy Wales, version 10 2018

Technical Advice Note (TAN) 2: Affordable housing

TAN 5: Planning and Nature Conservation

TAN 12: Design

TAN 15: Development and Flood Risk

TAN 18: Transportation

TAN 20: Planning and the Welsh language

#### 3. **Relevant Planning History:**

- 3.1 Application C08A/0287/19/LL - Full application to erect 26 new dwellings, create an access and play field - approved 30.11.09

#### 4. **Consultations:**

Community/Town Council:

As the decision was made to defer the application, a meeting was held between the developer and the Community Council. The Community Council confirmed through a formal letter that it now supported the planning application as it improved on the original application as the entrance and water drainage plan had been changed, and that the play ground was better located.

Transportation Unit: No objection to the original plan or the amended plan, and suggests including standard conditions.

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Natural Resources Wales:	Suggest attaching a condition to agree on bio-security measures, need to ensure that the development is maintained in accordance with the ecological survey. As the site is within a zone A, the site has a low risk in terms of flooding matters, aware of flooding experienced at nearby Glanrafon estate. Need to consult with YGC regarding matters concerning surface water disposal/drainage scheme.
Welsh Water:	Standard advice and instruction regarding drainage and sewerage issues.
Public Protection Unit:	Not received
Footpaths Unit:	Not received
Biodiversity Unit:	Observations submitted regarding the application in terms of the impact on the hedge, landscaping scheme, bats, open public space. An amended plan was received and in response it was confirmed that the changes were acceptable.
Trees Unit:	Not received
Fire Service:	No objection
Gwynedd Archaeological Trust:	Initial observations stating that an archaeological survey of the site was required, having received the report it was confirmed that remains may exist and a condition should be attached to agree on a programme of archaeological work as part of the development.
Housing Strategic Unit:	General observations and confirmation that the plan addresses the needs of the area.
Welsh Government Trunk Roads Agent:	No concerns
Gwynedd Council Land Drainage Unit (YGC):	Initial observations referring to shortcomings in the information/assessments, need to direct surface water towards afon Gwyrfai rather than afon Beuno. A series of discussions took place between the Unit and the developer's

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engineer. Consequently, the Unit accepts that the design of the water storage is acceptable and that there will be no flooding risk further down the river. It is essential to ensure that the system is constructed correctly and is then maintained.

Wales and West  
Utilities:

Wales and West Utilities confirmed with the developer over 12 months ago as to the best option for the gas pipe on site. The current pipe cannot be retained and protected because of its age and condition; therefore, consideration must be given to diverting it. Currently, the final details of the pipe's location are being considered within the site's proposed layout.

Public Consultation:

A notice was placed in the press and on the site and nearby residents were informed. The advertisement period has expired and several letters/correspondences of objection were received on the following grounds:

- Flooding - additional risk to an area/housing that has already suffered the impact of flooding, concern that surface water will link with afon Beuno, flooding risk recognised by the applicant/Council, need to submit a Flooding Impact assessment, sewerage problems/existing systems inadequate, not in accordance with the requirements of TAN 15.
- Traffic problems
- Educational contribution required
- Increase in the number of housing is excessive
- Detrimental effect on the amenities of local residents and the local area
- Loss of privacy/overlooking
- Loss of a natural '*clawdd*'/impact on biodiversity
- Does not comply with local and national policies.
- Existing plan has significantly more of an impact than the previous plan on residential amenities
- Defective assessment in terms of the development's impact on neighbours

As well as the above objections, objections were received that were not material planning objections and these included:

- Loss of view
- Reference to previous policies

Following receipt of amended plans relating to plots 14, 15, and 16, a second consultation was held with the adjacent property once more and the second period of consultation will have ended by the date of the next Committee.

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## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 The principle of developing sites for new housing is included in Policies PS 16, PS17, PCYFF 1, TAI 3 and TAI 15 of the LDP. Policy PCYFF1 states that 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. Policy TAI 3 notes "*In the ... Service Villages housing to meet the Plan's strategy will be delivered through housing allocations ... and suitable windfall sites within the development boundary based upon the indicative provision in the tables*". This site is included within the development boundary and has been designated specifically for new housing. Policy PS 16 states that the Council will be expected to provide for the identified demand for new housing whilst policy PS 17 states that housing developments will be distributed in accordance with the settlement strategy. You will see that 26 is the indicative provision for the number of houses on the site as this is the figure that is noted in policy TAI 3. The current proposal indicates an increase of three to this number and compared with the previous consent for the site. However, this figure is indicative and it is not considered that an additional three units would be unacceptable. In this case, what is proposed is acceptable in principle in terms of the need recognised for housing on designated sites as well as Bontnewydd's status as a service village where higher levels of new housing are expected in comparison with other types of villages.
- 5.2 Policy TAI 8 states that every new residential development should contribute towards improving the housing balance and meet the needs of the entire community. The application details note that 30% of the development will be affordable housing. This percentage is in accordance with the expected percentage for the village of Bontnewydd as noted in section 2 of policy TAI 15.
- 5.3 The proposal also offers a mix of housing in terms of size and type and also provides affordable housing. Confirmation has been received that the proposal addresses the identified need for housing in the area and is therefore in accordance with policy TAI 8 and the relevant SPG.
- 5.4 Whilst considering the above assessment and that the site is designated in the LDP as a specific site for residential development, it is believed that the principle of developing the site for 29 living units is acceptable and complies with the general requirements of the local plan's policies.

### Visual amenities

- 5.5 The site is located within a mixed residential area where a wide variety of existing residential housing can be seen in terms of size, design, setting and finishes. Common features can be seen within the buildings mainly in terms of finishes, however, it is not believed that there is one obvious pattern for residential developments within the local area.
- 5.6 It is seen that two-storey buildings are proposed in this case which is in keeping with the majority of the local pattern. The existing Glanrafon housing nearby, which is mainly a development of semi-detached housing in the form of a standard estate, is served by standard roads.



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- 5.7 In addition, the estates of Glan Beuno and Erw Deg nearby vary in terms of form and layout of the houses as they including single-storey, dormer and two-storey houses within individual plots. Apart from these estates, there are also detached houses of various size and design.
- 5.8 Therefore, there is no specific local pattern that needs to be protected or replicated and consequently the principle of what is proposed in this case is acceptable. The land form means that there is a difference in level from the access to the site to the upper section towards the north of this place. It is not believed that the proposal in this case is significantly different to what already exists nearby in terms of location, height and appearance and it is not substantially different to the development already approved. The previous permission and existing proposal have similarities, and although the relocation of the entrance and the addition of three houses would lead to some changes in the layout, this is not believed to be a harmful or an unacceptable change.
- 5.9 As is usual, the details of the exact finishes can be agreed through a series of standard conditions and this is considered appropriate in this case.
- 5.10 Therefore, in terms of matters concerning visual amenities, it is not believed that this development would have an unacceptable impact on these matters considering the varied existing situation, the planning history and what is intended namely new housing in a standard form and appearance. As a result, it is deemed that the proposal is acceptable in respect of the relevant requirements of policies PS 5, PCYFF 2 and PCYFF 3.
- 5.11 A comprehensive landscaping scheme has been submitted for the site. The Biodiversity Unit referred to the need to amend elements of the scheme to include additional hedges and an acceptable species of trees. As a consequence of these observations, the amended plan was received and includes an updated planting list and the addition of additional hedges. As a result, confirmation was received from the Biodiversity Unit that the amendments are acceptable and consequently it is believed that the relevant requirements of policy PCYFF 4 are being met. These aspects can be controlled by means of appropriate conditions. As noted in another part of the report, following concerns highlighted by the Committee, the developer confirmed that the existing hedge that abuts Lôn Cefnwerthyd would be retained and if damaged during the construction phase, it would be replanted.

### **General and residential amenities**

- 5.12 As previously noted, the area's existing built form varies; however, it is also believed that it is also fairly dense. This means that matters such as proximity and overlooking are fairly common within this area and specifically within nearby estates and housing along the road where a close relationship is seen between the houses and also areas that are open from the roads and other public areas. Whilst this does not justify new overlooking it presents a picture of the situation in the local area.
- 5.13 The development will take place within existing open land that rises from the southern section towards the north. Pre-planning application discussions have taken place between planning officers and the developer's representatives. As a form of yardstick in this case, consideration was given to the setting of the houses as previously approved and what is now proposed, including the increase in number from 26 to 29. The most obvious change is re-locating the access, which means that the layout of the estate will

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change as a result of what was approved. Nevertheless, similarities remain between the two plans as seen in the layout of the houses on the western side of the site.

- 5.14 It is seen that the upper section of the site (plots 14, 15, 16, 17) have changed from what was approved in terms of the layout of the proposed houses. There is no increase in this section of the site in terms of the number of housing, they continue to be four in number, but their layout has changed and this means that we have to specifically consider the impact on the residential dwellings located parallel to this section of the site. Observations and an objection was received from the owner of this property stating the obvious differences between both plans and the increase in detrimental impact on the property's residential amenities from what was previously approved. These observations were referred to the developer and he responded by submitting a document in the form of an impact assessment specifically regarding this element.
- 5.15 Detailed consideration has been given via specific details and a series of drawings showing the distances between the rear of the new housing and the existing property and the location of the windows. It is also noted that there will be additional mitigation measures in the form of a permanent wooden fence between 1.9m and 2.3m high erected along the northern boundary and the presence of a block wall on the boundary and trees and a hedge within the garden of the parallel property will also contribute to protect amenities.
- 5.16 It is recognised that there has been a change to what was previously approved and the existing plan, and it is necessary to consider the extent of the detrimental impact there will be, if any, on the residents of the adjacent property. It is considered that the distances, ground levels and the presence of the proposed fence and the existing vegetation would mean that the rear ground floor windows of plots 14-17 would not affect the amenities of the parallel properties to an unacceptable level. In terms of the first floor windows, it is seen that some have opaque glass and therefore there is no concern regarding these. Other windows serve bedrooms and therefore these are the ones that have the potentially greater impact on the parallel property.
- 5.17 The owner of the adjacent property (Tywyn) expressed concern about these houses at the previous committee and some members reiterated these concerns. This led to the deferral of the decision in order that appropriate changes could be made to this part of the site in order to reduce the impact. Although the location and design of plot 14 had been changed before the previous committee, neither the neighbour or members of the committee considered that this in itself was sufficient to overcome the impact. Additionally, it was considered that plots 15 and 16 would also have a detrimental impact on the amenities of the adjacent property, mainly due to overlooking. Consequently, the Committee decided that the applicant needed to reconsider the arrangements of plots 14, 15 and 16. After the Committee meeting, the developer met the owner of the adjacent property and the applicant stated that this meeting resulted in the changes explained below. Officers have consulted again about these changes with the neighbour, but no response had been received at the time of writing this report. As is usual practice, if further comments are received before the Committee, this will be reported as additional information. For convenience, the most recently proposed changes for the individual plots will be explained and assessed:

Plot 14 - despite the change already proposed to the location of the property on this plot, and the changes made to the windows of the first floor of the property, the neighbour and the Committee remained concerned about the impact on Tywyn. Consequently, the angle of the oriel window has changed in order to ensure that the property will not overlook the garden of Tywyn. Plot 14 measures 12.5m from the

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Tywyn boundary (previously it was 8.2) and 17.8m when measured along the diagonal from the corner of plot 14 to the corner of Tywyn. The applicant received information that the owner of Tywyn preferred this option.

Plot 15 - there were concerns about the distance between the rear of the property on plot 15 and the gable end of Tywyn and the overlooking from the first floor windows into the garden of Tywyn. The location of the building is to be moved 4.4m farther from Tywyn so that it is aligned with plot 14. The distance between Tywyn and the rear of plot 15 is now 17.5 metres compared with 13.5m. The arrangement to the rear roof of the building on plot 15 has also been changed, which means that the external walls will change and the run of the roof will extend to include two new rooflights (velux) instead of what was originally proposed. These windows will be set above the line of sight and will restrict outward views toward Tywyn. When these changes were proposed, the applicant understood that the owner of Tywyn preferred this option.

Plot 16 - as in the case of plot 15, there were concerns about the distance between the rear of the property on plot 16 and Tywyn and the overlooking from the first floor windows. The location of the building is to be moved 4.3m farther from Tywyn so that it is aligned with the houses on plots 15 and 16. The internal layout of the property has been changed in accordance with the suggestions made by the owner of Tywyn, by moving the bathroom to the area closest to the garden of Tywyn, relocate one bedroom window to the gable end, and the centre of the window of another bedroom window so that it is farther away from Tywyn. This would leave over 17.5m between the window and the front corner of Tywyn and 21.8m from the window on the rear corner of Tywyn.

A detailed plan was submitted which showed these changes, the distance between them and the boundaries and building of Tywyn and the line of sight stemming from the rear windows of plots 14, 15 and 16 toward Tywyn. It is considered that these amendments would make the development even more acceptable and that the amendments address the neighbour and the Committee's concerns in terms of the impact on the amenities of the nearby property. It is no longer considered that there are any rational grounds to justify any further concerns about the unacceptable impact on the amenities of the adjacent property as a result of the design and setting of plots 14, 15 and 16.

- 5.18 In terms of the impact of the development on other nearby dwellings, it is not believed that any obvious impact would stem from the proposal due to the location and layout of the houses or from the distance between them. Relocating the access will evidently be an improvement in terms of the impact on residents off Lôn Cefnwerthyd and as a result its impact in its new location has to be considered. The new access will be created off Lôn Llanfaglan, opposite the proposed location, see the existing stone wall with a wooden fence partly above it, as well as the established trees behind the stone wall. Concern has been raised regarding the footpath that is to be included in the upper section of the site with access from this to Lôn Cefnwerthyd. Although the developer did offer to remove this, the Transportation Unit is of the view that it would be beneficial to include it to ensure an improvement in that pedestrians would be routed away from Lôn Cefnwerthyd.
- 5.19 Having considered all matters, therefore, including the observations and objections received together with the amendments made, it is deemed that the proposal is acceptable and although there will be some impact, it is not considered to be unacceptable on the grounds of the relevant requirements of policies PCYFF 2 and PCYFF 3.

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### **Transport and access matters**

- 5.20 Local residents raised concerns during the consultation period regarding the likely impact on the local roads network. Obviously having considered the existing situation and what is proposed there will be change and increased movement. What we need to consider is whether the difference in the situation is entirely unacceptable in terms of current standards.
- 5.21 In terms of the obvious changes, it is proposed to create a new vehicular access into the site, which is in a new location to what was previously approved and created. A new standard access is to be created off Lôn Llanfaglan with a pavement on each side. It is also proposed to create a passing place on Lôn Cefnwerthyd as well as a footpath that connects the upper part of the estate with Lôn Cefnwerthyd. A comment was received from a neighbour stating that this path would negatively affect the amenities of nearby houses; however, an Officer from the Transportation Department confirmed that it would be desirable to retain this as it would ensure a suitable link for pedestrians.
- 5.22 An amendment to the original plan was received when it became evident that plot 18 did not have two parking spaces and a garage. Consequently, the amended plan shows plot 18 having been repositioned to provide two parking spaces and a garage. It is not considered that amendment affects the site's layout or on any elevations to an unacceptable degree.
- 5.23 The site is located within approximately 200m of the A487 trunk road, the road that runs through the centre of the village of Bontnewydd. As is required, we consulted with the Welsh Government Trunk Roads Agent regarding the proposal and a response was received confirming that they had no observations to make regarding the proposal.
- 5.24 In the same manner, the Council's Transportation Unit does not oppose the proposal and it suggests that standard conditions be included to ensure that the development is maintained to the expected standards. The Unit confirms that the form and size of the access and the estate road as well as the parking provision within the individual plots are acceptable. It is considered that the site is fairly accessible within the village boundaries, that it is within a reasonable distance to local facilities and services and that it is also accessible in terms of its location within a few miles to the town of Caernarfon. Consequently, it is considered that the proposal is acceptable in terms of transportation and access matters and therefore complies with the relevant requirements of policies PS 4, PS 5, TRA 2 and TRA 4.

### **Biodiversity matters**

- 5.25 As previously stated, observations were received from the Biodiversity Unit regarding the proposal's impact on relevant environmental matters. Amendments to the landscaping scheme were received as a result of the observations as referred to previously. Confirmation was also received that bat boxes will be included within the site.
- 5.26 Because of the presence of afon Gwyrfai nearby, a test was conducted on the likely substantive impact of the development on the river as it has been designated a Special Area of Conservation (SAC). It was confirmed that the development could have an impact on the SAC site and therefore it is suggested that a condition be imposed to ensure that pollutants are not washed into the river and affect the river's features (Natural Resources Wales also suggested that such a condition be attached). Having

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received the amended plan and having imposed a condition to safeguard afon Gwyrfai nearby, it is considered that it is possible to ensure that the development is acceptable and therefore complies with the relevant requirements of policies PS 5, PS 19 and AMG 5.

### **Archaeological Matters**

- 5.27 A response to the public consultation was received from the Gwynedd Archaeological Trust stating that an archaeological assessment of the site should be conducted prior to determining the application. An appropriate assessment was received in due course, which noted that the results were inconclusive. However, the presence of utilities and other features may hide the archaeological features and consequently it is suggested that a standard condition be attached to agree on a programme of suitable archaeological work. In doing so, it is believed that the relevant requirements of policy AT 4 will be met.

### **Flooding matters**

- 5.28 It is recognised that there is great concern locally due to the possible impact of the development on the neighbourhood, bearing in mind that the area and local residents have suffered from flooding in the past. Considering this incident, we therefore have to give thorough consideration to this element in order to fully assess any potential impact on local residents and the area in general.
- 5.29 Afon Beuno runs alongside the Lôn Llanfaglan and flows into afon Gwyrfai which is approximately 100m away to the south west. Afon Beuno is located between the existing Glanrafon estate and the front of the application site with Lôn Llanfaglan running through the centre. Part of afon Beuno is designated as a C2 flooding zone with the zone boundary ending at the verge of the public highway. No part of the application site is within the flooding zone and therefore there is no requirement for a formal Flooding Impact Assessment for the site itself in this case.
- 5.30 The land is on a slope and water will inevitably run down from the site to the bottom, and local residents have understandably highlighted concern regarding the impact of any additional run-off onto the area, as it will eventually flow into Beuno. This matter has been highlighted to the developer from the outset and he has been advised that it will be necessary to ensure, via information and specific control measures, that the development will not affect local residents in terms of site drainage issues.
- 5.31 What is proposed on the site is to create an area under the open public area to include specialist equipment that will collect water in bespoke tanks and then control its discharge into nearby afon Beuno.
- 5.32 Following the discussions as well as the amendments to the design of the equipment and the additional information submitted, confirmation was received from the Principal Engineer of the Council's Drainage Unit that the design will include a storage space and a system that is adequate to dispose of surface water to the required standards. As a result, it was confirmed that the development would not increase the risk of flooding downstream as long as it is constructed and maintained in full accordance with the agreed details.
- 5.33 During the discussions, it was suggested that surface water should be discharged directly into afon Gwyrfai rather than afon Beuno. This was considered. However it

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was found that this would not be reasonable due to the complexity of creating a direct connection, including ecological concerns due to the status of the river as a SAC, presence of the gas mains, problems with levels etc. Therefore, it is accepted that it is not possible to insist on a direct connection into afon Gwyrfai and as the site currently drains into afon Beuno, this cannot be demanded. The option proposed retains the status quo in terms of flows from the site, therefore this has to be accepted.

- 5.34 The application was submitted before the new legislation concerning sustainable drainage systems (SUDS) was adopted, and therefore these requirements cannot be enforced. Despite this, measures are included within the drainage system design that comprise sustainable drainage features e.g. parking spaces with permeable surfaces where water is led off hard surfaces such as roofs, footpaths etc. It is considered that these measures as well as the main system that collects and discharges surface water for the whole site at the bottom of the site is acceptable in terms of the requirements of policy PCYFF 6.
- 5.35 Observations were received from Welsh Water regarding the proposal and they noted that there are current systems in the area that mean that formal permissions would be required if any existing pipe is to be diverted. Also, confirmation has been given that the intention to connect to the public system is acceptable and that no problems are anticipated with the capacity of the local treatment works if it is increased due to this proposed development. In addition, the need to receive permission from Welsh Water is noted for connections and relevant arrangements as is usual with a new residential development as in this case.
- 5.36 Natural Resources Wales has confirmed the following:  
*"The site is within zone A in accordance with the development advice maps that correspond to TAN 15: Development and Flood Risk. Zone A is considered to face low risk or no risk of usual fluvial flooding. We are aware of the flooding experienced at nearby Glanrafon estate that was caused by afon Gwyrfai and afon Beuno. The site does not face risk from afon Gwyrfai and it is understood that your colleagues at Gwynedd Consultancy (YGC) (who act as the Lead Local Flooding Authority) have a draft hydraulic flooding model for afon Beuno. In addition, it is understood that the source of the flooding does not cause a risk to the current site however you are advised to consult with YGC in order to ensure that this is the case.*  
*In terms of disposing of surface water, we would also advise that YGC is a body that approves sustainable drainage systems (SUDS) and they need to consult regarding the suitability of the drainage scheme and the mitigation rates and release of proposed water to ensure that risks from the site are not increased because of this development proposal. In addition, they will advise regarding the suitability of the water release point into the existing highways drain with a diameter of 300mm.*  
*We have not considered the potential impacts on other matters, and it is not possible to disregard the possibility that the proposed development could affect other interests, including environmental interests of local importance".*
- 5.37 Full consideration has been given to all the relevant planning observations received concerning flooding and drainage matters and it is recognised that the situation causes concern to the residents who have suffered flooding in the past. However, there is no objection to the plan and proposed measures to control water from the relevant bodies namely the Council's Drainage Unit, Natural Resources Wales and Welsh Water. Therefore, it is not considered that there is any reason to refuse the application from this aspect as it is acceptable in terms of the relevant requirements of policies PS 5, PS 6 and ISA 1. Specific conditions will be attached to ensure that what has been agreed will be implemented in accordance with the agreed details.

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### Affordable Housing

- 5.38 The plans submitted show nine affordable houses, six two-bedroom flats, and three three-bedroom houses, and they meet the relevant size requirements. Correspondence has been received from a housing association confirming that if the application is successful, they will consider buying the units to be built and let them as affordable housing to eligible people in accordance with Gwynedd Council's housing letting policy or on the basis of intermediate rented housing to applicants on the Tai Teg register.
- 5.39 As a result of the matters raised by the Committee about the number of houses on the site, along with the mix and density, these matters were further discussed with the Joint Planning Policy Unit and a response received confirming the current need for affordable units and the density and mix of the development:  
It is noted that this is a site designated in the Plan. As a site that has specifically been identified to meet a proportion of the growth for houses, criterion 3 of Policy PCYFF 2 (Development Criteria) states that "building density of at least 30 living units per hectare is used for residential development sites in order to make best use of the land". The information noted in the Plan in terms of the number of units (approximation) for the housing designation depends on the circumstances of the site. In this case, the number of units that have been given planning permission is consistent with the figure of 30 units per hectare on the site (which is the minimum figure noted in Policy PCYFF 2). It is noted, however, that this is an indicative figure and it would be possible to provide more units on site if acceptable to do so. In this case, however, providing 29 units is commensurate with a density of 33 units per hectare. We must bear in mind that six of these units are flats that are considered a better use of land and that in this instance it responds to demand, as noted in current figures (33% of those on the Tai Teg register wish to have a two-bedroom unit).
- 5.40 Together with the above, a discussion was held on the matter of current demand for affordable housing and the latest situation in this regard. A formal consultation took place with the Council's Housing Strategic Unit and the following response was received. It confirms the current situation in the village of Bontnewydd only, this is the need for two-bedroom affordable units:  
Social housing need for the village of Bontnewydd on the basis of registering with the Housing Options team:-  
Number of applicants: - 121  
Total % need for one-bedroom units: - 34.2%, 2 bedrooms: - 46%, three bedrooms: - 16%, four bedrooms: - 4%  
The Tai Teg housing register was also considered. This is where people register for affordable and intermediate housing to buy or rent.  
Looking specifically at Bontnewydd:-  
Number who selected Bontnewydd (1/2/3rd choice) - 9  
Number who wish to buy - 7  
Number who wish to rent - 6 (applicants can choose to buy and rent)  
% need for two-bedroom units - 33%, three bedrooms - 44%, 4 bedrooms - 11%, no selection - 11%
- 5.41 Based on these most recent figures, the conclusion is that the greatest demand is for smaller two or three-bedroom units. This proposed development would provide 23 two- and three-bedroom units, including nine affordable units (six two-bedroom flats, and three three-bedroom houses), and this provision is believed to be adequate and responds to identified local need. The above evidence confirms that this development provides an appropriate mix of affordable units, including two-bedroom flats, and that the mix

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and density is appropriate and complies with policy requirements and the SPG: Housing Mix. In paragraph 6.1 this states that: Providing two and three-bedroom apartments/houses (whether they are new build, change of use of non-residential buildings or bringing empty houses back into use) will increase the choice for smaller families, young couples and young people who wish to share, or older households who wish to down-size. These type of households would find it difficult to afford four or five-bedroomed houses, or houses of this size would be too big for their requirements.

To this end appropriate arrangements will have to be ensured to ensure a provision of affordable housing on the site and, in this case, this will be achieved through a standard condition. Therefore, it is believed that the proposal is acceptable, based on the relevant requirements of Policies PS 2, PS 18 and TAI 15 of the LDP.

### **Open space**

- 5.42 It is also noted on the plan that an area is to be designated as an open public area and a comment was received from the Community Council stating that play equipment should be installed here. The developer originally confirmed that it would not be possible to install permanent equipment at this spot due to site drainage requirements. Foundations will need to be created for new equipment which means excavating the site and possibly affecting the apparatus underneath. In addition, the equipment and the site will need to be maintained by Welsh Water and the presence of formal equipment would impair the maintenance of the site for drainage arrangements. Originally, the developer confirmed that he would be willing to make a financial contribution towards the installation of new equipment or to improve existing equipment on another play site within the village. Based on the formula included in the relevant SPG, the Joint Planning Policy Unit has confirmed that a contribution will be required if equipment is not provided for the site.
- 5.43 Following the first consultation, comments were received from the Community Council stating its discontentment with these arrangements and that equipment should be included on the site. A meeting was held between the developer and the Community Council to discuss the possible options for the site. The developer has since offered to install less conspicuous equipment on the site and will arrange for the site to be maintained through a management agreement. The Community Council supported the proposal and this was confirmed through a formal letter.

In doing so, it is believed that the relevant requirements of policy PS2 and ISA 5 will be met.

### **Educational matters:**

- 5.44 Policy ISA 1 of the LDP states that educational contribution provision is a factor that should be considered when discussing applications for residential developments, and proposals are only approved when adequate infrastructure capacity exists or will be provided in a timely manner. The Education Service has confirmed during initial discussions that the site falls within the catchment area of the Primary Schools of Bontnewydd and Felinwnda and Ysgol Syr Hugh Owen secondary school. These are the latest capacity and attendance figures for these schools as confirmed by the education department:

- Ysgol Felinwnda Capacity – 38 - current number of pupils on school roll is 25.



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- Ysgol Bontnewydd Capacity - 182 - current number of pupils on school roll is 167.
- Syr Hugh Owen Secondary School Capacity is 1164 - current number of pupils on school roll is 875

5.45 A formula included in the SPG: Housing Developments and Educational Provision, notes that an assessment should be undertaken of the number of children expected as a result of new housing developments. In the case of primary schools, this would be a total of 10 and in the case of a secondary school the figure would be 8. In this case, and by using the formula as well as the confirmation that capacity is available within the Primary and Secondary schools of the Catchment Area, it will not be required for the applicant to make a financial contribution towards local education facilities. As a result, it is considered that the proposal is acceptable in terms of policy ISA 1.

### **Language Matters**

5.46 Policy PS 1 states that a language statement will be required when a proposed development belongs to specific categories. However, as this proposed development does not involve a greater provision than the indicative housing provision set for the settlement in the Plan, in accordance with the content of Strategic Policy PS1 ('The Welsh Language and Culture'), a Welsh Language Statement will not be required in this case.

5.47 It is noted however that such a statement has been submitted with the application. Criterion 1c of the policy states that a statement needs to be submitted for developments of five or more residential units, unless it addresses evidence of need and demand for housing. It would therefore be suitable to consider the statement submitted alongside the type of units proposed. As has already been stated, nine affordable units are provided on the site which is 30% of the total housing for the site. They are a mix of two-bedroom flats and three-bedroom houses. A local housing association has stated their interest in these units and as a result the 106 Agreement will be drafted in order that the units are transferred to a housing association. It is therefore considered that the proposal is acceptable on the grounds of the requirements of criteria 1c of policy PS 1 as the type, number and provision of affordable units are in accordance with the local demand for such units. It is also considered that it is appropriate that the names of the houses and the estate are in Welsh in accordance with the requirements of PS1.

### **Relevant Planning History**

5.48 As already noted in this report, the previous planning history of this site is a material and essential consideration. Briefly, permission was approved to erect 26 houses together with the creation of a new vehicular access. In the case of this previous application, location of the access at the time was on Lôn Cefnwerthyd. Work was undertaken to create this access by the developer and by doing so, to commence the development and to remain extant. The developer therefore has a legal right to erect 26 new houses on this site without the need for any further permission. It is considered that this is a material planning consideration when determining the current application as a legal right already exists to erect new housing on the site.

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## Response to the public consultation

- 5.49 The above assessment has given full consideration to the objections received during the application's public consultation period. It is not considered that any material planning objections have been put forward that outweigh the relevant planning policies noted in the assessment. Therefore it is believed that there is no reason why the Council should not support this application to contribute towards delivering the objectives of the Local Development Plan insofar as it relates to the provision of affordable houses on land specifically designated for that purpose.

## 6. Conclusions:

- 6.1 Having considered the above assessment and all the material planning matters, including local and national policies and guidance, as well as the observations received, including objections, it is considered that the application to erect new housing on land designated specifically for such a residential development, is acceptable. Consideration should also be given to the site's planning history namely an extant planning permission to erect 26 houses. It is considered that the proposal satisfies the relevant requirements of local and national policies as noted in the report.

## 7. Recommendation:

- 7.1 To approve subject to relevant conditions.

Conditions:

1. Time
2. Comply with relevant plans and all the reports
3. Materials / slate
4. Landscaping and the site's boundaries
5. Highways
6. Drainage
7. Biodiversity and management of environmental effects
8. Archaeology
9. Building Control Plan
10. Removal of general development rights for the affordable houses.
11. Removal of general development rights from plots 14, 15, 16, 17 (including installing additional windows and roof lights)
12. Agree on opaque glass for a bedroom window at the rear of plot 14 and agree on opening method
13. Welsh name for the housing estate
14. Details and timetable for installing the equipment in the open space.
15. Agree arrangements to secure affordable housing.