

PLANNING COMMITTEE	DATE 12/07/2021
REPORT OF THE SENIOR PLANNING SERVICE AND PUBLIC PROTECTION MANAGER	

**Number: 2**

**Application Number: C20/1093/24/LL**

**Date Registered: 12/01/2021**

**Application Type: Full**

**Community: Llanwnda**

**Ward: Llanwnda**

**Proposal: Application to erect 16 dwellings with associated access, parking and landscaping**

**Location: Land by Talardd, Dinas, Caernarfon, LL54 7YN**

**Summary of the Recommendation: To delegate the right for the Assistant Head of the Environment Department to approve the application**

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## 1. Description:

1.1 This is a full application to provide 16 residential units, with associated access, parking and landscaping. The proposal has been submitted by Beech Development, and the site (once built) would be in the ownership/management of Adra, a Registered Social Landlord. The application can be split into several different elements, which include:-

- The provision of 12 open market units and 4 affordable units comprise 6, two-bedroom houses for 3 persons, 6 two-bedroom houses for 4 persons, 4, three-bedroom houses for 5 persons.
- Plots 1,2,10 and 11 will be flats, and plots 6 and 7 will be single-storey semi-detached houses with the rest of the development two-storey semi-detached or terraced housing.
- Plots 1,2,15 and 16 would be offered as affordable units, however, it is noted as all the houses would be managed by Adra, then it is likely that all the units would be available as affordable housing.
- It is intended to provide an access for pedestrians from the development to the A487 highway.
- It is proposed to have a vehicular access to the site from the housing development site immediately next door that has already been approved under reference C14/0386/24/LL on appeal.
- It is proposed to provide an informal open space at the centre of the site.

1.2 The site stands almost opposite a garage and an outdoor activities equipment shop, and residential housing is situated opposite and near its side. The Welsh Highland Railway passes on one side of the site and the A487 runs past its front. The site has been used until recently as an informal car park following the demolition of the restaurant that was located there. The site is currently used as a compound for the residential development situated on land directly next door.

1.3 The site is located partly within the development boundary of Dinas, as contained in the Anglesey and Gwynedd Joint Local Development Plan, 2017 (LDP). In order to support the application, the following documents were submitted -

- Planning, Design and Access Statement including a chapter on affordable housing and housing mix
- PAC Statement
- Transport Statement
- Construction Method Statement
- Language Statement
- Drainage Information
- Ecological Assessment
- Pollution Prevention Plan
- Traffic Management Method Statement
- Trees Report
- Housing Needs Survey

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

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consultation. Although the development is one that is described as a major development, there is no need for an Environmental Impact Assessment in relation to this development as it does not involve constructing more than 150 houses on a site that is larger than 5ha in size - Schedule 2, Regulation 2(1) of the Town and Country Planning Regulations (Environmental Impact Assessment) (Wales) 2017.

- 1.5 Amended plans have been submitted as part of the application in response to and in order to mitigate the concerns of the Welsh Government's Trunk Road Unit.

## **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 recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026 (LDP) adopted 31 July 2017:-**

Policy PS1 - Welsh Language and culture.

Policy PS2 - infrastructure and developer contributions

Policy ISA1 – Infrastructure provision.

Policy ISA5 - provision of open spaces in new housing developments.

Policy TRA2 – parking standards.

Policy TRA4 – managing transport impacts.

Policy PS 4 – sustainable transport, development and accessibility.

Policy PS5 - sustainable development.

Policy PCYFF1 – development boundaries.

Policy PCYFF2 - development criteria.

Policy PCYFF3 – design and place shaping.

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Policy PCYFF4 - design and landscaping.

Policy PCYFF5 - carbon management

Policy PCYFF6 - water conservation.

Policy PS17 - settlement strategy.

Policy TAI 4 - housing in local, rural and coastal villages

Policy TAI8 - appropriate housing mix.

Policy TAI15 - threshold of affordable housing and their distribution.

Policy TAI16 - exception sites

Policy AMG5 - local biodiversity conservation.

Gwynedd Planning Guidance (2003).

Supplementary Planning Guidance (SPG): Housing Mix.

SPG: Maintaining and Creating Unique and Sustainable Communities.

SPG: Planning Obligations.

SPG: Affordable Housing.

SPG: Housing Developments and Educational Provision.

## 2.4 **National Policies:**

A letter from the Minister for Housing and Local Government, 2019 regarding focusing on supplying social housing in Wales.

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Regulation 63 of the Habitats and Species Conservation Regulations 2017 (as amended)

Technical Advice Note (TAN) 2: Planning and Affordable Housing.

TAN5: Planning and Nature Conservation (2009).

TAN12 Design (2016).

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### 3. Relevant Planning History:

- 3.1 C16/0122/24/HD - Demolition of a flat roof extension at the rear of the property – APPROVED - 31.03.2016
- 3.2 C16/0463/24/HD - Demolition of former restaurant and laying hard standing to make the site safe - APPROVED - 26.07.2016
- 3.3 C16/1093/24/AM – Erection of 2 two-storey houses - APPROVED - 14.10.2016
- 3.4 Applications on the site nearby where it is proposed to create a through access to this application's site:
- 3.5 C14/0386/24/LL - Renewal of planning application number C08A/0568/24/LL and C09A/0532/24/LL for the erection of 24 dwellings, to include 12 affordable houses, alterations to the existing access and the creation of estate roads (amended plan to the plan originally submitted) - REFUSED - 13.02.2019 - APPROVED VIA APPEAL
- 3.6 C20/0088/24/AC - Application to amend condition number 2 of application C14/0386/24/LL permitted via appeal (APP/Q6810/A/19/3221957) to modify the site plan and elevations and floor plan to provide amended house type 5 in relation to plot 11 - APPROVED - 27.05.2020
- 3.7 C20/0665/24/RA - Application to discharge the following conditions from planning permissions APP/Q6810/A/19/3221957 and C20/0088/24/AC: number 8 - surface water, number 9 - foul water drainage, number 10 - landscaping, number 13 - affordable housing, number 15 - dealing with non-invasive plants, number 16 - pollution prevention, number 18 - construction management statement, number 19 - bilingual matters - APPROVED - 07.01.2021

### 4. Consultations:

Community/Town Council: Request the Council to consider changing the location of the access to the main road rather than Rhosisaf road due to safety concerns.

Transportation Unit: I refer to the above application and confirm that I have no objection to the proposal.

It is proposed to use the existing entrance provided as part of the first phase of the development and I confirm that it is of a suitable standard to accommodate the additional flow.

The site also abuts the A487 that currently continues to be under the management of the Welsh Government.

I recommend direct consultation with WG for observations

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on the proposal, however, I note that the pavement that abuts the site and the A487 is low, and it should be raised back the standard height as no vehicular access would be required from the A487 as part of the proposal.

If it is proposed to use the first phase of the estate as access to construct the phase that is subject to this application, then I recommend that the applicant provides a CTMP for approval prior to the commencement of any building work, and to remove laying the final surface on the first phase if the two developments are unlikely to be completed one after another.

I recommend including conditions / notes as part of any planning permission given:

Natural Resources  
Wales:

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met and you include the following document within the condition identifying approved plans and documents on the decision notice. Otherwise, we would object to this planning application.

Requirement: Protected Sites and Foul Drainage: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) prior to the determination of any planning application submitted.

Document - Etive Ecology Ltd, Assessment of Impacts on Bats, 12/11/2020

Foul Drainage and Protected Sites (Habitats Regulations Assessment)

Afon Gwyrfai and Llyn Cwellyn SAC

The planning submission indicates that foul drainage from the development will connect to mains sewer. Our records indicate that the waste water treatment works (WWTW), to which the mains sewer will connect, will discharge into the Afon Gwyrfai a Llyn Cwellyn Special Area of Conservation (SAC) (via the Llanfaglan WWTW).

On the 21st January 2021, we published an evidence package outlining phosphate levels for all river SACs across Wales. As part of this package, we issued a planning position statement, in which we confirmed that any proposed

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development that might increase the amount of phosphate within the catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitat Regulation Assessment (HRA) to determine whether they are likely to have a significant effect on the site's qualifying features.

The planning application form and proposed drainage layout plan drawing (Beech Developments ref. BD0127-DL-01, Rev. B) indicates that the applicant intends on connecting the development to mains sewer. A consultation response to the above planning application has also been submitted by Welsh Water (dated 02/02/2021) confirming that capacity exists within the public sewerage network to receive domestic foul only from the proposed development.

Whilst capacity to take the domestic foul drainage has been confirmed, we advise that your Authority requires clarification that the additional phosphate can be adequately managed by the Llanfaglan WWTW so as not to have a detrimental impact on the Afon Gwyrfai a Llyn Cwellyn SAC.

Requirement: Protected Sites and Foul Drainage: Further information is submitted to carry out a Habitat Regulation Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) prior to the determination of any planning application submitted.

For your Authority to undertake the HRA, we advise that clarification is sought to confirm that the WWTW that the development will connect to has:

- a. treatment capacity to treat the additional wastewater and any additional phosphate from the proposed development (in combination with other planned development) within the existing discharge permit limits, or
- b. the necessary treatment capacity to remain within existing discharge permit limits will be implemented within the current Asset Management Plan (AMP) period.

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) has been undertaken by your authority or it has not been forwarded to NRW for consideration. Should you conclude that the proposed development is likely to have a significant effect on the SAC, we look forward to being re-

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consulted. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC.

#### Protected Species

We have reviewed the Assessment Of Impacts On Bats (Etive Ecology Ltd, 12/11/2020), submitted in support of the above application which we are satisfied with. The mitigation measures recommended within this document should be adhered to in full.

We recommend you include the following documents within the condition identifying approved plans and documents on the decision notice:

Document - Etive Ecology Ltd, Assessment of Impacts on Bats, 12/11/2020

Welsh Water:

Drainage conditions

Rights of Way:

Comments - I refer to the above application. It does not appear that there are any Rights of Way recorded that will be affected by this proposal.

Public Protection:

Construction work may cause a noise and dust problem to nearby residents. I note that the site is very close to housing. In order to safeguard the area's residents, any building work should be undertaken between the hours of 08.00 - 18.00 Monday to Friday, 08.00 - 13.00 on Saturday and not at all on Sunday or Bank Holidays.

The best practical methods should be used to reduce noise and vibration from the work and to consider the recommendations of 'BS5228: Control of Noise and Vibration on Construction and Open Sites', that may include mitigation measures such as erecting acoustic barriers around the site near residential premises.

A detailed plan to manage dust, noise and vibration as a result of construction work should be submitted to the Local Planning Authority. It was advised that a noise barrier should be installed opposite nearby housing to reduce noise.

Language Unit

The identified risk/impact on the language: Neutral impact



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Language Unit's brief opinion:

We agree with the opinion that the proposed development is likely to have a neutral impact as the data submitted in the language statement indicates that there is local demand for this type of housing and would be likely to appeal to local residents.

As many of the area's residents speak Welsh, it is likely that the proposed development would reinforce the language if the prices of the houses on the open market are within reach of local people. However, as no open market estimate has been noted, nor recent facts about the housing market in the area, we cannot say if they will be within reach of local residents or not.

It should also be borne in mind that another application has already been approved last year following an appeal for 24 houses nearby.

Strategic Housing Unit:

Information about the need:

The information provided in the planning application by means of the affordable housing statement is consistent with the information regarding the need in the area.

Source of data:

Tai Teg

Gwynedd Council's Common Housing Register

Based on the above information, it appears that the Plan addresses the need in the area.

A Housing Association is a partner for this development and the properties will meet the Development Quality Requirements - DQR.

The plan has been included within the programme to receive a Social Housing Grant from Welsh Government.

These plans contribute directly to the aim of the Gwynedd Council's Housing Action Plan to provide more housing to meet with the current high demand that exists in the county.

Education Information  
Officer:

Confirms that there is sufficient space in the primary and secondary school.

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**Drainage Unit:**

Since 7 January 2019, sustainable drainage systems (SuDS) are required to control surface water for every new development of more than one dwelling or where the building surface area has drainage implications of 100m<sup>2</sup> or more. Drainage systems must be designed and constructed in accordance with the minimum standards for sustainable drainage as published by Welsh Ministers.

These systems must be approved by Gwynedd Council in its role as SuDS Approval Body (SAB) prior to commencement of the construction work.

Due to the size and nature of the development, an application will need to be provided to the SuDS Approval Body for approval before construction work commences. The drainage strategy and plan submitted shows that the developer intends to use sustainable drainage methods; however, until an application is made to the SAB, there is no certainty that the site plan would enable compliance with the full suite of national SuDS standards. Early consultation with the SAB is recommended.

<https://www.gwynedd.llyw.cymru/cy/Trigolion/Cynllunio-a-rheolaeth-adeiladu/Cynllunio/System-Draenio-Cynaliadwy.aspx>

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Biodiversity Unit:

I agree with the findings of the Preliminary Ecological Appraisal.

However, it should be noted that reports such as this are usually only applicable for 2 years. This report was provided in 2018.

I have checked with the Record, and no additional protected species have been recorded within 1km of the site since the report was issued, therefore, I am willing to accept it for this application.

According to the PEA report, the following points will need to be added as a condition:

- Habitats: 4.3.1; 4.3.2 and 4.3.3
- Bats: 4.3.4 and 4.3.5
- Birds: 4.3.6 and 4.3.7
- Otters: 4.3.8 and 4.3.9
- INNS: 4.3.10

Additional observations (that need to be conditioned):

- I would like to see the retained hedgerows enhanced by planting native species where needed (e.g. in sparse sections).
- The applicant needs to provide a site management plan (that includes hedgerow management).
- Need to provide a lighting plan.
- Need to provide a landscaping plan – I would suggest that the plan includes planting native species as well as creating native wild flower meadows.
- Need to provide INNS eradication and management plan.

It is noted that the Biodiversity Unit is responsible for providing a Habitats Regulations Assessment on behalf of the LPA, and the Unit has asked Welsh Water for further information to complete the assessment.

Trees Unit:

Thank you for consulting on this matter.

The trees report is very detailed and assesses the impact of the development on the trees and their roots. One group of trees and one singular tree have been identified for removal in order to enable the development.

With the remainder, the report identifies areas where care

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needs to be taken with the trees so as not to damage them with the development work. There is an outline of this in the arboricultural impact assessment, in the report - it is noted that there is a need for working methods that will reduce damage e.g. manual excavation, laying a hard path that will not damage the trees.

Due to the specialist work around the trees, I would suggest that arboriculture supervision is required for this project.

Gwynedd  
Archaeological  
Planning Service:

Archaeological work condition due to the archaeological potential of the site - this is not relevant for the access as it has already been permitted.

Assembly  
Transportation (Trunk  
roads) :

The applicant must provide the following information to support this application or resubmit the application with the following details;

1. The applicant must provide a suitably scaled drawing illustrating the boundary fencing and noise mitigation measures adjacent to the A487 trunk road
2. The applicant must provide kerb details for the stopped up access adjacent to the A487 trunk road

The information has been received and a new consultation has been sent.

Public Consultation:

A notice was posted on the site and nearby residents were notified with a notice placed in the paper. The advertising period has already expired and correspondence was received objecting on the following grounds:

Concern regarding using the access through the estate next door rather than directly from the highway where there is an existing access

- Question the need for flats
- Question the use of Spanish slate
- Drainage matters
- Gas / electricity matters
- Too many houses in the area

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## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 The principle of constructing houses on this particular site is based on policies PCYFF1, PCYFF2, TAI4, TAI15, TAI 16 and PS5 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. As referred to above, the majority of the site is located within the development boundary of Dinas, which is a village under Policy TAI 4, and a small part of the site is situated outside the development boundary and is therefore subject to policy TAI 16 as an exception site. Criterion 3 of Policy PCYFF 2 states that proposals should make the most efficient use of land, including achieving densities of a minimum of 30 housing units per hectare for residential development. In this case, the site is approximately 0.4ha, therefore it is confirmed that a density of 16 units for this plot of land is acceptable and complies with criterion 3 of policy PCYFF2.
- 5.2 Policy TAI 4 states that housing in local, rural and coastal villages will be granted, provided the site is within the settlement's development boundary and that the size, scale, type and design of the development corresponds with the settlement's character.
- 5.3 The indicative supply level of housing for Dinas (Llanwnda) over the Plan period, as noted in Appendix 5 of the Joint Local Development Plan, is 8 units (including a 10% 'slippage allowance', which means that the method of calculating the figure has taken into account potential unforeseen circumstances which could influence the provision of housing, e.g. land ownership matters, infrastructure restrictions, etc.). During the period 2011 to 2020, a total of two units have been completed in Dinas (Llanwnda). The windfall land bank, i.e. sites with extant planning permission on sites not designated for housing, stood at 26 units as of April 2020 (disregarding units identified in the JLDP as those unlikely to be completed). This entails that the proposal will mean that Dinas (Llanwnda) will go beyond the indicative growth level.
- 5.4 In accordance with criterion (1b) of Policy PS1 'The Welsh Language and Culture', as this development provides more than the total indicative housing provision for Dinas (Llanwnda), a Welsh Language statement should be submitted in favour of the application. It is noted that a Language Statement has been submitted and is addressed under the relevant heading below.
- 5.5 As the settlement will see its expected growth level through units completed in the period from 2011 to 2020, on the current land bank, there will be a need for justification with this application, outlining how the proposal will address the needs of the local community. This could be done by:
- submitting any market research work they have undertaken i.e. demonstrating the need for this type of development in the area;
  - that the proposal meets local recognised need for affordable housing;
  - that the proposal provides for specialist housing needs e.g. units for the elderly.
- 5.6 The proposal before you involves providing housing that would be managed by Adra, a Registered Social Housing Landlord that provides community housing for the area. The development is subject to a grant from the Government for completion and provision for a specific need and therefore it is considered that this is sufficient justification for the proposal.

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The planning statement includes a chapter on affordable housing and housing mix, and this notes that a need has been proven for smaller houses to satisfy the needs of smaller families. These houses are a mixture of single, two-storey and flats with no more than three bedrooms. It is not currently clear what the intention is in terms of tenure, however, regarding planning policy, it is considered that the proposal provides an appropriate number of affordable housing and that an appropriate mix of housing have been proposed in accordance with the identified need and confirmed by the Strategic Housing Unit.

- 5.7 The proposal involves providing 16 residential units and in accordance with the requirements of policies TAI 15 and TAI 16 at least 10% of the units on this site (namely 1.6 houses) that are located within the boundary should be affordable, and all the units located outside the development boundary. In this case, four affordable units are proposed. The application states that these four units include two units within the boundary (in order to meet with the policy) and two outside but, in reality, as it is proposed that Adra will manage the site once it has been built, it is very likely that all the units approved would be available in any case to satisfy affordable need.
- 5.8 All units on the site have been designed to the requirements of DQR and therefore it would be possible to provide any of them as an affordable house if the owner wished to do so. In terms of planning policy, four affordable units need to be provided and this proposal provides for this. How a developer intends to provide the remaining units e.g. in terms of tenure, is not a planning policy matter. In order to manage the affordable provision in terms of planning policy, it is proposed to impose a standard condition that will require agreement on a plan to provide affordable housing.
- 5.4 Policy PS5 states that developments will be supported where it can be demonstrated that they are consistent with the principles of sustainable development, including suitable sites within the development boundaries. It is deemed that this specific site can be defined as a sustainable site based on its location with the majority within the development boundary and opposite an established residential area, its location close to the local road network and public transport together with its location in relation to local facilities such as shops, and educational establishments.
- 5.10 Given the above and the likelihood that all the houses would be offered and managed as affordable housing, it is considered that the application is acceptable in principle. It is also a requirement that the proposal complies with other relevant policies and these are discussed below.

#### **Affordable housing and housing mix**

- 5.11 A chapter on Affordable Housing and Housing Mix was presented within the Planning, Design and Access Statement submitted as part of the application. This information notes that the proposal includes a mix of two-storey and single-storey houses as well as flats. There are no units larger than three-bedroom units provided as a result of an assessment of the market that notes that there is a need arising for smaller houses to address the increase in smaller families in the area.
- 5.12 The application involves the provision of the following affordable houses, designed to DQR standard, in compliance with the size requirements of affordable housing as noted in the Affordable Housing SPG. The four affordable houses required on policy grounds are proposed as

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follows (it is noted that the two-storey houses are those that are situated outside the development boundary):

- 1 2 flats, two-bedrooms 68m square
- 2 1 two-storey house, two bedrooms 83m square
- 3 1 two-storey house, three bedrooms 97m square

It is noted that all the houses subject to the application have been designed to DQR standard (a WG grant requirement) and therefore is acceptable as affordable houses in terms of floor area. The mix of houses is acceptable and meets local needs in accordance with the information the applicant has submitted and the Strategic Housing Unit have confirmed that the proposal addresses the recognised need.

- 5.13 As noted above, in order to manage the affordable provision in terms of planning policy, it is proposed to impose a standard condition that will require agreement on a plan to provide affordable housing.
- 5.14 Considering that the proposal responds to the recognised need and provides an appropriate mix of units, it is believed that the proposal is an opportunity to develop a quality scheme to satisfy recognised requirements and therefore is in accordance with the requirements of policies TAI8 and TAI15 of the LDP, along with the advice included in the SPG: Housing Mix and SPG: Affordable Housing.

#### **Visual amenities**

- 5.15 There is a mix in terms of form, construction and design of existing developments in the application site's catchment area of traditional houses to commercial buildings such as a car sales showroom and a shop selling outdoor equipment. The proposal provides a mix of single-storey and two-storey houses together with flats with slate pitch roofs and walls with render and timber cladding. It is considered that the design and finish of the houses are acceptable and appropriate for the area.
- 5.16 It is noted that the site is not located within a designated landscape at all, and the site is fairly flat and slopes away from the A487 highway. This site is directly opposite an existing housing development that is being constructed and the majority is within the village development boundary.
- 5.17 It is proposed to landscape around the site and it is considered appropriate to receive full landscaping details as a planning condition.
- 5.18 On this basis, it is considered that the proposal is acceptable based on the requirements of policies PCYFF3 and PCYFF4 of the LDP.

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

- 5.19 The site is located at the side of the A487 highway with residential housing (including a development of 24 new housing) on one side and the Welsh Highland Railway on the other side. Commercial buildings and residential houses are located directly opposite the site across the highway. The nearest dwelling is situated directly next door to the site (Talardd), and the site has been designed so as not to have a significant detrimental effect on this property. The development will provide two flats in the form of a two-storey building directly alongside this property with

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gardens and parking to the rear. Windows from the main rooms will not face the property. It is therefore not considered that the development would have a detrimental impact on privacy or the amenities of these residents.

- 5.20 The Public Protection Unit has responded to the proposal and have noted the requirements that can be ensured via planning conditions in terms of safeguarding the existing houses from noise, dust and unacceptable nuisance during the construction phase.
- 5.21 Bearing in mind the above assessment, it is considered that the proposal is acceptable and would not have a substantial unacceptable impact on the residential or general amenities of nearby occupants. Therefore, it is considered that the proposal is in accordance with policies PCYFF2 and PCYFF3 of the LDP.

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

- 5.22 The proposal entails the provision of parking spaces for each house, creating a pedestrian access to a pavement on the A487, as well as providing an estate road and vehicular access to the development from the vehicular highway leading to Rhos Isaf.
- 5.23 It is noted that there is public objection and from the Local Member to the intensification of use of the access for the development directly next door, rather than using the existing access to the A487 from the site. It is noted that the Transportation Unit has no objection to the further use of the access on the main road to Rhos Isaf. The A487 is currently a trunk road, however, it is noted that this road will lose its status when the Caernarfon bypass opens.
- 5.24 The Trunk Roads Unit have requested further details regarding any impact on the A487, and an amended plan has been submitted with further details to close the access, provide footpaths and boundary finishes. At the time of writing, the LPA is awaiting a formal response from Trunk Roads Unit and it is trusted that this will be received by the date of the Committee.
- 5.25 The Trunk Roads Unit has also raised the noise matter and the need for a noise assessment to assess the impact of the road on the development. Bearing in mind that the A487 will not be a trunk road in the future, this matter has been referred back to the LPA for assessment. To this end, the Transportation Unit has confirmed that there is no need to provide a noise assessment, and Public Protection does not consider that noise from the road will have an impact on the houses.
- 5.26 In response to the public objection, it is necessary to consider the proposal on its own merits, and on the basis that using the access via the estate which is being constructed is acceptable by the Transportation Unit, there is no basis to consider any other option. Based on this, and subject to conditions, it is considered that the proposal complies with the requirements of Policy TRA2 and TRA4 of the LDP.

#### **Flooding and drainage matters**

- 5.27 The proposal would be subject to a separate permission for a Sustainable Drainage System and it would be necessary to design the surface water system in order to conform to the requirements of the Sustainable Drainage System SuDS. To ensure the efficiency of the new drainage system, maintenance measures will be included within the sustainable water system plan (SuDS) that would be approved by the Council's Water and Environment Unit in its role as a Sustainable Drainage System (SuDS) Approval Body.



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- 5.28 Welsh Water in their response to the application confirm that they do not object on the grounds that a surface water condition is imposed on any approved planning permission.
- 5.29 It is noted that the proposal is subject to a Habitats Regulations Assessment and the LPA is the competent authority to undertake the assessment. Natural Resources Wales has confirmed that they have significant concerns together with the increase in phosphate emissions from sewage treatment works to afon Gwyrfai and the impact that this may have on the river that is a Special Area of Conservation.
- 5.30 It is noted that the Council's Biodiversity Unit has requested relevant information from Welsh Water in order to undertake the appropriate habitats regulations assessment, however, the information has not been received and the assessment has not been completed at the time of writing. This has been the subject of considerable discussion in order to move the application forward. Because of the associated timetable with the application (and the associated grant) it is considered appropriate to discuss the application and ask for the right to act subject to the appropriate resolution of this matter to meet with the requirements of Natural Resources Wales.
- 5.31 Therefore, subject to the receipt of an acceptable result for the Habitats Regulations Assessment, is considered that the proposal is acceptable and satisfies the requirements of policies ISA1, PS2, PCYFF6 and PS5 of the LDP in terms of drainage matters.

#### **Linguistic matters**

- 5.32 A Welsh language Statement was submitted with the application and criterion 1c of Policy PS1 of the LDP, as well as the advice included in the document SPG: Maintaining and Creating Unique and Sustainable Communities, states that any development of 5 or more housing units on allocated or windfall sites within development boundaries must address evidence of need and demand for housing recorded in a Housing Market Assessments and other relevant local sources of evidence.
- 5.33 In accordance with criterion (1b) of Policy PS1 'The Welsh Language and Culture', as this development provides more than the total indicative housing provision for Dinas (Llanwnda), a Welsh Language statement should be submitted in favour of the application.
- 5.34 The information submitted by the applicant to this end includes a Welsh Language Statement that concludes that the proposed development would not be expected to lead to any negative impacts on the Welsh language. As many of the area's residents speak Welsh, it is likely that the proposed development would reinforce the language if the prices of the houses are within reach of local people.
- 5.35 The observations of the Welsh Language Unit on the development were received and they are of the view that the proposal would have a neutral impact on the Welsh language in the area.
- 5.36 Based on the above, it is considered that the proposal is acceptable on the grounds of the requirements of Policy PS1 and SPG: Maintaining and Creating Unique and Sustainable Communities.

#### **Educational matters**

- 5.37 The relevant policy within the context of educational contributions for residential developments is Policy ISA1 of the LDP. The SPG adopted to support the previous Development Plan continues to be a material consideration when determining planning applications until they are

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superseded. To this end, it is material to consider the contents of SPG: Housing Developments and Educational Provision when discussing this application. The information/formula within the SPG suggests that 6.4 primary and 4.9 secondary school-age pupils would derive from the proposed development.

- 5.38 The SPG notes that consideration should be given to the situation in the school that serves the catchment area where the development is located. In response to the statutory consultation, the Education Department's Information Officer states that Ysgol Gynradd Felinwnda (primary) and Ysgol Uwchradd Syr Hugh Owen (secondary) have sufficient capacity. The proposal would not therefore entail too many children in the schools and no payment will be required to comply with the requirements of Policy ISA1 together with the SPG: Housing Developments and Educational Provision.

### **Open Spaces Matters**

- 5.39 According to ISA 5 of the LDP, it is expected that proposals for 10 or more dwellings, in areas where existing open spaces cannot meet the needs of the proposed housing development, will be expected to provide suitable provision of open spaces in accordance with the Field in Trust benchmark standards. The second part of policy ISA 5 states:

*In exceptional circumstances, where it is not possible to provide outdoor play areas as an integral part of new housing developments, the developer will need to:*

- *Provide suitable provision off the site that is accessible and close to the development in terms of walking or cycling distance or, where this is not practically possible:*
- *Make a financial contribution towards new facilities including equipment, improving existing facilities on sites with access or improve access to existing open spaces.*

- 5.40 The proposal includes a proposed open space within the development; however, at the time of writing, no confirmation had been received to confirm whether the proposed development is sufficient to satisfy any need for an open space in the area. Should the open space proposed be unacceptable, it would be possible to satisfy the need by giving a contribution towards an appropriate provision in the area. To this end, and subject to the receipt of confirmation either that the provision proposed is acceptable or that a further contribution is required, it is considered that it is possible for the proposal to comply with the requirements of policy ISA5 of the LDP together with SPG: Open Spaces in New Housing Developments, to ensure appropriate provision in the local area.

### **Biodiversity matters**

- 5.41 Planning Policy Wales 11 determines that "planning authorities must maintain and improve biodiversity when exercising its functions. This means that development should not lead to a large loss to habitats or substantial populations of species, locally or nationally, and it must lead to net advantages to biodiversity" (para 6.4.5). This policy and subsequent policies in Chapter 6 Planning Policy Wales 11 respond to Section 6 of the Environment Duty (Wales) Act 2016.
- 5.42 The letter of Welsh Government's Chief Planner (October 2019) states that ensuring net benefits for biodiversity within the context of Planning Policy Wales calls for a pragmatic approach to the

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specific circumstances of the site. By using the phased approach (Planning Policy Wales, paragraph 6.4.21), which confirms appropriate cases, a net benefit can be ensured for biodiversity through the creation of habitats and/or long-term management arrangements to improve existing habitats, to improve biodiversity and the robustness of ecosystems.

- 5.43 Ecological and Trees Reports have been submitted as part of the planning application, and confirmation has been received from the Trees Unit that the development is acceptable, provided that the recommendations of the tree report are followed and there is supervision during the development work. The Biodiversity Unit has submitted very detailed observations on the application and has noted further requirements, confirming that it is possible to provide those requirements through planning conditions. This would meet with the relevant requirements in terms of local and national policy.
- 5.44 As noted above in the chapter on flooding and drainage, the proposal is subject to a Habitats Regulations Assessment and the LPA is the competent authority to undertake the assessment. Natural Resources Wales has confirmed that they have significant concerns as well as the increase in phosphate emissions from sewage treatment works to afon Gwyrfai and the impact that this may have on the river that is a Special Area of Conservation.
- 5.45 It is noted that the Council's Biodiversity Unit has requested relevant information from Welsh Water in order to undertake the appropriate habitats regulations assessment, however, the assessment has not been completed at the time of writing, as the information has not been received.
- 5.46 Therefore, on the grounds that the result of the Habitats Regulations Assessment is acceptable and considering that the Biodiversity Unit and the Trees Unit are satisfied that the rest of the development can be managed/ensured through planning conditions, it is considered that the proposal is acceptable and complies with the requirements of policies of AMG5 and PS5 of the LDP, along with the advice included in PPW11 and TAN5: Planning and Nature Conservation and Regulation 63 of the Habitats and Species Conservation Regulations 2017 (as amended).

### **Sustainability Matters**

- 5.47 The proposal before you includes the provision of housing that will be managed by Adra, Registered Social Landlord and the development will deal with run-off water through the SUDS scheme. The houses have been designed to DQR standards and make acceptable use of this designated site in terms of building density. To this end, it is considered that the proposal has considered sustainability matters and therefore complies with the requirements of policy PS5 of the LDP./

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

- 5.48 Following a period of public consultation, the following observations were received on the application:

Concern regarding using the access through the estate next door rather than directly from the highway where there is an existing access

Question the need for flats

Question the use of Spanish slate

Drainage matters

Gas / electricity matters

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Too many houses in the area

The site is mostly located within the development boundary of the village, and transportation and land drainage matters have been addressed appropriately as part of the above assessment. The electricity and gas matters are separate matters to the planning system and the appropriate bodies will deal with those matters.

## **6. Conclusions:**

- 6.1 Having considered the above assessment, it is believed that the proposal to develop 16 houses is a positive response to the various housing needs that have been identified in the area. In assessing the application, full consideration has been given to the observations received in response to the consultation period and the response received from statutory consultees. Based on the above assessment, it is not considered that the proposal is contrary to local or national policies and there is no material planning matter that outweighs these policy considerations. To this end, it is considered that the proposal is acceptable subject to the receipt of positive responses on Habitats Regulations Assessment, Trunk Roads and Open Spaces and to include the conditions noted below.

## **7. Recommendation:**

- 7.1 To delegate powers to the Assistant Head of the Environment Department to approve the application, subject to the receipt of positive responses on the Habitats Regulations Assessment, Trunk roads and Open Space and to the following conditions:-
1. Five years.
  2. In accordance with the documents/plans submitted with the application.
  3. Natural slate.
  4. Samples of materials and colours for the houses to be agreed with the LPA.
  5. Highways Conditions.
  6. Soft and hard landscaping.
  7. Biodiversity and Tree Conditions
  8. Working hours limited to 8:00 - 18:00 during the week, 08:00 - 12:00 on a Saturday and no working at all on Sundays and Bank Holidays.
  9. Agree on details regarding Welsh names for the development together with advertising signage informing of and promoting the development within and outside the site.
  10. Ensure a plan/arrangements to provide the affordable units.
  11. Removal of general development rights for the affordable units.
  12. Submit a Construction Method Statement including parking provision for the builders' vehicles.
  13. Submit outdoor lighting details to be agreed with the LPA before they are installed.

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14. Archaeological mitigation measures condition.
15. Safeguarding the open space for the future
16. Welsh Water Condition
17. Public protection conditions (Noise, Dust, Nuisance)
18. Construction environmental management plan  
Welsh Water Notes, Highways, SUDS