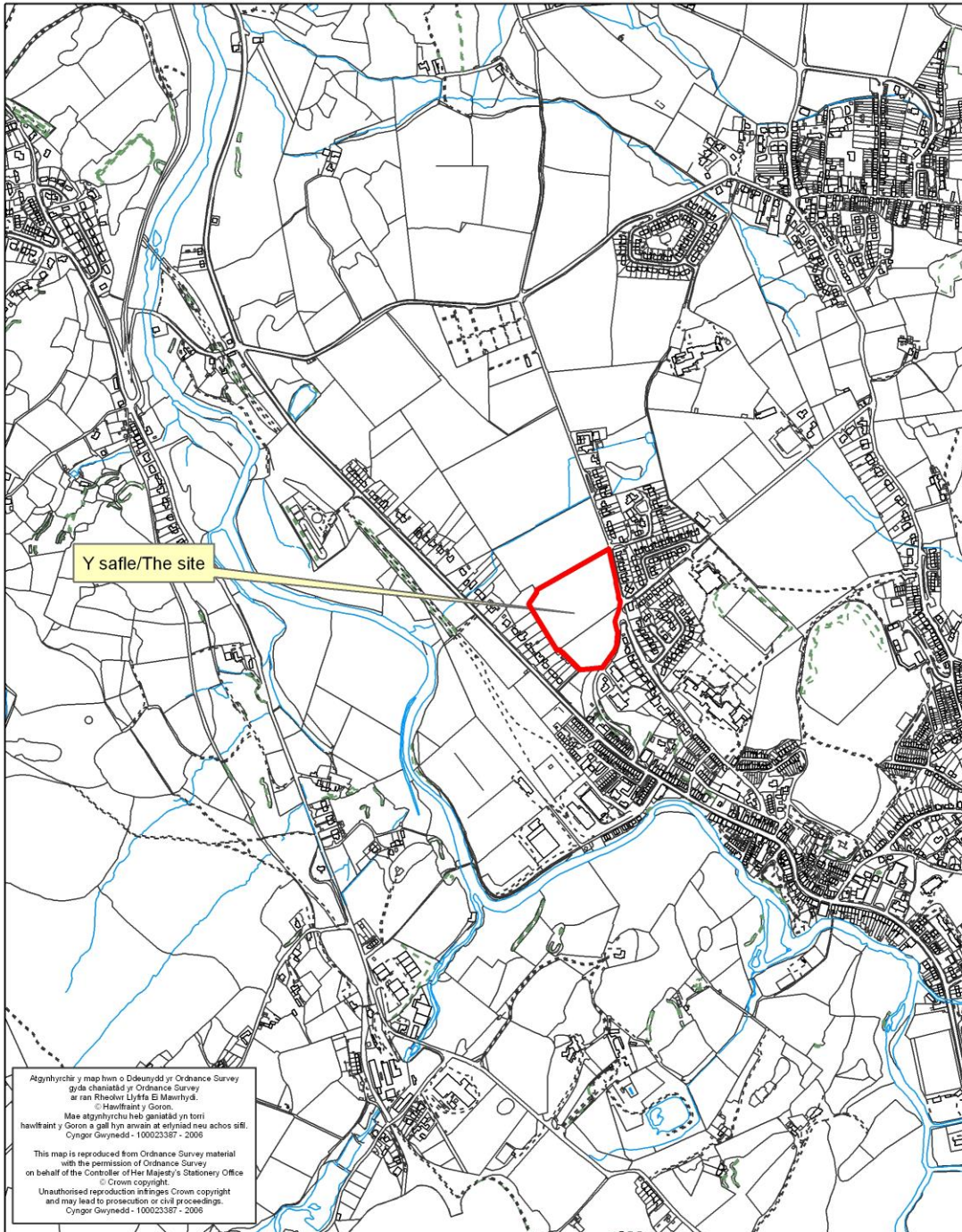


Number: 1



Rhif y Cais / Application Number : C13/0412/13/AM

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Application Number: C13/0412/13/AM  
Date Registered: 26/04/2013  
Application Type: Full - Planning  
Community: Bethesda

Ward: Ogwen

Proposal: OUTLINE APPLICATION TO ERECT 69 DWELLINGS, INCLUDING 20 AFFORDABLE UNITS

Location: LAND AT MAES COETMOR, BETHESDA, GWYNEDD, LL573NW

**Summary of the Recommendation:** TO REFUSE

## 1. Description:

- 1.1 This is an outline application for planning permission (with all details reserved) to erect 69 new residential units on agricultural land in the village of Bethesda
- 1.2 The site is located within the development boundaries of Bethesda which is designated as a local centre in the Gwynedd Unitary Development Plan (July 2009). It has been designated specifically for a residential development and a Development Brief has been prepared for the site. The application site measures 01.95 hectares and historically it was used as agricultural grazing land. The application site is located in a vast area which is designated as the Dyffryn Ogwen Landscape of Historic Interest (roughly from Porth Penrhyn up towards Llyn Ogwen).
- 1.3 The site is located behind existing residential dwellings along Bangor Road / the A5 on the approach from the west towards the village. The land is on a slope with Coetmor New Road bordering the eastern/south-eastern boundary of the site and Coetmor Road to the north/north-east. There is a mixture of residential dwellings in terms of design, form and appearances close to the site, with open agricultural land to the north/north-west.
- 1.4 As already mentioned, this land was used historically for agricultural purposes. The land is on a slope with a number of mature trees and bushes, mainly within the southern part of the site near Coetmor New Road. The boundaries of the entire site are mainly formed from traditional dry stone walls, and a stone wall also crosses an open part of the land. A public footpath abuts the southern boundary of the site and connects Coetmor New Road with Bangor Road below.
- 1.5 Indicative plans have been submitted with the application showing the likely form of the development in terms of the possible site layout, the location of the plots, the estate road and the vehicular entrance into the site. They also show that a public open space will be created in the southern part of the site, where it is also intended to install a surface water attenuation lagoon.
- 1.6 The information submitted with the application states that there will be a variety of living units in terms of type and size within the site, including:
  - Open market housing – 2 two-bedroom houses, 26 three-bedroom houses, 17 four-bedroom houses and 4 that are undecided – a total of 49.

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- Affordable housing – 9 two-bedroom houses, 11 three-bedroom houses – a total of 20.

1.7 As is required in order to conform to current requirements, the following information was submitted in the form of formal documents:

- Design and Access Statement – The application is supported with a Design and Access Statement. The applicant has noted in the statement how consideration was given to the context, access, design, character, environmental sustainability and site analysis. The statement is acceptable and is a relevant consideration in determining the application, and it has been given due emphasis and attention.
  - Transport Impact Assessment – This report has been provided to explain the impact of the proposed development on the roads network in the nearby area, the accessibility of the site and other relevant matters in the context of transport.
  - Affordable Housing Statement – This report explains and confirms the number and the type of affordable housing offered on the site.
  - Surface Water Management Strategy – This shows how consideration has been given to the management of surface water on and off the site.
  - Land Survey Report – An assessment of the land was conducted in relation to pollution and contamination matters. The results of the surveys undertaken are noted here.
  - Archaeological Assessment – An archaeological survey was submitted which contained information about relevant matters in relation to the site; this was as a result of inspections that were undertaken on the site.
  - Level 3 Code for Sustainability Initial Assessment – This assessment is submitted to show how sustainable housing requirements and standards can be met for the site. It can be ensured that the acceptable level is achieved by imposing relevant conditions. At the time of the application submission there was relevant legislation requesting this assessment, but things have changed since then and these are now matters for the Building Control service.
  - Language impact assessment – Although this information was not submitted initially, following discussions between the Council and the agent, this statement was submitted with regard to the relevant matters as noted.
  - Habitats Survey phase 1 – An initial survey of the site was conducted and this states that the majority of the site has a low ecological value; however, a section comprises habitats with features of high value locally and nationally. It is suggested that further inspections are conducted including a bat survey.
- 1.8 The application has been amended from its original submission by redesigning the vehicular entrance into the site from Coetmor New Road. This was done as a result of discussions with the Authority's Transportation Unit and it suggested that a standard junction should be created into the site rather than the roundabout as originally shown. It is also shown that work to widen the road would be undertaken on Coetmor Road in order to facilitate vehicular movements along it.

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## 2 Relevant Policies:

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

### 2.2 Gwynedd Unitary Development Plan 2009:

**Strategic Policy 1 – Taking a precautionary approach** - Development proposals that would have an adverse or uncertain impact on the environment, society, the economy or on the Welsh language or cultural character of the communities of the Plan area will be refused unless it can be conclusively shown by an appropriate impact assessment that this can be negated or mitigated in a manner acceptable to the Planning Authority.

**Strategic Policy 5 – Developments that create risk** - Developments that are inconsistent with the need to safeguard floodplains or to minimise flood risk and developments that create a risk of unacceptable damage to health, property or the environment, will be refused.

**Strategic Policy 10 – Homes** - The need for housing in the Plan area during the life of the plan will be met through:

- making provision for a total of 4178 housing units, which will include the provision of 1807 housing units on allocated sites; 1380 housing units on small and windfall sites and through residential conversion of existing buildings; and 991 on sites with planning permission;
- making provision for meeting the local need for affordable housing;
- distributing the housing units across the Plan area in accordance with the Plan's settlement strategy.

**Strategic Policy 11 – Accessibility** - Development proposals which are accessible to all through a variety of transport modes by virtue of their location will be permitted, provided the appropriate infrastructure, including highways, cycle routes and facilities and footways, is in place, or is to be provided; and provided they do not significantly harm the environment or the amenities of nearby residents.

Policy A1 – Environmental or Other Impact Assessments - Ensure that sufficient information is provided with the planning application regarding any environmental impacts or other likely and substantial impacts in the form of an environmental assessment or other impact assessments.

Policy A2 – Safeguarding the social, linguistic and cultural fabric of communities – Safeguard the social, linguistic and cultural cohesion of communities against significant harm due to the size, scale or location of proposals.

Policy A3 – Precautionary Principle - Refuse proposals if there is any possibility of serious or irreversible damage to the environment or the community unless it can be shown conclusively at the end of an appropriate impact assessment that the impact can be negated or mitigated.

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Policy B7 – Sites of archaeological importance - Refuse proposals which will damage or destroy archaeological remains that are of national importance (whether scheduled or not) or their setting. It also refuses any development that will affect other archaeological remains unless the need for the development overrides the significance of the archaeological remains.

Policy B12 – Protecting Historic Landscapes, Parks and Gardens - Protect landscapes, parks and gardens of special historic interest in Wales from developments which would cause significant harm to their character, their appearance or their setting.

Policy B20 – Species and their habitats that are internationally and nationally important - Refuse proposals which are likely to cause unacceptable disturbance or harm to protected species and their habitats unless they can conform to a series of criteria aimed at safeguarding the recognised features of such sites.

Policy B22 – Building design - Promote good building design by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and character of the local landscape and environment.

Policy B23 – Amenities - Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

Policy B25 – Building materials - Safeguard the visual character by ensuring that building materials are of a high standard that are in keeping with the character and appearance of the local area.

Policy B27 - Landscaping schemes - Ensure that permitted proposals incorporate soft/hard landscaping of a high standard which is appropriate for the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

Policy B32 – Increasing surface water - Refuse proposals that do not include appropriate flood minimisation or mitigation measures which will reduce the volume and rate at which surface water reaches and flows into rivers and other water courses.

Policy C1 – Locating new developments - Land within town and village development boundaries and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

Policy CH1 – New housing on allocated sites - Proposals to build houses on allocated sites will be approved subject to criteria relating to the specific features of the site.

Policy CH6 – Affordable housing on all allocated sites in the plan area and on unallocated sites that become available within the development boundaries of the sub-regional centre and the urban centres – Approve proposals to develop housing on sites that have been allocated for housing or on sites that become available unexpectedly for five or more units within the development boundaries of the sub-regional centre and the urban centres that provide an appropriate element of affordable housing.

Policy CH18 – Availability of Infrastructure - Development proposals will be refused unless there is an adequate provision of necessary infrastructure for the development, unless one of two specific criteria can be satisfied which require that appropriate arrangements are made in order to ensure an adequate provision, or that the development is

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carried out in phases in order to conform to any proposed scheme for providing infrastructure.

Policy CH30 – Access for all – Refuse proposals for residential/business/commercial units or buildings/facilities for public use unless it can be shown that full consideration has been given to the provision of appropriate access for the widest possible range of individuals.

Policy CH33 – Safety on roads and streets - Development proposals will be approved provided they comply with specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

Policy CH36 – Private car parking facilities - Proposals for new developments, extension of existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council’s current parking guidelines and having given due consideration to accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

Policy CH37 – Education, health and community facilities - Development proposals for new educational, health or community facilities or extensions to existing facilities will be approved provided they can conform to a series of criteria relating to the location of the proposal, its accessibility for different modes of transport, together with considerations relating to highways, the design of any new school and the effect on a defined town centre.

Policy CH43 – The provision of open spaces of recreational value in new housing developments - New housing developments of 10 or more dwellings in areas where the existing open spaces provision cannot meet the needs of the development will be expected to provide suitable open spaces of recreational value as an integral part of the development.

As well as the above, full consideration is given to the Council’s adopted Supplementary Planning Guidance (SPG), which are material and relevant considerations. The following are relevant in this case:

- SPG – the Development Brief prepared for the site
- SPG – Affordable Housing
- SPG – Housing Developments and Open Spaces of Recreational Value
- SPG – Planning and the Welsh Language
- SPG – Planning for building in a sustainable manner
- SPG – Housing developments and educational provision

### 2.3 National Policies:

Planning Policy Wales – edition 7, 2014

**Technical Advice Notes (TAN)**

*TAN 2: Planning and Affordable Housing*

*TAN 5: Planning and Nature Conservation*

*TAN 12: Design*

*TAN 15: Development and Flood Risk*

*TAN 18: Transport*

*TAN 20: Planning and the Welsh Language (also relevant is the Practice Guidance which was published in June 2014 to accompany TAN 20).*

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### 3. Relevant Planning History:

3.1 The site has no relevant planning history.

### 4. Consultations:

Community/Town Council: We object to the application for a number of reasons, the main issues raised are outlined below:

- A lack of local consultation
- The effect on a current farmer's livelihood
- A phased development is required
- A high density of housing/need more affordable units
- Concern about the location of the vehicular entrance/transport matters
- The traffic survey is dated
- Existing infrastructure problems
- A harmful impact on local schools
- Other sites are more suitable
- Misleading/incorrect information
- No reference to the effect on the Welsh language and culture

Transportation Unit: Discussions were held with the agent and as a result the vehicular entrance was amended, and it is intended to widen parts of Coetmor Road to facilitate movements. Should the application be approved we suggest including conditions, and standard advice is provided regarding the proposal.

Natural Resources Wales: Concerns regarding drainage – specifically the method of disposing of surface water. Need to consider the effect on the area's designation as the Dyffryn Ogwen Landscape of Historic Interest, and there is a need to conduct a bat survey.

Welsh Water: Standard advice is provided regarding the development and we suggest including relevant conditions if it is permitted.

Public Protection Unit: Refer to a historical problem relating to sewerage pipes, since transferring responsibility for private systems to Welsh Water, no further problems are anticipated as long as consideration is given to the existence of pipes and systems.

Rights of Way Unit: Not received

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- Land Drainage Unit: A series of standard instructions were submitted in relation to drainage issues advising any developer of the requirement to:
- Protect the existing water course
  - Submit details to be agreed on the arrangements to attenuate floods within the site.
  - The need to agree on all these measures in accordance with the requirements of the relevant sections of the Land Drainage Act 1991 and through the agreement of the Unit and/or Natural Resources Wales.
- The Welsh Government's Transportation Unit: It was originally suggested that there should be a crossing on the A5 road in order to facilitate crossing for pedestrians and cyclists. Further confirmation was received from the Welsh Government's Transportation Unit stating that it did not intend to issue a further formal directive regarding the application.
- Biodiversity Unit: An ecological assessment has not been submitted with the application. There are substantial trees on the site which bats may be using. A bat activity survey should be received together with an assessment of the trees for roosts before determining the application. The results of the survey should inform what mitigation measures are required, and any details from these, if relevant, should be included in amended plans, including a lighting plan.
- Trees Officer: There are a number of substantial trees on the site, it is appreciated that the developers have designed the site so as to retain most of the trees, but since no tree report has been submitted, we cannot assess and ensure the health of the trees during the construction work. A report is requested to comply with current standards.
- Archaeological Service: The site is within the Dyffryn Ogwen Landscape of Historic Interest Area, further surveys and assessments have been undertaken since offering initial observations, and we suggest that further excavation is undertaken before a decision is made.
- Housing Strategic Unit: Discussions have been held with the Unit regarding the type of affordable housing units that will be provided. We believe that the number is acceptable as a proportion of the total number of houses and that the exact type to be provided is a matter to be agreed at the time of drawing up the section 106 agreement. Current figures were submitted in relation to the Gwynedd Common Housing Register by the Unit.



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Public Consultation:

Notices were posted on the site, nearby residents were informed and an advert was placed in the local press. The advertising period has expired and a substantial number of letters / correspondence were received in objection. The main relevant planning matters are noted as follows:

- A harmful effect on the cultural and linguistic character of the Dyffryn Ogwen area
- A lack of evidence of the need for housing locally
- Highway problems including the additional traffic flow / safety of the users of the roads network / damaging to the A5
- Problems with water drainage / flooding / infrastructure
- A loss of high quality agricultural land / green land
- A harmful effect on wildlife / trees
- The building density is too high
- A lack of housing units for young people / the elderly
- A strain on local resources / services
- A harmful effect on the landscape
- There are plenty of houses currently for sale on the open market
- The scheme is incompatible with the design of the rest of the village
- The affordability of the houses
- No assessment of the impact on the Welsh language has been submitted

In addition to the above objections, objections were received that were not valid planning objections which included:

- A local farmer would lose his livelihood

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

**5.1 The principle of the development**

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- 5.1.1 This site is situated within the development boundaries of Bethesda, where the land has been allocated specifically for constructing new houses in the Gwynedd Unitary Development Plan (2009). In addition the Development Brief has been adopted for the site. A residential development on this land is therefore acceptable in principle.
- 5.1.2 The proposed housing development would contribute towards meeting the housing needs that have been identified for the Bangor Dependency Catchment Area as outlined in the UDP. This adds to and reinforces the role and status of Bethesda as a Local Centre as designated in the UDP.
- 5.1.3 The proposal is therefore consistent with policies C1 and CH1 which support applications within development boundaries and residential developments on sites that have been allocated for new housing.
- 5.1.4 Based on the above, it is believed that the proposal complies with the policies noted above and is acceptable in principle, subject to consideration and full assessment of all the relevant planning matters and compliance with the requirements of other relevant policies and guidance.

## 5.2 Visual amenities

- 5.2.1 It is inevitable that the development would have some effect on the area's visual amenities and the degree of this effect will obviously vary from one location to another. For example:
- Bangor Road / A5 – because of the topography, the existence of houses and the current built form and the presence of mature trees, the site is not completely visible from this direction.
  - Coetmor New Road – the site is not visible initially as you travel up this road due to the existence of substantial trees, but it becomes visible when approaching the junction with Coetmor Road.
  - Coetmor Road – the site would be most prominent from the direction of Coetmor Road, the land is open and there is no canopy of trees as above. The existing houses of Maes Coetmor and Coetmor Estate are on a slightly elevated ground level compared to the site in question.
- 5.2.2 Matters relating to design, finishes and elevations are matters that will be considered when dealing with a detailed application or a reserved matters application. The levels, heights and orientation of the houses will be material considerations at that time. An indicative plan has been submitted which illustrates the likely layout of the site, which has been designed around the form and topography of the site. The requirements of policy B22 will be considered carefully at that time in terms of matters concerning the design and finish and it is considered that there is a way of ensuring a development that would be acceptable in term of this element within this policy.
- 5.2.3 Due to the location of the site and the varying types, sizes, designs and finishes of existing houses nearby, a high standard of design must be ensured for the development and appropriate materials must be used. Usually the final finishes and a suitable landscaping scheme can be agreed through a formal condition, and in doing so it can be ensured that the relevant requirements of policies B22, B23, B25 and B27 of the UDP are satisfied. However, it is not known what will be the real impact of the development on mature trees that grow on a section of the site. These are an important element in terms of safeguarding

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the local area's existing visual amenities and they will also ensure an extremely effective cover for the lower part of the site.

Policy B23 of the UDP states that 'proposals which would cause substantial harm to the amenities of the local community would be refused'. Based on the information to hand, it cannot be assured that there will be no detrimental impact on the most important trees on the site which contribute so much to the local neighbourhood's amenities and for this reason it is considered that the proposal is contrary to the basic requirements of policy B23 of the UDP.

- 5.2.4 The area of Dyffryn Ogwen has been designated as a Landscape of Historic Interest. This application is in outline form and although full details have not been received with the application, it is not considered that developing this site for housing would have a negative effect on the area's designation as a Landscape of Historic Interest, because of its location within the current streetscape/built form. Consequently, it is not considered that the proposal is contrary to the requirements of policy B12 of the UDP.

### 5.3 General and residential amenities

- 5.3.1 It is acknowledged that the application only contains indicative details, i.e. a plan showing the likely layout of the site, and that detailed plans of the proposed houses have not been submitted.

- 5.3.2 To this end, no details have been submitted relating to the likely design of the proposed houses. However, it is considered that the location, size and form of windows, the design and materials of any proposed development can be suitably managed through a reserved matters application which would follow should this outline application be approved.

- 5.3.3 Although some concerns have been highlighted by local residents regarding the development's effect on their residential amenities, it will be possible to ensure that there will be no significant adverse effect on the residential amenities of neighbouring residents resulting from this development. This can be ensured through the detailed plans which will form the reserved matters application and by considering matters such as overlooking in order to ensure reasonable privacy for existing residents and site users.

- 5.3.4 Inevitably, a residential development on this land would be a prominent change within the local area, not only in terms of appearances but also in terms of other matters such as movements. Coetmor New Road is already a busy road and it is believed that the concern expressed with regard to increasing the use of this road is reasonable enough. However, the Transportation Unit believes the proposal is acceptable following the suggestions that were made to amend some elements which would reduce some of the effect of the resulting pattern of movements from the site. It is believed that footpaths which are to be retained / secured will facilitate movements and make it convenient and accessible to reach existing facilities in the village.

- 5.3.5 The density of general development on the site is considered acceptable in respect of the indicative building density figure of 30 units per hectare. The site's development brief refers to an indicative figure of around 60 units to be erected on the site, but this figure is only given as a benchmark and it is not believed that 69 units would lead to an overdevelopment of the site.

- 5.3.6 As noted above, it is not claimed that developing this site would not have any impact on the general and residential amenities of the neighbouring area. However, it is not believed that this would be to a completely unacceptable, long term degree in respect of matters such as

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protecting privacy, overdevelopment, movements/traffic etc. The outline nature of this application means that further details will need to be submitted and agreed, where full consideration will again be given to these matters, thus ensuring that the relevant requirements of policy B23 are met.

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

5.4.1 The application was originally submitted showing a proposal to create a new roundabout on Coetmor New Road as a vehicular entrance into and out of the site. This element was amended from the original submission because current standards do not require a roundabout for a residential development of this size. A standard junction is now shown in its place.

5.4.2 As well as these changes, it was suggested to undertake improvements on Coetmor Road. The idea behind this was that widening it would make it a better road and would divert vehicle movements from the proposed estate thus reducing the pressure on Coetmor New Road as the main road for reaching the A5.

5.4.3 The Transportation Unit does not object to the principle of the proposal, and it suggests including relevant advice and conditions should the application be approved in order to safeguard matters relating to transport.

5.4.4 Initial observations were received from the Welsh Government's Transportation Unit, as the development could potentially affect a trunk road it is responsible for, namely the A5. It suggested that a crossing should be created across the A5 in order to facilitate pedestrian movements from one side to the other, and that a financial contribution should be sought from the developer towards this. However, it would need to be proven that a contribution was essential in order to make the development acceptable in planning terms and that it is directly associated with the development itself. In this case it is not believed that we could justify requesting a contribution to create a crossing as the crossing itself would not be directly associated with or facilitate the development in order to make it acceptable. Confirmation was received from the Welsh Government's Transportation Unit that it did not intend to issue a further formal directive regarding the application.

5.4.5 Given that the Transportation Unit has no objection to the proposal, it must be considered that the proposed development would not have an excessively adverse effect on matters relating to transport, the local roads network and its users and movements in general, and that the parking provision within the site is also acceptable. Therefore it is considered that the proposal would be acceptable and would satisfy the requirements of relevant policies, namely CH30, CH33 and CH36 and strategic policy 11 of the UDP.

#### **5.5 Biodiversity matters**

5.5.1 An ecological assessment was not submitted with the application originally. The Council's Biodiversity Unit has noted that there are substantial trees on part of the site which may be used by bats, and consequently a survey was required.

5.5.2 Since no such survey was submitted with the original application and because of the absence of this information, there was concern that the application could not be assessed in full as bat activity and the presence of roosts within the site (specifically in the trees) was not known. It is acknowledged that this is an outline application, but it is considered that this information is required before a formal decision is made in case appropriate mitigation measures would need to be included and/or a supplementary plan or details included, such

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as a lighting plan. Following discussions, the agent has confirmed that a baseline survey has been conducted within the site.

5.5.3 The Biodiversity Unit was consulted following the Survey's submission. The survey notes that there are mature trees on part of the site, which have a high amenity value. No information has been submitted as part of the survey to assess the impact of the development on these trees. No detailed information has been submitted in relation to bat activity on the site including an assessment of the trees for bat roosts. There is a reference to field number two in the report which is of a high biodiversity value. Mitigation measures are suggested but no specific details have been presented that explain how this can be achieved.

5.5.4 Paragraphs 4.4.1 and 4.4.2 of TAN 5 state: *"The local planning authority can direct the applicant to supply any further information reasonably necessary to determine any planning....Where the information is necessary to adequately assess the potential harm to nature conservation, but it is not provided (because the applicant cannot or will not provide it), planning permission will need to be refused if significant adverse effects on the nature conservation interests are possible and the benefits of the development do not clearly outweigh the harm that could result (PPW paragraph 5.5.3)"*.

5.5.5 Natural Resources Wales and the Council's Biodiversity Unit have stated that a bat survey has to be submitted. The Council's Biodiversity Unit and the Trees Officer have stated that there are trees of high amenity value on part of the site that also appear to be suitable as bat roosts. No assessment of these trees was conducted in relation to this matter or in terms of the impact of the proposed development on these age-old trees.

5.5.6 Due to the lack of this information we believe that bat activity and the presence of roosts within the site, specifically within the trees, cannot be fully assessed. It is acknowledged that this is an outline application, but it is considered reasonable to state that this information is required before a formal decision is made in case appropriate mitigation measures would need to be imposed and/or a supplementary plan or details included such as a lighting plan. The agent has had an opportunity to respond to this, however, he disagrees with the Council's view that further information needs to be submitted. Based on the above, and as it is considered that a lack of information has been submitted concerning biodiversity issues, we are of the view that the proposal does not comply with the requirements of policies A1, A3 and B20 of the UDP or the Advice given in TAN 5 as noted above.

## **5.6 Archaeological Matters**

5.6.1 A detailed archaeological assessment of the site was submitted, which confirmed that there are no recognised archaeological remains within the site. However, evidence suggested that there was moderate potential for undiscovered remains within the land.

5.6.2 The Archaeological Service suggested that it would be necessary to conduct further research in order to establish whether the inconsistencies shown in the site's geophysical survey are natural elements or archaeological remains.

5.6.3 In the Authority's opinion, it is usually reasonable to request this information through a formal condition rather than having to submit it beforehand as suggested by the Archaeological Service, this is consistent with steps that have been taken in the past on other sites. By doing so, it is considered that any further information can be identified, and consequently the requirements of policy B7 of the UDP can be satisfied.

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## **5.7 Sustainability matters**

- 5.7.1 At the time of submitting the application, new buildings were required to reach current sustainability standards. To reach these standards, a detailed report had to be submitted explaining how the development would ensure compliance with these requirements.
- 5.7.2 This situation has now changed and there is no longer a requirement to submit these assessments through the planning system, only through the Building Control system. Nevertheless, the document submitted reports that the proposal would reach the expected standard for sustainable building requirements.

## **5.8 Flooding matters**

- 5.8.1 Natural Resources Wales (NRW) had originally expressed concern about the application with regard to the proposed method for the disposal of surface water. A surface water attenuation pond is proposed as part of the development, the surface water of the entire site would be drained here and would then be discharged through a controlled method to a nearby watercourse and then to the highway culvert.
- 5.8.2 Concern has also been expressed in the comments received from members of the public regarding the safety of the pond because of its proximity to existing houses, and the effect of the additional flow on the system as it is suggested that the system is already deficient, and that there is recent history of flooding in the nearby area.
- 5.8.3 By now, Gwynedd Council as the Local Flooding Authority, is responsible for these matters and for the highway culvert. It was suggested during discussions with officers of the Council's Land Drainage Unit that there are problems in the area, and that it must be ensured that this development would not increase the problems as has occurred in the past.
- 5.8.4 In response to the original concerns of NRW, further information was submitted by the applicant's drainage specialists. It was revealed that a CCTV inspection had been made of the existing culvert which identified that the structure was robust. This information and confirmation of other relevant details were acceptable and NRW agree with the content. However, it is noted that further work needs to be undertaken on modelling the culvert in order to ensure that there is sufficient capacity in the culvert to receive the flow and that it would not add to or increase the risk of flooding to others off the site.
- 5.8.5 As a formal response to this information, observations were received from the Council's Land Drainage Unit with a series of standard instructions in relation to drainage matters. It is believed that through the agreement of the Unit and/or Natural Resources Wales (who are also consistent with the observations of NRW) it is possible to ensure that the proposal would be acceptable and would therefore to satisfy the requirements of policies B32, CH18 and Strategic policy 5.

## **5.9 Community benefit / 106 agreement issues**

- 5.9.1 Affordable housing – the site's development brief refers to a general building density of 30 units a hectare. This means that the site could cope with around 60 units. The figure of 30 units a hectare is indicative to a degree, and it is considered that 69 is reasonable according to this guideline. The development brief goes on to state that it should be ensured that around 30% of the houses are affordable. 30% of 69 equates to 20, therefore it is considered that the 20 units proposed as affordable units are completely acceptable, and that this number would satisfy the requirements of policy CH6 and Strategic Policy 10. It is acknowledged that there is a need to provide local need affordable housing; current statistics confirm this as indicated in Tai Teg waiting lists. Including 20 affordable units as

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is proposed in this case provides a significant contribution towards reaching this target. In doing so, it is believed that the development is attractive to local residents who wish to stay and live in the area because it provides affordable units for them. The Housing Strategic Unit has confirmed that demand exists and through proposals such as these, the demand is met.

- 5.9.2 Open Space – as is required, an open space of recreational value is requested to be provided as part of any residential development of 10 or more residential units. In this case the site is close to an existing playing field which has equipment on it, and it is also fairly close to the Leisure Centre which has sports fields. The observations of the Joint Planning Policy Unit note that it must be ensured that an adequate provision is offered within the open space to satisfy the requirements of policy CH43 and SPG: Housing developments and open spaces of recreational value. Should the committee recommend approving the application, it would be possible to discuss a financial contribution through a section 106 agreement to ensure that appropriate equipment is provided by the developer on the playground / open space shown as part of the scheme and by so doing meeting the requirements of the relevant policies and guidance. However, as the recommendation in this case is to refuse there is no intention to confirm this matter further.

## 5.10 The Welsh Language

- 5.10.1 Without a doubt, most of the objections received were based on matters relating to the Welsh language and the claim that this development, if approved, would have an adverse effect on the language in Bethesda and the wider area of Dyffryn Ogwen.
- 5.10.2 Paragraph 1.6.1 of TAN 20 states, *“The Welsh language is part of the social and cultural fabric of Wales...There are substantial variations between the proportion of Welsh speakers in different communities, varying from below 6% to above 85%.”*
- 5.10.3 Paragraph 4.1.2 of TAN 20 states, *“In determining individual planning applications where the needs and interests of the Welsh language may be a material consideration decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are the planning grounds, including those which have taken the needs and interests of the Welsh language into account.”*
- 5.10.4 Thus in this case, consideration is given to relevant policy requirements within the Gwynedd Unitary Development Plan and to the Supplementary Planning Guidance – Planning and the Welsh Language. Policies A1, A2 and A3 are particularly relevant.
- 5.10.5 The allocation of sites for residential developments within the UDP has followed a detailed and thorough scrutiny process, including a public inquiry. As is known, the results of the last census have revealed a decline in the number of Welsh speakers in the county, therefore, since this is new evidence which needs to be assessed formally, it is believed reasonable that consideration is given to this matter by submitting an assessment of the impact of the proposed development on the local community, and to this end, the agent was asked to submit a Community and Language Statement in relation to the application.
- 5.10.6 According to the profile of Ogwen ward within the Key Statistics from the 2011 Census, it appears that 81.2% out of a population of 1,831 within the ward are able to speak Welsh from 3 years old upwards. This is a small increase from the figure of 79.4% which appeared in the 2001 census, which is a small increase of 1.8%. It must be noted that there has been an increase in the population of the ward during this time, namely 2,254 in 2011 compared with 2,181 in 2001. However, and despite these results, the applicant is still required to provide an assessment of the effect of the proposed development on the local

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community by submitting a Community and Language Statement in relation to the application.

5.10.7 Consequently, a Community and Language Statement was submitted later and the results of the report were assessed in full by the Joint Planning Policy Unit. The officers' initial observations state that "the applicant has not provided statistics or other information about the local area's linguistic character or about the local housing market. Providing a profile to include this type of information would have assisted to show that the applicant knows the area and how that knowledge has influenced the development of the proposal to build new houses."

5.10.8 Despite this, the information included in the statement has been assessed and the conclusions based on this information are noted as follows:

- *The site has been allocated in the UDP and the potential linguistic impact of developments on communities was considered when allocating sites. The 2011 census shows that the number of Welsh speakers has increased in the wards of Ogwen and Gerlan.*
- *The evidence to hand through the Housing Land Study 2013 suggests that the development will be realised in phases which will in turn ensure that there is demand locally for the houses.*
- *There is a relatively high percentage of Welsh speakers in Bethesda. Despite this, it is extremely important to consider the potential for the development to attract non-Welsh speaking households, and the opportunities, such as the existence of bilingual schools, to assist with assimilating non-Welsh speakers.*
- *The intention of providing a proportion of affordable housing locally is beneficial in terms of retaining the current population in their communities and encouraging Welsh people to return to the area. The level proposed, namely 28.9% of the units, is close to the figure of 30% in the UDP. However, because of the size of the development and its possible effect on the centre it is important that this level of local affordable housing is offered in order to alleviate the potential effect of inward migration from outside the centre.*
- *It will be necessary to ensure that the relevant units are affordable and attractive to local individuals who are in need of affordable housing in respect of their type and tenure in the first place and in the future.*
- *The mixture of houses proposed makes the development attractive to the local population, especially for families with children, and thus it is beneficial for the Welsh language.*
- *It should be ensured that there is a clear commitment to mitigation measures in order to reduce any potential effect the development could have, including an agreement to market the units for a specified period to the local market only.*

5.10.9 Further confirmation was received from the Joint Planning Policy Unit regarding the conclusions of the above assessment, which stated: "The information confirms the



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importance of having an appropriate mix of housing units on the site and in the area. This could provide choices for local households (Bethesda and its catchment area) to stay in the local area should they wish to do so. It draws attention to the dependence, to some degree, on the old housing stock to try to maintain a mixed-age population. One of the conclusions of the Housing and Language Study which was conducted jointly with the Isle of Anglesey County Council and the Snowdonia National Park Authority was that promoting the right mix of housing units in the right locations could contribute towards sustaining or strengthening Welsh-speaking communities.

5.10.10 The information reiterates information about the relative strength of the language in the Ogwen ward and it refers to the existing social infrastructure, the support from the Language Initiative, the schools' language policy and additional measures that could be put in place. Together this could contribute to the aim of maintaining and strengthening the language in Bethesda and the local area."

5.10.11 There is new evidence from the census results which must be considered and assessed carefully. This is supported by paragraph 2.1.3 of the UDP which states, "*all developments are likely to affect the environment and communities of the Plan area in some way or another....there is a need to ensure that inappropriate developments in terms of their environmental and cultural impact will not be permitted.*" Also, paragraph 4.1.2 of TAN 20 states: "*in determining individual planning applications where the needs and interests of the Welsh language may be a material consideration decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are the planning grounds, including those which have taken the needs and interests of the Welsh language into account....*"

5.10.12 Although the Joint Planning Policy Unit has referred to some deficiencies in the Statement, it is essentially considered to be acceptable as is explained above. Consequently the application is considered to be acceptable and satisfies the requirements of Strategic Policy 1 and policies A1, A2 and A3 of the UDP in terms of linguistic matters. Furthermore, it is believed to follow national guidance given in the Supplementary Planning Guidance – Planning and the Welsh Language and TAN 20.

## **5.11 Educational matters**

5.11.1 The Joint Planning Policy Unit submitted a response which referred to relevant policies relating to the application and the need to consider a number of factors, the most prominent was the matter of education and the capacity of the local schools.

5.11.2 Bethesda is split in two in respect of primary schools' catchment areas. One school within the catchment area has no capacity to admit any new pupils; however, there are empty places available in the schools which serve the remainder of Bethesda. There is sufficient capacity within the local secondary school to admit new pupils. Unless the Education Department instructs otherwise, it is believed that it will be possible to meet the likely need for local education in the area's schools, and therefore the requirements of policy CH37 are met.

## **5.12 Any other considerations**

5.12.1 The proposal was screened for the need for an Environmental Impact Assessment (EIA) because of the size of the proposed development, and it was concluded that an EIA was not required as the development did not cause significant harm to recognised interests of importance.

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5.12.2 An appeal decision on a nearby site is a material consideration. A residential development was refused on the 'Grey Garage' site by the Council in 2014. An appeal was held on this refusal which found that there was a need to meet the housing requirement as the current targets were not being met. The Planning Inspector stated:

- unless general housing requirements are satisfied, the need for affordable housing as an element of the overall figure for housing cannot be satisfied;
- an assessment of the local housing market shows that there is a need for 105 affordable housing units every year in the administrative area of Gwynedd. This equates to over half of the current completion rate per year of housing requirements. This shows a significant deficit in terms of the provision of affordable housing for local need;
- if other sites within the development boundary were considered (in Bethesda)... it is possible that these would provide 30 affordable housing units over an unspecified period of time.

5.12.3 The Tai Teg register fairly recently (March 2015) shows that there is local need for 55 affordable units, mainly two or three bedroom units. This development would contribute towards satisfying this recognised need.

### 5.13 Response to the public consultation

5.13.1 A substantial number of objections and comments were received in relation to this application. The application has also received constant attention in the local and national press. Concerns were expressed regarding the effect of the proposed development on various matters, and the most prominent of these was the effect on the Welsh language locally and a lack of detailed assessment of this effect on the local area.

5.13.2 Paragraph 3.1.8 of Planning Policy Wales states: *“When determining planning applications, local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. Whilst the **substance of local views must be considered**, the duty is to decide each case on its planning merits. As a general principle, local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting a planning permission. Objections or support must be based on valid planning considerations.”*

5.13.3 Full consideration has been given to all the relevant planning observations that were received in assessing this application. Once again, it is reminded that this site has been allocated for a residential development in the UDP, where full consideration was given to the propriety of including it at the time of its allocation.

## 6. Conclusions:

6.1 This site is located within the development boundaries of Bethesda, and is allocated specifically for a residential development. Paragraph 9.2.3 of Planning Policy Wales states: *“Local planning authorities must **ensure that sufficient land is genuinely available or will become available to provide a five year supply of land for housing** judged against the general objectives and the scale and location of development provided for in the development plan...”*. Therefore it is believed that the development is acceptable in principle and would contribute towards the recognised demand for local housing.

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- 6.2 Following numerous requests from officers for a response to the observations that were received during the consultation period and specifically the need to provide a Community and Language Statement, the assessment was later received and it can be seen from the information above that its contents have been considered carefully. In the same manner an attempt has been made to receive information and clear assessments to find out what exists on the site in terms of bats, and what will be the real impact of the development on ancient trees on part of the site. Although a Habitats Survey phase 1 was submitted by the agent, we believe that its contents is insufficient to fully assess the impact of the development and although this is an outline application we believe that this information is required prior to making a formal determination to ensure that any likely mitigation measures would be sufficient.
- 6.3 These matters form material and relevant considerations when assessing the development against relevant local policies. These policies reflect the relevant national policies and guidance. We are of the opinion that acceptable information has been received regarding linguistic matters and the principle of the development on land specifically allocated in the UDP for residential development is acceptable. However, we do not believe that it is possible to assess the development fully in terms of matters concerning biodiversity and trees. Put simply, the application has failed to provide sufficient information in order for the relevant officers to fully assess the development against relevant adopted local and national policies.
- 6.4 The reasons for recommending the refusal of this application are based on relevant planning policies and guidelines as well as observations that were received as part of the consultation process. An assessment of this proposal in terms of the effect on protected species, trees and local amenities is a relevant consideration, and worthy consideration was given to this element in determining the application.
- 6.5 Taking account of the above, and having given full consideration to all the relevant planning matters including letters of objection and responses to the formal consultations, it is considered that the proposal is unacceptable as it does not fully comply with the requirements of relevant local and national policies and guidance.

## 7. **Recommendation:**

- 7.1 To refuse – reasons –

The proposal is considered to be unacceptable based on the lack of information submitted in relation to the ability to thoroughly assess the impact on protected species, namely bat activity together with an assessment of the trees as roosting areas. In the same manner no assessment of the trees was submitted in terms of the impact of the proposed development on these trees. Consequently, it is considered that the proposal is contrary to the requirements of Strategic Policy 1, policies A1, A3, B20 and B23 of the Gwynedd Unitary Development Plan, the advice given in paragraphs 4.4.1 and 4.4.2 of Technical Advice Note 5: Planning and Nature Conservation and paragraph 5.5.3 of Planning Policy Wales as it is considered that insufficient information has been provided in order to be able to fully assess the impact of the development.