



Complete Agenda

Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

PLANNING COMMITTEE

Date and Time

1.00 pm, MONDAY, 21ST OCTOBER, 2024

NOTE

This meeting will be webcast

https://gwynedd.public-i.tv/core//en_GB/portal/home

Location

**Hybrid - Siambr Dafydd Orwig, Council Offices, Caernarfon LL55 1SH
and Virtually via Zoom**

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(DISTRIBUTED 11/10/24)

PLANNING COMMITTEE

MEMBERSHIP (15)

Plaid Cymru (10)

Councillors

Elwyn Edwards
Elin Hywel
Huw Wyn Jones
Edgar Wyn Owen
Huw Rowlands

Delyth Lloyd Griffiths
Gareth Tudor Jones
Olaf Cai Larsen
Gareth A Roberts
John Pughe

Independent (4)

Councillors

Louise Hughes
John Pughe Roberts

Anne Lloyd-Jones
Gruffydd Williams

Lib/Lab (1)

Councillor Gareth Coj Parry

PROCEDURE FOR SPEAKING ON PLANNING APPLICATIONS IN THE PLANNING COMMITTEE

The Council has decided that third parties have the right to speak on planning applications at the Planning Committee. This leaflet outlines the normal operational arrangements for speaking at the committee.

1.	Report of the Planning Service on the planning application including a recommendation.	
2.	If an application has been received from a 3 rd party to speak the Chairman will invite the speaker to come forwards.	
3.	Objector or a representative of the objectors to address the committee.	3 minutes
4.	Applicant or a representative of the applicant(s) to address the committee.	3 minutes
5.	Local Member(s) to address the committee	10 minutes
6.	Committee Chairman to ask for a proposer and seconder for the planning application.	
7.	The committee to discuss the planning application	

AGENDA

1. APOLOGIES

To accept any apologies for absence.

2. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

To receive any declaration of personal interest and to note protocol matters.

3. URGENT ITEMS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

4. MINUTES

6 - 9

The Chairman shall propose that the minutes of the previous meeting of this committee, held on the 30th of September 2024, be signed as a true record.

5. PLANNING APPLICATIONS

To submit the report of the Head of Environment Department.

5.1 APPLICATION NO C24/0205/32/LL LAND AT CAE CAPEL, BOTWNNOG, PWLLHELI, LL53 8RE 10 - 45

Full application for the proposed erection of 18 no. affordable dwellings together with associated development

LOCAL MEMBER: Councillor Gareth Williams

[Link to relevant background documents](#)

5.2 APPLICATION NO C24/0174/25/LL VAYNOL ARMS, PENTIR, BANGOR, GWYNEDD, LL57 4EA 46 - 59

The change of use of Ground floor from Public House to Holiday Lets

LOCAL MEMBER: Councillor Dafydd Meurig

[Link to relevant background documents](#)

5.3 APPLICATION NO C24/0640/42/LL GLASCOED LÔN CAE GLAS, EDERN, PWLLHELI, GWYNEDD, LL53 8YT 60 - 74

Full application for the construction of a 3 bedroom two storey dwelling (C3 use) and creation of a new vehicular access

LOCAL MEMBER: Councillor Gruffydd Williams

[Link to relevant background documents](#)

PLANNING COMMITTEE 30 September 2024

Present: Councillor Elwyn Edwards (Chair)

Councillors: Delyth Lloyd Griffiths, Louise Hughes, Elin Hywel, Gareth T. Jones, Huw Wyn Jones, Anne Lloyd Jones, Cai Larsen, Edgar Owen, Gareth Coj Parry, John Pughe Roberts and Gruffydd Williams

Others invited - Local Members: Councillor Angela Russell and Councillor Jina Gwyrfai

Officers: Gareth Jones (Assistant Head of Department - Planning and the Environment), Keira Sweeney (Planning Manager), Miriam Williams (Legal Services) and Lowri Haf Evans (Democracy Services Officer).

1. APOLOGIES

Apologies were received from Councillor Huw Rowlands

2. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

- a) Councillor Gruffydd Williams (a member of this Planning Committee) in relation to item 5.3 (C23/0883/43/LL) on the agenda as he was the applicant's son.

The Member believed it was a prejudicial interest, and he withdrew from the meeting during the discussion on the application and did not vote on the application.

- b) The following members declared that they were local members in relation to the items noted:
- Councillor Angela Russell (not a member of this Planning Committee), in item 5.3 (C24/0413/30/LL) on the agenda
 - Councillor Jina Gwyrfai (not a member of this Planning Committee), in relation to item 5.4 C23/0883/43/LL on the agenda

3. URGENT ITEMS

As a matter of order, it was reported that since the Chair was joining the meeting virtually, the Legal Officer would announce the results of the voting on the applications.

4. MINUTES

The Chair signed the minutes of the previous meeting of this committee, held on 9 September 2024, as a true record.

5. PLANNING APPLICATIONS

The Committee considered the following applications for development. Details of the applications were expanded upon and questions were answered in relation to the plans and policy aspects.

5.1 Application Number C24/0362/38/AC WOODCROFT, LLANBEDROG, PWLLHELI, GWYNEDD, LL53 7UA

Application to amend condition 2 of planning permission C21/1210/38/LL to refer to revised plans as part of this s73 application rather than plans submitted on 14/12/21 as referred to in condition 2

- a) The Planning Manager highlighted that the planning officers recommended that the committee postponed the discussion on the application to give the applicant an opportunity to correct the plans as the parking and access arrangements as seen on the site were different to what was shown on the plans. It was noted that the agent was aware of this and was in the process of amending the plans.
- b) It was proposed and seconded to defer the application.

RESOLVED:

To defer the application to give the applicant an opportunity to correct the plans as the parking and access arrangements as seen on the site were different to what was shown on the plans.

5.2 Application Number C24/0413/30/LL TIR GLYN CARAVAN SITE, UWCHMYNYDD, PWLLHELI, GWYNEDD, LL53 8DA

Full application for the change of use of an agricultural field to accommodate 10 additional seasonal touring caravan pitches to the main site, the erection of a toilet/shower block, soft landscape improvements, proposed entrance/exit and installation of a treatment plant.

The Planning Manager highlighted that the applicant had voluntarily withdrawn the application.

5.3 Application Number C23/0883/43/LL GWYNUS, LLITHFAEN, PWLLHELI, GWYNEDD, LL53 6LY

Full application to convert existing stables to residential property and erect a single storey extension

- a) The Planning Manager highlighted that this was an application to convert an existing outbuilding as well as to extend it to create a new single-storey dwelling house with three bedrooms for an agricultural worker/tourism business. It was reiterated that the proposal also included adapting another building to provide a permanent bats roost.

It was explained that the application had been submitted to the Committee as the applicant had a close family link to an Elected Council Member.

In the context of the proposal's principle, it was highlighted that policy PCYFF 1 required a justification for new developments in the countryside together with policy PS17, which explains that applications for rural enterprise housing need to comply with Planning Policy Wales and Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities and section 4.5 of TAN 6 that involves second dwellings on established farms. It was noted that the policy encouraged younger people to manage farm

businesses and promote diversification on established farms, and to support this policy objective it could be appropriate to allow a second dwelling on established farms.

It was reported, in order to be able to assess the proposal against the guidance requirements, a rural enterprise house assessment, business plan and a copy of the business accounts were received. It was stated that the applicant lived with his wife and two children in a terraced house approximately a mile and a half from the application site. Evidence was received to show that 1.95 agricultural worker was needed on the holding and the son already had the main responsibilities for running the farm. It was considered that the proposal was acceptable in respect of the context of the principle and that arrangements were already in place for the younger person to run the business.

Reference was made to the assessment and the details submitted with the application that stated that the current farm business was viable; had been established strongly, was financially robust and that there was a likelihood that it would remain so. It was highlighted that the business did not have alternative houses available and there was no suitable accommodation in the local area for the applicant given his role as the main agricultural worker on the holding. Consideration was also given that the size of the dwelling was reasonable bearing in mind the applicant's need and the size of the holding. Consequently, the Local Planning Authority expressed the opinion that the principle of the development was acceptable and in accordance with policies PCYFF 1, PS 17 and Technical Advice Note 6.

In the context of visual, general and residential amenities together with the design and visual impact of the proposal, it was considered that the modifications to the building were sympathetic and suitable for a former farm building and would not have a detrimental impact on the nearby listed building. Having considered the location of the farm amongst other buildings, it was deemed that it would not have a negative impact on the area's visual amenities nor on the AONB.

It was highlighted that full consideration had been given to archaeological, transportation, linguistic and biodiversity matters and no matters of significance had been found. Having considered all the relevant planning matters, including local and national policies and guidelines, the proposal was considered to be acceptable and it was recommended to approve with conditions.

- b) Taking advantage of the right to speak, the applicant noted the following observations:
- They had already started to implement the mitigation measures following the completion of a thorough bats survey
 - No objections had been received
 - The AONB officers did not object the proposal
 - There would be no effect on the landscape or on nearby residents
 - It would not generate more traffic
 - The modification as part of the family business - was a sustainable investment
 - Despite some concerns, there was a septic tank already at the property and it was intended to connect to it
 - That there was local support for the application
- c) Taking advantage of the right to speak, the Local Member made the following comments:
- She gave thanks for the preparatory work and the comments from the consultation

- She supported the application - it was an application from a young local family to develop a business
- The business requirements required 24/7 presence - this meant that someone was needed on the site. The policy requirements noted approval in special circumstances - this application met with the requirement
- The AONB had no reason to refuse - the plans were suitable and respected the landscape and were in-keeping with it
- The house was suitable for a family of five - it was not too ambitious in terms of size
- It satisfied the requirements of the Well-being of Future Generations Act - it was a sustainable development in the countryside
- It responded to the requirements of the Settlement Strategy - it was a local business
- The site had a Planning history - this was a good sign that the family were serious about the business and were diversifying
- Local support was unanimous
- Biodiversity Matters - bespoke roost earmarked for bats
- It was a simple application by a local Welsh-speaking family who wanted to create a livelihood in their community
- It was in line with local and national policies
- Encouraged the Committee to approve the application

ch) It was proposed and seconded to approve the application in accordance with the recommendation. A number of Members were familiar with the site and considered that the plan was a good one.

RESOLVED: To approve the application subject to the following conditions:

1. Time
2. Compliance with plans
3. Exterior materials/finishes
4. Restrict occupation to rural enterprise
5. Removal of permitted development rights
6. Land drainage scheme
7. Landscaping
8. Biodiversity Matters
9. A Welsh name for the property

Notes:

Welsh Water/NRW drainage issues.

Protected species licence

The meeting commenced at 13:00 and concluded at 13:30

CHAIR

PLANNING COMMITTEE	DATE: 21/10/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

REPORT TO THE PLANNING COMMITTEE

REFERRED TO A COOLING-OFF PERIOD

DATE OF THE PLANNING COMMITTEE:	21.10.23
DESCRIPTION AND LOCATION OF APPLICATION:	C24/0205/32/LL - Full application to construct 18 affordable houses with associated developments on Land near Cae Capel, Botwnnog, Pwllheli, LL53 8RE.
REPORT BY:	Assistant Head, Environment Department

RECOMMENDATION: To approve the application in accordance with the following conditions:

1. Time
2. Development to comply with the approved plans
3. Must submit and agree on a programme for providing affordable housing
4. Must agree on external materials including the roofing slates
5. Removal of permitted development rights
6. Welsh Water Condition
7. Highways Conditions
8. Biodiversity conditions
9. A need to submit a Construction Management Plan prior to the commencement of the development work
10. There must be a Welsh name for the housing estate and individual houses
11. Restrict the use to C3 use class only
12. Archaeology conditions
13. Condition to agree on equipment for the playing field
14. Landscaping to be completed
15. Natural Resources Wales conditions

1. PURPOSE

1.1 The decision on the application was deferred at the Planning Committee on 09/09/2024, in accordance with the instruction of the Assistant Head, Environment Department, as there was a significant risk to the Council in respect of the Planning Committee's intention to refuse the application contrary to officers' recommendation. The committee's reasons for refusing the application related to:

- Detrimental impact on the Welsh language
- The lack of need within the Botwnnog ward for affordable housing

1.2 The matter was referred to a cooling-off period in accordance with the Committee's standing orders. The purpose of reporting back to the Committee is to highlight planning policy issues,

the potential risks and options for the Committee before it reaches a final decision on the application.

2. DESCRIPTION AND BACKGROUND

- 2.1 This is a full application for planning permission to erect 18 affordable houses with associated work and developments on a 0.66ha site which has been designated specifically for the construction of houses within the development boundary of Botwnnog Service Village as defined by the Anglesey and Gwynedd Joint Local Development Plan (Site T61).
- 2.2 The application was submitted before the Planning Committee on 09/09/2024 and prior to that, a site visit was held on 16/07/24. The report submitted to the Committee on 09/09/2024 is included as Appendix 1.
- 2.3 Since the decision on the application was deferred at the previous committee, further information and responses were submitted by the agent regarding the matters raised. These observations included:
- Observations highlighting that there is no need to prove a local need restricted solely to the Botwnnog ward, for this type of development, due to the settlement's status in the LDP.
 - The figures of need by the Housing Strategic Unit are much more recent than those of the rural housing enabler, published in 2022.
 - The LDP policies demand that the settlement responds to a need that extends beyond the village itself.
 - That the size of the proposal is in line with the size of the settlement and policy expectation as a service village.
 - That such plans are key to support the language as it responds to the housing crisis and allows local people to remain in their communities.
 - Evidence was submitted by the ADRA housing association, outlining the chosen language of the main tenant and joint tenants within Adra's recent new housing developments, and the figures show an improvement on most sites and no significant impact.
 - It was highlighted that the housing mix reflected the demand by providing a mix of different houses.
 - ADRA's willingness to adopt a local allocations policy and that this could be agreed by means of a condition discharge application.
 - Members did not present any details when disagreeing with the officers' professional opinion, which places the Planning Authority in a difficult position to be able to defend itself in an appeal and against a request for costs.
 - Information about a decision in a recent appeal decision on Ynys Môn when the application for development was refused, against the officers' recommendation, and subsequently approved on appeal with costs awarded against the Council on the grounds of unreasonable conduct.

3. POLICY CONTEXT

- 3.1 The adopted Development Plan is the Gwynedd and Anglesey Joint Local Development Plan. Paragraph 1.22 of Planning Policy Wales (Edition 12, February 2024) states clearly that: *Up-to-date development plans are the basis of the planning system and set the context for rational and consistent decision making. Plans at all levels of the development plan hierarchy must be prepared in accordance with national planning policies. Planning applications must be*

determined in accordance with the adopted plan, unless material considerations indicate otherwise."

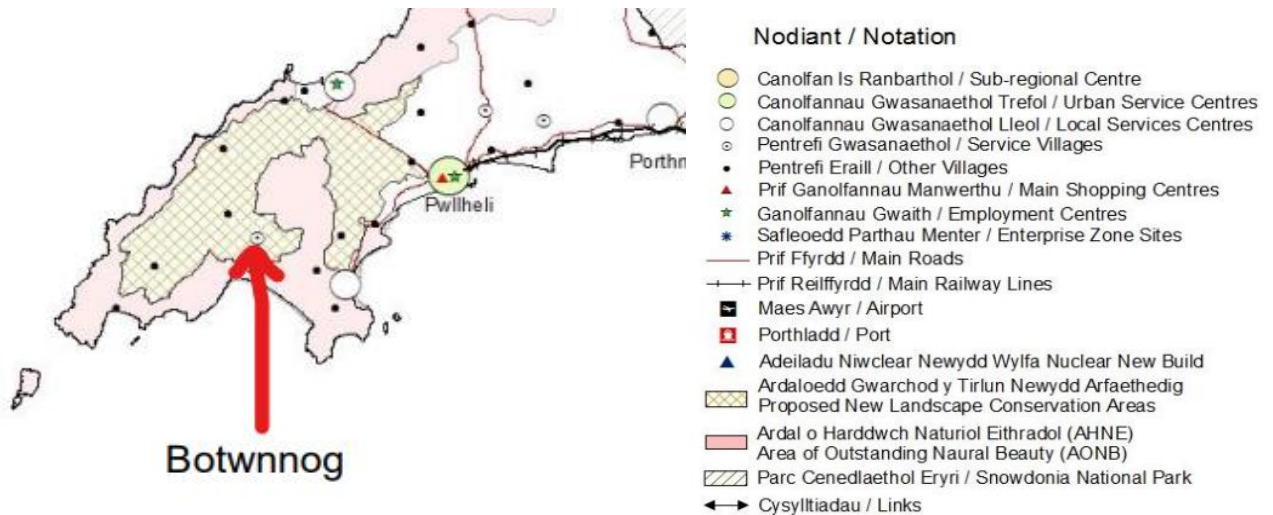
A full list of the planning policies relevant to the application are included in the report submitted to the Planning Committee on 09/09/2024. This report focuses mainly on the planning policies of relevance to the reasons given by the Planning Committee for refusing the application, namely the harmful impact on the Welsh language and the lack of need.

Joint Local Development Plan Strategy

- 3.2 The LDP strategy responds to a need that is clearly evidenced to make provision for new homes and jobs, as well as protect the unique social, cultural and environmental character of the area. It provides for land uses that are needed for a specific period of time, and facilitates alternative legacy uses that comply with policy in the long-term.
- 3.3 The strategy acknowledges that the Welsh language is a part of the social and cultural fabric of Wales and that it is necessary for the Plan to include a specific policy to stipulate those circumstances where the Council will need to consider a development's impact on the Welsh language and culture. The adopted policies facilitate the type of development which can contribute towards the creation of the correct circumstances to contribute to and create Welsh-speaking communities, e.g., housing mix (occupancy and type), employment opportunities, services and community facilities.
- 3.4 The strategy aims towards distributing the development equally around the Plan area when focussing on those areas that provide the best opportunities to achieve sustainable development. In this way, the strategy proposes:

"...appropriately sized development in Villages, focussing on the Service Villages shown on Diagrammatic Map 8 and 9, which has better access to services and public transport;"

- 3.5 The strategy acknowledges Botwnnog as a Service Village and as can be seen clearly in the map below, Botwnnog is the only Service Village in Pen Llŷn and it serves a vast rural area. The agent's comments note that the village of Botwnnog is an important settlement as it provides a primary school, secondary school, medical centre and community centre, and therefore conveys its status in the settlement hierarchy within the LDP.



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- 3.6 Paragraph 6.4.7 of the LDP acknowledges that Strategic Policy PS 17 sets the general method for locating and distributing developments in the Plan area. The spatial strategy of the Plan, as outlined in Chapter 5, is essential in terms of directing growth in the Plan area over the Plan period. Strategic Policy PS 17 outlines the general method in terms of locating and distributing housing developments within the Plan area. It defines the role of towns and villages and describes the type of houses that can be approved in the countryside.
- 3.7 Paragraph 6.4.10 explains that the favoured option acknowledges that smaller Centres (i.e. the Local Service Centres) and Service Villages such as Botwnnog, if they are to remain sustainable, have the opportunity to accept new development, where appropriate. It acknowledges that Service Villages provide a higher level of facilities and services than the more remote Villages and in general, they have more sustainable access and a better functional link to larger Centres. With this in mind, Service Villages are expected to accept an element of the growth that would normally be directed to a higher tier settlement. It is important that their current role and the level of facilities and services are protected, wherever possible.

Main detailed policies within the LDP

- 3.8 **Strategic Policy PS 1: The Welsh Language and Culture** - The policy asks for the Council to promote and support the use of the Welsh language in the Plan area. The Plan's key objectives demonstrate a commitment to the promotion of balanced, sustainable and distinctive communities. This means that the Plan includes policy tools to allow local communities to change and grow sustainably and to address the needs of all members of society.
- 3.9 The policy sets out the circumstances where a Welsh language impact assessment or Welsh language statement is expected. A Welsh Language Statement was submitted as part of the application, although there was no policy requirement for this to be done. The policy only refuses proposals that would cause substantial harm to the linguistic character and balance of a community which cannot be avoided or mitigated satisfactorily by using an appropriate planning mechanism. The report to committee on 09/09/24 explains that no evidence has been submitted to show that the proposal would have a significant impact on the language. Also, additional evidence was received from ADRA since the committee, showing that similar developments, on the whole, had a positive impact on the language.
- 3.10 During a recent appeal in Ynys Môn (bearing in mind that the decision was made on the grounds of the same LDP and SPG), the inspector said, "*The Council's 'Maintaining and Creating Distinctive and Sustainable Communities' (July 2019) SPG acknowledges that the land use planning system cannot anticipate or control the personal characteristics of new house owners. This includes the ability to speak Welsh and the degree to which the language is transferred through the family. Nevertheless, providing adequate local housing at an appropriate scale and size, and for a mix of households, is an important factor in terms of the viability of the language, e.g., when retaining individuals who use the language...*"
- 3.11 The SPG also acknowledges that a sufficient number of local houses for a mix of households is more likely to mean a viable use of facilities and services in the settlement or in a nearby settlement, which can be important places for the Welsh language. Communities need residents from different backgrounds, ages, and who live in different types of houses, if they are to be places where people desire to live in the long-term. On the contrary, not doing so could lead to a community in which the population declines in the long-term, and one that could lose its unique local nature and its connections to cultural heritage.
- 3.12 Policy PS1 also asks for a bilingual Signage Scheme to deal with all operational signage in the public domain included in a planning application by public bodies and commercial and business companies and sets an expectation that Welsh names will be used for new developments, and house and street names. Conditions can be imposed to meet these requirements.

- 3.13 **Policy Tai 3: Housing in Service Villages** - The policy expects that 40 new houses are provided in Botwnnog over the plan period by means of designated sites and windfall sites. The application site is designated specifically for 21 new houses. Only 5 dwellings have been built to date and there are no other sites with planning permission to construct new houses within the village. This means that there is capacity within the indicative supply for the Botwnnog settlement and the proposal satisfies policy Tai 3.
- 3.14 When noting that the site is earmarked and that there is capacity within the housing indicative supply, there is no policy requirement for the developer to prove the need for the houses and consequently the proposal in terms of its principle, is completely in line with policy.
- 3.15 **TAI 8: An appropriate mix of housing** - The policy requires that proposals provide as many affordable houses as possible across the plan area, in accordance with Strategic Policy PS 18 and by proposing a plan which provides 100% affordable housing, the proposal is completely in accordance with criterion one of the policy, and consequently, it responds to the lack of balance in the local housing markets.
- By proposing the development on a site within the Development boundary and which is also earmarked for housing, the proposal ensures sustainable land use, and ensures an appropriate density of development which is in keeping with local amenities which are also in accordance with Policy PCYFF 3. The plan is of a high standard of design and it will improve the quality and suitability of the existing housing stock by contributing to a sustainable and inclusive community.
- 3.16 The evidence received shows clearly that the correct mix of housing unit types and occupancy is being proposed, which meets the needs of the existing communities of the plan area, as well as the communities of the future. The provision includes 4 bungalows, 6 x 2 bedroom houses and 8 x 3 bedroom houses with the proposed mix of the types of occupancy shown below:
- 12 x Social Rent Units, with 4 of them for people aged over 55 years old only;
 - 3 x Intermediate Rent Units;
 - 3 x Intermediate Rent Units (with an option in the future to buy through Rent First).
- 3.17 **Strategic Policy PS 18: Affordable Housing** - Development opportunities have been identified to provide a minimum target of 1,572 new affordable houses. This scheme proposes 100% affordable housing and therefore offers a positive contribution to the number of affordable housing needed in the County.
- 3.18 **Policy Tai 15: Affordable Housing Threshold and Distribution** - Within the development boundary of Botwnnog, two or more affordable housing units is the minimum threshold within the policy and a contribution of 10% affordable housing is expected, but the policy does not prohibit a higher provision. The proposal to provide 100% affordable units is in line with the objectives of policy TAI 8 and the Housing Strategic Unit has confirmed that there is clear evidence of the need.
- 3.19 The status of Botwnnog in the LDP means that new houses to serve Gwynedd as a whole are expected for this site. As has already been noted above by the Housing Strategic Unit, 2374 applicants are on the Housing Options register for social Property, and 882 applicants have been registered with Tai Teg for an Intermediate property in Gwynedd. Although some applicants can appear on both registers, the figures prove the undisputed need for affordable housing in the Gwynedd planning area.
- 3.20 In addition, the Council's Housing Strategic Unit confirms that there is a high need within the Botwnnog Community Council area, with 34 families on the social housing register and 14 on the Tai Teg register. This shows a clear need for housing, which is more in number than could

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be met through this development, and therefore that there is a clear justification for the plan based on local need. It is also noted that the current information shows that the number registered for a social property in Pen Llŷn stands at 615.

- 3.21 In a recent appeal decision in Ynys Môn, the planning inspector acknowledged that the Council's housing register and Tai Teg register included people who were eligible for an affordable house under TAN 2, and that both registers were established and acknowledged sources of evidence which steer the LDP policies and planning applications. Also, in accordance with the advice in the Council's Supplementary Planning Guidance (SPG): Affordable Housing, the registers are fundamental sources to identify local needs. When making a decision, the inspector stated, "*I have not seen any substantial evidence to object of the use of the registers as reliable sources...in summary, the local need for affordable housing has been proven.*"
- 3.22 Considering that the information that forms part of the registers is current information and a reliable source of data, I advise that the committee places more weight on this evidence in relation to the need, instead of the information which is now dated and looks at an area that is much too restricted than what is demanded in the policies.

4 RISKS OF REFUSING THE APPLICATION FOR THE COUNCIL

- 4.1 Refusing the application would create inconsistency in terms of implementing the Council's adopted planning policies in reaching decisions on housing development applications, specifically for residential developments in the Local Development Plan.
- 4.2 As has been outlined above, refusing this application would undermine policies on a national and local level. The site is located within the Botwnnog development boundary, as identified in the Anglesey and Gwynedd Joint Local Development Plan. It has been designated specifically for residential development. There is a strong presumption in favour of erecting houses on designated sites where there is no strong and reliable justification to refuse. As the above assessment shows together with the assessment in the Committee report of 9 September 2024, officers are not convinced that sufficient evidence has been shown to refuse the proposal as it is in accordance with the requirements of local and national planning policies.
- 4.3 Should the application be approved, there would be a risk of an appeal being lodged against the Council's decision. In order to defend the appeal, reasonable planning grounds would be required to make a decision that is contrary to the professional advice of Council officers, along with relevant evidence to support the decision. Although the planning committee gave valid planning reasons for refusing the application, the evidence in favour of the application is robust and outweighs the concerns of members and to date, there is no relevant and robust evidence to support the decision to refuse the application. If the reasons for refusing the application cannot be evidenced, it is very likely that costs will be awarded against the Council on appeal.
- 4.4 In a similar appeal decision in Ynys Môn, the Council had to pay the applicant £16,235 because of the unreasonable conduct which had led to unnecessary and wasteful costs to the applicant. I note that this figure does not include the costs for the Council in terms of staff resources to administer and defend the appeal, therefore it is likely that the actual cost to the Council was substantially more.
- 4.5 Refusing plans which comply with planning policy can create uncertainty for potential developers, which could mean that Gwynedd is a less favourable area to invest in. Potentially, the impact of that could mean that Gwynedd misses out on investment opportunities to meet the housing needs of the County's residents.

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4.6 There is a risk for the application to be called in by the Welsh Government for a decision. As well as the risk of individual applications being called in, the Welsh Government has powers to intervene formally in the way the Council provides the Planning Service and determines applications. This would ultimately be the greatest risk to the Council.

5. OPTIONS FOR THE COMMITTEE

5.1 The options available to the Committee in determining the application are noted below with the options increasing in terms of risk to the Council as you proceed down the list:

a) Approve the application in line with the recommendation - The above assessment and the committee report dated 09/09/2024 in Appendix 1, assesses the merits of the application against the requirements of the relevant policies and guidance and concludes, based on evidence, that the proposal complies with policies in the Anglesey and Gwynedd Joint Local Development Plan, as well as the guidance in the Supplementary Planning Guidance and Technical Advice Notes. This is the only possible resolution without any risks to the Council.

b) Refuse for reasons relating to:

- The detrimental impact on the Welsh language
- The lack of need within the Botwnnog ward for affordable housing

This is the greatest risk to the Council as it would refuse an application for new houses on a site which is designated specifically for the construction of housing in the LDP without robust evidence. This would completely undermine local and national policies and guidance as well as the Council's credibility. As highlighted above, there would be a substantial risk of costs being awarded in appeal should the application be refused without evidence and reasonable grounds for doing so. Once more it is noted that the Welsh Government has powers to intervene formally in the way the Council provides the Planning Service.

6. CONCLUSION

6.1 In order to ensure that the Council avoids the risks outlined above and as the application's merits have been assessed thoroughly by Council officers, based on the evidence, it is believed that the proposal complies with the requirements of the adopted policies of the Anglesey and Gwynedd Joint Local Development Plan, local and national guidance and national planning policies. Therefore, it is recommended that the application is approved as submitted in accordance with the reasons submitted to Committee on 9 September 2024 and reproduced below to avoid any doubt.

7. RECOMMENDATION:

7.1 To approve the application with the following conditions:

1. Time
2. Development to comply with the approved plans
3. Must submit and agree on a programme for providing affordable housing
4. Must agree on external materials including the roofing slates
5. Removal of permitted development rights
6. Welsh Water Condition
7. Highways Conditions
8. Biodiversity Conditions
9. A need to submit a Construction Management Plan prior to the commencement of the development work
10. There must be a Welsh name for the housing estate and individual houses
11. Restrict the use to C3 use class only
12. Archaeology conditions

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13. Condition to agree on equipment for the playing field
14. Landscaping to be completed
15. Natural Resources Wales conditions

Appendix 1: Report to the Planning Committee

Number: 4

Application Number: C24/0205/32/LL

Date Registered: 19/03/2024

Application Type: Full

Community: Botwnnog

Ward: Pen draw Llŷn

Proposal: Full application to construct 18 affordable housing with associated developments.

Location: Land Near Cae Capel, Botwnnog, Pwllheli, LL53 8RE

Summary of the Recommendation: APPROVE WITH CONDITIONS

1. Description:

- 1.1. This is a full application to erect 18 affordable homes with associated work and developments on a 0.66ha site designated specifically to build houses within the development boundary of Botwnnog Service Village as defined by the Anglesey and Gwynedd Joint Local Development Plan (Site T61).
- 1.2. The proposal involves constructing the houses and providing a new access off the class 2 B4413 road, creation of an internal estate road as well as walking paths, creation of landscaped areas, creation of open play areas, erection of boundary walls and fences and associated drainage work including a sustainable surface water drainage area. Specifically, the proposal includes the following housing mix:
- 4 two-bedroom bungalows
 - 6 two-bedroom dormer bungalows
 - 8 three-bedroom dormer bungalows
- The mix in terms of occupancy would be as follows:
- 4 two-bedroom bungalows - affordable social rent housing for people aged over 55 years of age
 - 6 two-bedroom dormer bungalows - social rent housing and intermediate rent housing
 - 8 three-bedroom dormer bungalows - social rent housing, intermediate rent and intermediate rent with an option to buy
- 1.3. In terms of their appearance, the houses will be finished in a mix of materials to convey different styles and to vary the appearance of the site. The materials that intend to be used include:
- Roofs: Slate or natural tiles;
 - Walls: Render / timber/stone cladding
 - Boundary treatment - a mix of timber fences and metal railings with existing *cloddiau* and walls to be retained and enhanced where needed, including planting new hedges on top of some existing *cloddiau*/boundaries.
- 1.4. The proposed plan includes the provision of an open green area and an informal play area in the south-eastern corner of the site, with a sustainable drainage area for the development also located nearby. The proposal would also provide access to pedestrians from the residential development to the nearby main road, i.e. the B4413.
- 1.5. The application site is currently agricultural grazing land located within the development boundary of Botwnnog and is specifically designated for the erection of housing within the LDP Inset Map. The implications of designating villages such as Botwnnog as a service village states that "A higher proportion of the houses will be directed to the service villages compared to other villages..." The description in the LDP of the T61 Site - land near Cae Capel notes that it is expected to erect 21 living units on the land. As well as being within the development boundary, it is also within the Llŷn and Ynys Enlli Landscape of Outstanding Historic Interest and within the Gorllewin Llŷn Special Landscape Area. The class 2 B4413 road runs adjacent with the northern and north-eastern boundary of the site, with a class 3 public road running along the southern boundary of the site. It can be seen that residential houses directly abut the north/north-western boundary of the site, with residential houses also further to the north, the south and the east. Meddygfa Rhydbach is adjacent to the front of the site on the opposite side of the B4413 whilst Capel Rhydbach and Tŷ Capel abut the south-eastern boundary of the site.

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1.6 The following information was submitted to support the application:

- Community and Language Statement
- Planning Support Statement
- Initial Ecological Assessment
- Housing Needs and Affordable Housing Statement.
- Drainage Strategy
- Design and Access Statement
- Archaeological Assessment
- Water Conservation Strategy
- Green Infrastructure Statement and Biodiversity Enhancement Plan
- Transport Statement
- A Pre-application Consultation Report (PAC Report)

1.7. In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended), the development that is the subject of this application is defined as a "major development" due to the number of units proposed and the size of the site. In line with the appropriate procedure, a Pre-application Consultation Report was received as a part of the application. The report shows that the developer advertised the proposal to the public and statutory consultee before submitting a formal planning application. The report contains copies of responses received at the time.

1.8 This application has been amended since it was originally submitted following a discussion between the officers and the agent regarding the form and appearance of the development from the direction of the B4413. Specifically, for plots 1-4, the stone wall is retained along the boundary of the road, reducing the height to 1m where needed and providing low boundary treatments to the gardens in the form of metal railings as well as a low shed and enclosed bin storage area. Houses on plots 1-5 would now include a covered access to the rear patio doors by extending the length of the roofs. For plot 5, as these would be bungalows for residents aged over 55 years, it is essential to ensure a safe garden and therefore, the stone wall with a hedge behind will be retained, then there will be an anti-climb fence.

2. **Relevant Policies:**

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material considerations indicate 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 7 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 2011-26, adopted 31 July 2017**

PCYFF 1: Development boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

PCYFF 6: Water conservation

PS 2: Infrastructure and developer contributions

PS 6: Alleviating and adapting to climate impacts

PS 17: Settlement Strategy

TAI 3: Housing in service villages

TAI 8: An appropriate mix of housing

TAI 15: Affordable housing threshold and distribution

TRA 2 : Parking standards

TRA 4: Managing transport impacts

PS 1: The Welsh Language and Culture

PS 19: Conserve and where appropriate enhance the natural environment

AMG 2: Special landscape areas

AMG 5: Local biodiversity conservation

PS 20: Preserving and where appropriate enhancing heritage assets

AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens.

AT 4: Protection of undesignated archaeological sites and installations

ISA 1: Infrastructure provision

ISA 5: Provision of open spaces in new housing developments

Also relevant in this case are the following:

Supplementary Planning Guidance (SPG): Affordable housing

SPG: Housing Mix

SPG: Maintaining and Creating Distinctive and Sustainable Communities

SPG: Provision of open spaces in new housing developments

SPG: Planning Obligations

2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 12 - February 2024)

Letter: The Minister for Climate Change, Welsh Government dated 11 October 2023 publishing an update o chapter 5 Planning Policy Wales and is effective at once

Technical Advice Note 2: Planning and affordable housing

Technical Advice Note 12: Design

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Technical Advice Note 15: Development and Flood Risk. Development and Flood Risk

Technical Advice Note 20: Planning and the Welsh Language

3. Relevant Planning History:

3.1 It does not appear that there is any relevant Planning history specifically involving this land.

4. Consultations:

Community/Town Council: Botwnnog Community Council strongly OBJECTS this application on behalf of the local community.

The Botwnnog Housing Needs Survey was conducted in collaboration with Adra and the Rural Housing Facilitators and proves that there is no local need for the development, with only four names on the waiting list. The Survey was submitted to us with the PAC application and, based on this evidence, Botwnnog Community Council objects this development as there is no local need for it. The untimely increase in the population as a result of erecting the houses would have a detrimental impact on the stability of the community, and is therefore an over-development.

Protecting and increasing the use of the Welsh language is a Strategic Aim by our Community Council, and we support the Welsh Government's "Cymraeg 2050: A Million Welsh Speakers" Strategy, and recommendations from the Commission for Welsh-speaking Communities regarding how to reach the target. The Well-being of Future Generations (Wales) Act 2015 also sets "A Wales with a vibrant culture and thriving Welsh language" as one of its main aims.

Based on information from the 2021 Census, and in accordance with the Commission for Welsh-speaking Communities' recommendations and the spirit of Cymraeg 2050, as well as the Well-being of Future Generations Act, this Council has joined Botwnnog and Aberdaron Community Councils, and have designated Pen Llŷn as an Area of Linguistic Significance (higher density) on 11/12/2023. That has been done despite the lack of timely and sufficient action on behalf of other authorities. Since then, Nefyn Town Council, and Buan, Llanbedrog, Llanystumdwy and Llannor Community Councils have joined us, and Porthmadog Town Council, as well as Llanaelhaearn and Pistyll community councils have also expressed their support. Therefore, Cae Capel is within the boundaries of the Pen Llŷn Area of Linguistic Significance (higher density).

The applicant states that the proposed houses would be for local people, and therefore, it would be likely that the residents would be Welsh speakers. Unfortunately, this does not follow. We know that there is a high demand in the area for second homes and short-term accommodation, and the power of the tourist trade has led to a

substantial influx of non-Welsh speakers to the area for decades. This has led to a major decline in the percentage of Welsh speakers in the nearby communities of Llangian/Abersoch: and this degenerative force does not recognise boundaries.

The applicant does not define "local" in the context of the proposed dwellings. Is it Botwnnog? Is it Dwyfor? Is it Gwynedd? Is it North Wales? Is it for someone who has always lived in Llŷn, or someone who has moved here two or three years ago, or even a decade or longer, but has not made an effort to learn Welsh, the language of the community? It would be great if the availability of the proposed houses could be limited to Welsh speakers only, but despite that, it cannot be proven that a large number of these houses would not become non-Welsh speaking households, if not all of them.

As we know, it only takes the presence of a few non-Welsh speaking people to turn the community's language of communication from Welsh to English. The applicant acknowledges this possibility but expects the community to do the necessary integration work. The lesson from the history of many Welsh communities is that this is not likely to happen.

The planning application confirms that the development is transferred to be monitored by Adra in accordance with the Common Housing Allocation Policy, namely Cyngor Gwynedd's Policy on allocating social housing in partnership with Adra, Grŵp Cynefin and North Wales Housing. That policy does not consider the Welsh language in its housing allocation context at all. In the current situation, we find this irresponsible and contrary to our policy of protecting and strengthening the Welsh language.

A letter was sent by Botwnnog Community Council to the prospective developer asking to discuss establishing a 'Local Allocations and Sales Policy', through an agreement between Cyngor Gwynedd, Adra and Botwnnog Community Council. There was no response. Approving the application would be contrary to Strategic Objective (SO) 1 of the Anglesey and Gwynedd Joint Local Development Plan, namely "Protect and strengthen the Welsh language and its culture and promote its use as an integral part of life in the community", and Strategic Objective S04 of the Development Plan, namely "the Council's strategy and policies will contribute to creating more communities with a percentage higher than 70% of Welsh speakers". The Anglesey and Gwynedd Single Integrated Plan (2014) notes the need to ensure that the Welsh language is thriving.

Policy PS1 of the Development Plan insists that "proposals that would cause substantial harm to the character and balance of the language of a community that cannot be avoided or mitigated satisfactorily by using an appropriate planning mechanism" would be refused. We argue that this is such a proposal. Anglesey and Gwynedd Councils' Supplementary Planning Guidance (July 2019) explains (Clause C11, page 13): "The emphasis, in terms of making a decision on a planning application, is on avoiding relevant Developments that would cause

substantial harm to the character and balance of the language of a Community." In terms of the law, the Town and Country Planning Act 1990, as amended by Section 31 of the Planning (Wales) Act 2015, states (Chapter 8. Part 3. Development Management): Clause 70. Determination of applications: general considerations. (1). Where an application is made to a local planning authority for planning permission, they may (b) refuse planning permission. (2). When dealing with such applications, the authority will consider a) the provisions of the development plan; aa) any considerations in relation to the use of the Welsh language, so far as material to the application; b) any local finance considerations, so far as material to the application, and c) any other material considerations. That is, the Welsh language is a "relevant consideration" in relation to permitting or refusing a planning application and is therefore of equal weight as other statutory considerations. The act establishes a principle.

To summarise: Botwnnog Community Council objects the application on the following grounds:

1. Lack of demand.
2. Over-development.
3. Danger to the Welsh language and the fabric of the community
4. Local health services - already overwhelmed as it is and is impossible to get an appointment to see health specialists.
5. Sewerage - Botwnnog's sewerage treatment site is already at its full capacity and it is not possible to treat additional sewerage. The developer's plan for a system to prevent and discharge sewerage waste from this proposed development is not sufficient as it would not contain the additional waste in periods of wet weather. (Climate change shows that we will have more wet periods.) We will forward this concern to Natural Resources Wales, because protecting our environment is very important to us as residents of the area and I am confident that the people of Abersoch who depend on the tourist industry would not like to see sewage from this development being washed down the river Soch. This could impact public health and the standard of bathing water, the beach and people's health and well-being.
6. Education - any increase in pupils to the Primary or Secondary schools that are non-Welsh speaking would have far-reaching impacts on the education of our young people locally. A negative impact on the Welsh language has already been noted.
7. Access - There is concern for the safety of Botwnnog village residents and travellers in vehicles as the site is across the road to a busy Surgery and is within less than 100 yards to a 90-degree bend in the main road between Pwllheli and Aberdaron, where Rhiw joins the road. There is also a Chapel and the vestry of Rhyd Bach Chapel on the corner across the road from the Surgery.

8. Viability - If the application was approved, in any form, it would be contrary to the will of local residents, as well as the objection of other community councils within the area. Cyngor Gwynedd's aim should be to support our residents and protect our language and culture, not weaken our language and our culture.

Transportation Unit:

The Transportation Unit did not have an objection to the planning application. The visibility splay on the junction is in accordance with the relevant standards. The nearby road is 20mph, with speed humps located along it to control the speed of vehicles. Within the estate, the roads have been designed to the relevant standards and every house has two parking spaces, in line with the guidelines. Additionally, there are 3 parking spaces for visitors.

The only comment is that a further discussion will be needed regarding the location of bus stops along the main road, but it is believed that this can be dealt with by means of a 38 agreement.

Natural Resources Wales:

There is no objection to the proposed development as submitted and the following information is provided.

Flood Risk - the Planning Application proposes a development that is highly vulnerable. A small section of this site is within zone C2 according to the DAM map in TAN 15 (2004). Nevertheless, in this location, the FMfP flood map contains the best information available relating to flood risk. The FMfP identifies the site to be located within flood zone 1 which means that the possibility of flooding in any given year could be less than 0.1%. On this basis, we do not have concerns regarding flood risk.

Protected species - the bats report submitted with the application has identified that bats do not roost on the application site but rather use it to commute and forage. From the information submitted, we consider that the proposed development would create a low risk to bats and that the development would not be harmful to maintaining the bat population. The report suggests including a lighting plan.

Welsh Water:

Having reviewed the proposal, it is noted that the proposal disposes of foul discharge through the public sewerage system and the disposal of surface water to a sustainable drainage system. Nevertheless, no detailed plan has been submitted to support the application. We can confirm that there is capacity within the public sewerage network to accommodate foul discharge only from the site of the proposed development. It is recommended that a drainage strategy is conditioned appropriately, implemented in full and retained through the lifespan of the development.

Sewerage Treatment

No problems are anticipated regarding the treatment of wastewater to treat domestic discharges from the site.

Water Supply

There is existing capacity available within the water supply system for the development.

Biodiversity Unit:

The applicant needs to provide a lighting plan for the development site which shows that the development will not have a negative impact on the dark sky and bats.

There is a need to condition the mitigation measures and all biodiversity enhancements.

Housing Strategic Unit:

See below the need for affordable housing in the Botwnnog community council.

Number of applicants registered with Housing Options for a social property: 34

Number of bedrooms	Need as a %
1 bed	27%
2 beds	37%
3 beds	27%
4 beds	6%
5 beds	4%

Number of applicants registered with Tai Teg for an intermediate property: 14

Number of bedrooms	Need as a %	rent	purchase
1 bed	0%	0%	0%
2 beds	14%	7%	7%
3 beds	50%	0%	50%
4+ beds	36%	7%	29%

*Note that figures could be duplicated between the social and intermediate need and between the rent and buy need.

The plan in question which has been included within the programme to receive a Welsh Government's Social Housing Grant, and the housing would make a direct contribution towards the aim of the

Cyngor Gwynedd Housing Action Plan to provide more houses to meet the existing high demand which exist in the county.

It is also noted that the plan proposes a good mixture of housing, which is to be welcomed.

Additional Observations

For the whole of Gwynedd, 2374 applicants are on the Housing Options register for a social Property, and 882 applicants have registered with Tai Teg for Intermediate property (but some applicants could be on both registers)

Land Drainage Unit:

Standard response relating the need to submit a licence application to manage surface water in accordance with the relevant regulations relating to SuDS.

Language Unit:

Some information is missing in the Statement/Assessment. We acknowledge that the information has been included elsewhere in the application pack, but it should have been ensured that this information is also shown as evidence in the language Statement/Assessment. For example, there is no information in the Language Statement/Assessment regarding the local demand for housing. There is information regarding the demand across Gwynedd but not for the area that is local to the development. Such information would strengthen the case for justifying the approval of the application and better support the conclusion regarding the development's 'positive impacts'. It is recommended that the developer works with the local language initiative after completing the development to promote the Welsh language amongst the residents.

Archaeology Service:

There is potential for archaeological remains on the land and therefore it is suggested that standard conditions are imposed to conduct an appropriate survey of the site.

Fire Service:

Standard response regarding the access of vehicles and water supply

Scottish Power:

Not received

Health Board:

Not received

North Wales Police:

No observations

Education Department:

Considering the capacity and number of learners at the relevant primary and secondary schools, it is seen that there is capacity in both schools at present, but it must be acknowledged that the capacity of Ysgol Pont y Gof could be restricted for 18 additional houses in the catchment area, and you are asked to consider this in the context of any conditions imposed with the Planning Application, if approved.

Public Consultation:

A number of notices were posted on the site and dispersed within the nearby area and nearby residents were notified. An advertisement was also placed in the local press. The advertising period expired and letters / correspondence were received objecting on the following grounds:

- Concern regarding highway safety/unacceptable increase in traffic levels
- Harmful to environmental health due to the increase in traffic
- Detrimental effect on the character of the village/local community
- Lack of space at the primary school
- Harmful impact on the Welsh language and linguistic fabric of the village of Botwnnog and nearby communities
- Lack of local need for housing.
- Harmful impact on the local surgery which is currently oversubscribed, as well as the primary and secondary schools.
- A harmful effect on the sewerage system
- Harmful impact on adjacent houses due to flooding
- Harmful impact on the local landscape, causing urban spread into a greenfield site in open countryside.
- It will not enhance the character and appearance of the site or integrate with the local pattern.
- It is contrary to adopted local and national policies and guidelines.
- It will not protect or enhance the natural Environment
- There are no guarantees that the houses will be for local people.
- Lack of demand.
- Over-development/Excess of housing in a rural village like Botwnnog.
- These types of houses are not what is needed, and not in this field.
- Yes, the site is ideal for building, but not 18 social housing.
- Eighteen additional houses would have a further major impact as they would attract strangers into the village.
- There are other better sites available for building in the village.

In addition to the above, letters were received on behalf of the Llannor Community Council and Llanllechid Community Council,

expressing their support to the objection of Botwnnog Community Council to the proposal and outlining concerns about the proposed development.

Letters / correspondence were received supporting / providing observations on the application on grounds of:

- The area is in genuine need of new housing to prevent local residents from leaving, more projects like this are needed.
- The Committee is reminded that the field is included in the Council's latest Development Plan.
- It is in a central site in the village.
- The Safe Routes to School for Ysgol Pont-y-Gof and the Secondary School have pavements leading the entire way to both schools and are convenient for the Surgery, the Chapel and Canolfan Congl Meinciau.
- It is on the route of the Llŷn Bus (Pwllheli - Aberdaron).
- Affordable housing is needed to retain young people and the elderly in rural villages and it is believed that Botwnnog is one of those ideal villages.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 It is mandatory for planning applications to be determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case.
- 5.2 The site is located within the development boundary of Botwnnog and it has also been designated specifically under reference T61 as a site for developing houses as noted in the Anglesey and Gwynedd Joint Local Development Plan. Specifically, it can be seen that the site was designated in the LDP to erect a maximum of 21 new houses, which is a higher figure than what was the subject of the existing application and therefore the argument that the proposal is an over-development cannot be accepted in this case. For clarity, the reason for proposing fewer houses than the total noted in the designation is the need to ensure sufficient space within the site to provide a play/open plot and in order to ensure a sufficient area for the sustainable drainage system. In accordance with Policy PCYFF 1 ('Development Boundaries'), applications 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. In the Joint LDP, Botwnnog has been identified as a Service Village under policy TAI 3. This policy supports housing to meet the Plan's strategy through housing allocations and suitable unallocated sites within the development boundary based on the indicative provision within the Policy.
- 5.3 The indicative supply level for Botwnnog over the Plan period is 40 units (including a 10% 'slippage allowance'). During the period between 2011 and 2023, a total of five units have been completed in Botwnnog. The windfall land bank, i.e. sites with extant planning permission and likely to be completed, in April 2023, was 0 (zero) units. This currently means that there is capacity within the indicative supply for the Botwnnog settlement.
- 5.4 Policy PS 17 in the Plan, which is the Plan's Settlement Strategy, states that 25% of the housing growth will be located within Villages, Clusters and open Countryside. A review of the situation

in relation to the windfall provision within all the Villages, Clusters and open Countryside in April 2022 indicates that 1,565 units from the total of 1,953 units predicted on windfall sites had been completed, and that 592 units were in the land bank (and likely to be completed). This data reflects the fact that the Plan inherited several permissions granted by the Local Planning Authorities, based on the previous development plans' requirements and relevant planning considerations. Currently, approval of this site can be considered against expected provision within the Villages, Clusters and Countryside category (based on the completion rate so far).

- 5.5 In accordance with Policy TAI 8, consideration should be given to the proposed development and whether it meets the demand for housing recorded in a Market Housing Assessment and other relevant local sources of evidence. Statements and evidence were submitted noting the reasoning behind the housing mix proposed in the application and confirmation was received from the Housing Strategic Unit that the houses would contribute directly to the aim of the Cyngor Gwynedd Housing Action Plan to provide more houses to meet the existing high demand which exists in the county, whilst also noting that the plan offers a good mix of houses. It must be explained here that the village of Botwnnog was designated as a Service Village in the LDP and the Affordable Housing SPG noted that 'local' refers to a 5-year connection to the relevant Authority where the application is located, i.e. Gwynedd. Therefore, in this case, the policy requirements are clear that the relevant 'catchment area' to consider is the Gwynedd area. It is acknowledged that observations and objections have been received which refer to the lack of justification and local need for the proposed housing. It is emphasised here that a 100% affordable development is proposed on this site, which has been accepted as suitable for residential development by means of its designation in the LDP for this specific proposal. The status of Botwnnog in the LDP means that new houses to serve Gwynedd as a whole are expected for this site. As has already been noted above by the Housing Strategic Unit, 2374 applicants are on the Housing Options register for social Property, and 882 applicants have been registered with Tai Teg for an Intermediate property. Although some applicants can appear on both registers, the figures prove the undisputed need for affordable housing in the Gwynedd planning area.
- 5.6 Policy TAI 15 of the LDP states that the councils will seek to ensure an appropriate level of affordable housing in the plan area. In Botwnnog, two or more affordable housing units is the minimum threshold, and the policy does not prohibit a higher provision. Since the proposal provides a development of 100% affordable housing and the Housing Strategic Unit has confirmed that there is evidence of the need to justify the provision as proposed, it is believed that the proposal addresses the need and the application, as a result, satisfies policy TAI 15.
- 5.7 Therefore, it is considered that there is justification and a need for the proposal and that it meets the needs of the local community. It is considered that the proposal meets the objectives of housing policies in the LDP.

Visual amenities

- 5.8 Generally, policies PCYFF 2 and PCYFF 3 of the Joint Local Development Plan support proposals for new developments provided they do not have a detrimental impact on the health, safety or the amenities of the residents of local properties or on the area in general. In addition, developments are required to:
- Contribute to, and enhance the character and appearance of the site.
 - Respect the site and its surroundings in terms of its position in the local landscape.
 - Use appropriate materials.
- 5.9 In considering the semi-urban context of the site and the fact that it will form a logical extension to the village between previously developed site in the form of residential units, a chapel and

adjacent to a surgery/medical centre, it is believed that the setting, design and materials of the proposed development are in-keeping with the location in an appropriate way. It is believed that the houses have been designed to a quality standard which would be in-keeping with the feel of the village. It is noted that an element of the proposal has been amended, relating to the elevations facing the public road, which ensures that the form and setting reflects well, the existing elevations which make up a part of the general development pattern of the village. The amended form also ensures that there is natural surveillance towards the road, which contributes to community safety. It is not considered that the houses would cause significant harm to the built quality of the site or the local neighbourhood and, consequently, it is considered that the development is acceptable under Policies PCYFF 2 and PCYFF 3 of the LDP as they relate to these matters.

- 5.10 It is noted that the site is within the Gorllewin Llŷn Landscape of Outstanding Historic Interest and Special Landscape Area, however, when considering its location in the centre of the village, it is not believed that the proposed development will have any harmful impact on these vast designations and it is therefore considered that the application is consistent with the objectives of policies AMG 2 and AT1 of the LDP.

General and residential amenities

- 5.11 Due to the location, design, orientation, and size of the proposed houses, it is not believed that there would be any significant detrimental impact on private amenities deriving from the development. Whilst accepting that private property abuts the site on the northern/north-western boundary and that a house is located opposite on the other side of the public road to a house from the site as well as Tŷ Capel abutting a part of the south-eastern boundary, when taking into account the distance located between the new houses and these houses, it is not believed that there will be any harmful overlooking from existing property deriving from the development and, whilst it will be unavoidable that there will be some inter-visibility between the properties in the area, it is not believed that this would be unreasonable or unexpected in such a location. There would be no harm either in terms of impacts such as shadowing or dominating any other property. There is also an intention to enhance the content of the new hedges on top of the existing 'cloddiau' which abut parts of the site, this would also strengthen the protection of amenities between the proposed development site and adjacent occupiers.
- 5.12 When considering the above discussion, it is believed that the development is acceptable under policies PCYFF 2 and PCYFF 3 of the LDP in terms of its impacts on private amenities.

The Welsh Language

- 5.13 There is no need for a Linguistic Statement in line with criterion (1b) of Policy PS 1 'The Welsh Language and Culture', since the proposed development would not, either individually or accumulatively with other developments, provide more than the indicative housing provision for the village of Botwnnog. Nevertheless, even when there is no need for a linguistic statement under criterion (1b), the applicant is encouraged to submit a record of how consideration was given to the Welsh language when drawing up the planning application. The method of recording the information needs to be tailored to the nature of the proposed development and the matters that require attention. The methods could include a letter accompanying the planning application, a Planning Statement, a Design and Access Statement or a Welsh Language Statement or a Report on the Welsh Language Impact Assessment. See Section D of Appendix 5 for matters that could be addressed in such a record.
- 5.14 A report was received in the form of a Community and Linguistic Statement which concluded that the proposed development would have a small impact on the Welsh language and community in Botwnnog, but that it is unlikely to lead to any harm due to the size of the development and

the proposal which provides affordable housing for local need. It was also noted, by providing affordable housing that is targeted to meeting local need, those in search of affordable housing can continue to live in their local communities, and failing to provide these types of residential developments would likely lead to local young families having to ultimately leave, which would lead to further outward migration, which would be likely to lead to a reduction in the number and proportion of Welsh speakers in Botwnnog. The proposed dwellings would be suitable for families and young or older couples alike, which would enable younger generations to start a family and contribute to the local community.

- 5.15 In response to the consultation, the Language Unit noted that some information was missing in the Statement/Assessment itself but acknowledged that the information had been included elsewhere in the application pack. They note that it should have been ensured that this information is also shown as evidence in the language Statement/Assessment. As they acknowledge, the information has been submitted but possibly it is not entirely within the content of the Community and Linguistic Statement. It is not believed that there is a need to repeat information relating to matters such as the local need which is already available in other statements such as the Housing Needs document and the affordable housing statement to include it neatly within the linguistic statement. This would only repeat and create a larger document instead of submitting any new or additional information or evidence as this information is already available in the content of other statements.
- 5.16 It is acknowledged that concerns have been raised regarding the proposal, including from the local Community Council, local residents and Cylch yr Iaith. These concerns have been presented to the applicant and in response the following was noted in response to the main points raised:
- We do not agree that the residents would be local people who would not be Welsh speakers - This point misinterprets our argument, i.e. that there is a substantial local need where it is expected for the occupiers of the houses to be local people, therefore the residents within the development would have the same Welsh Language features as in the local population since they would be drawn from it. This would mean that the impact on the Language would also be minor or negligible and would certainly not be at a scale where it would have a material harmful impact on the language.
 - Reference is made to data on the use and language changes, a reduction in speakers and a growth in second homes/holiday cottages - We do not disagree with this point, but it is believed that the key matter has been mistaken, i.e. that the proposal would provide affordable housing to meet proven local needs and therefore it would be beneficial when addressing this matter;
 - Concern that the community would be expected to integrate people who are not speakers - It is believed that this mis-conveys our argument. What is suggested is that local organisations and speaker levels in the community would be useful when integrating non-Welsh speakers who could reside within the proposed development (if approved). As well as the other measures noted in the statement, this would assist individuals who are not first language Welsh speakers to integrate into the community and learn the Language.
 - Reference to a potential local allocations policy but no definition of what is local - This is because the developer and Adra would wish to discuss and agree on this matter with local applicants. It should be noted that this suggested method significantly exceeds the requirements of planning and housing policy.

- The scale of the change - The proposal in reality would be suitable in terms of size compared with the local population, particularly when the above points are considered along with the evidence of local need, and the site's designated status for residential development;
- Approving this would be contrary to planning policy regarding the Welsh Language - Based on the previous reasons and the information presented, with all due respect, we disagree with this statement since the proposal would be beneficial and would therefore comply with relevant planning policy relating to the Welsh Language.

It must be acknowledged that this site has already been designated for housing within the LDP and the site was the subject of a linguistic assessment at that time. The applicant has submitted a Community and Linguistic Statement which summarises the argument in favour of the proposal and the impact, if any, on the social and linguistic fabric of the village of Botwnnog. The existing housing situation in the county is very much known in terms of the seriousness of finding a house at an affordable price. The principle of a new residential development which would contribute towards meeting the local need and considering that the site has been allocated for housing and for 100% affordable housing, no unanswerable evidence has been submitted to show that the proposal would have a harmful impact on the Language and therefore it is considered that the proposal is acceptable in terms of policy PS1 of the LDP and the relevant supplementary planning guidance. As per usual, it is intended to impose appropriate conditions to ensure that Welsh names are to be agreed for the estate and the houses.

Transport and access matters

- 5.18 Whilst acknowledging that concerns have been raised during the public consultation, the Transportation Unit does not object to the proposal. Subject to appropriate conditions to agree and accept the appropriate licences to create the access and carry out work that would affect the road/public pavement, the parking arrangements, layout of the estate road and vehicular access are acceptable to the Transportation Unit and it is not believed that the additional traffic deriving from the new development would increase the risk to road users in a significant way. Therefore, it is believed that the proposal meets the relevant requirements in terms of road safety and the parking provision and that a convenient and safe access arrangement can be secured. Therefore, the application meets the requirements of policy TRA 2 and TRA 4 of the LDP as they relate to these matters.

Biodiversity matters

- 5.19 An Initial Ecological Assessment and Biodiversity Improvement plan and Green Infrastructure Statement was submitted with the application. In addition, landscaping proposals are seen to mitigate the impacts of the development. The proposal is not objected to in terms of this aspect by the Biodiversity Unit or Natural Resources Wales. Nevertheless, the Biodiversity Unit notes the need for the applicant to provide a lighting plan for the site to ensure that the development will not have a negative impact on the dark sky and bats. It is believed that imposing a standard condition to reach agreement on such details would be reasonable in this case.
- 5.20 By imposing appropriate conditions to reach agreement on the site lighting details as well as ensuring that all mitigation measures and biodiversity enhancements are implemented in line with relevant reports, it is believed that the development is acceptable under the relevant requirements of policies PS 19 and AMG 5 of the LDP as well as chapter 6 of Planning Policy Wales which relates to the green infrastructure and the phased approach.

Archaeological Matters

- 5.21 It can be seen from the information submitted that an interim Archaeological Assessment has been submitted with the application to confirm by the Gwynedd Archaeological Service at the time of the pre-application consultation that there is potential for archaeological features on such land.
- 5.22 In their response to the consultation on the existing application, the Archaeological Service continues to note that there is potential for archaeological remains to be on the land and suggest standard conditions to carry out a further investigation of the site. It is believed that including standard conditions to ensure that the appropriate inspection is held is entirely reasonable in this case, and therefore, it is believed that the relevant requirements of policies PS 20 and AT 4 are met.

Open spaces

- 5.23 Policy ISA 5 notes that new housing proposals for 10 or more houses in area where existing open spaces cannot satisfy the needs of the proposed housing development to provide a suitable provision of open spaces. Paragraph 6.1.29 of the LDP states that in order to inform the open space requirements on future proposals, the Fields in Trust (FIT) benchmark standard of a minimum 2.4 hectares per 1,000 population should be used. This consists of 1.6ha of outdoor sports facilities (of which 1.2ha are formal playing pitches) and 0.8ha of children's playing space (of which 0.25ha are equipped play spaces).
- 5.24 By following the FIT methodology, it is noted that a development of the size in question provides 576.00m² of surface area for Outdoor Sports, 198.04m² of Informal Play Areas for Children and 90.04m² of children's play areas with equipment. This means that it is expected to see 864.08m² of open spaces for the development. A total of 960m² is on two open plots on the site, but it does not appear that the details of the equipment proposed to be installed on the site have been confirmed.
- 5.25 It is believed in such cases and as already agreed previously with similar developments, it would be reasonable to impose a condition to agree to the exact details of the type of equipment that would be suitable for the site, and thus, it would be acceptable in accordance with the relevant requirements of Policy ISA 5.

Educational matters

- 5.26 Policy ISA 1 notes that when proposals create direct needs for new or improved infrastructure, including education facilities, the provision around infrastructure in the Development Plan makes it a requirement for the proposal to fund these. A financial contribution may be requested to improve the associated infrastructure, facilities, services and work, when these will be necessary to make the proposals acceptable.
- 5.27 When using the standard methodology, it is estimated that the development for 18 houses would have the potential to produce the following numbers:
- Primary School = 7.2 children
 - Secondary School = 5.22 children
 - It is likely that the 4 x 2-bedroom bungalows for people aged over 55 years means that school-age children would not reside there and therefore if these four units are removed from the total, 14 houses remain, and the following figures are obtained:
 - Primary School = 5.6 children

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- Secondary School = 4.066 children

5.28 As a part of the statutory consultation, confirmation was received from the Education Department that capacity is available at Ysgol Gynradd Pont y Gof and Ysgol Uwchradd Botwnnog. Specifically:

- Ysgol Pont y Gof: Capacity 106 - Existing total - 83 - Projected numbers - September 2024 - 84; September 2025 - 82; September 2026 - 80.
- Ysgol Uwchradd Botwnnog: Capacity 550 - Existing total - 487 - Projected numbers - September 2024 - 473; September 2025 - 464; September 2026 - 451.

5.29 Despite the confirmation that there is existing capacity at the local schools, the Education Department noted that "it must be acknowledged that the capacity of Ysgol Pont y Gof could be restricted to 18 additional houses in the catchment area, and you are asked to consider this in the context of any conditions imposed with the Planning Application if approved".

5.30 Having assessed the proposal in full in line with all relevant requirements as well as the observations of the education department, it is believed in this case that there is sufficient capacity at both local schools. Despite the doubts that the capacity would be restricted at the primary school, even when considering a development of 18 new houses, the threshold would not be met. The likelihood is that 14 houses have the potential to have children living there and therefore the threshold is even more, considering the figures as noted above.

5.31 Therefore, it is believed that the proposal would not create a direct need for additional education facilities and that there would be no justification to request a financial contribution. The proposal is considered acceptable and in accordance with the relevant requirements of ISA 1 as well as the relevant guidelines noted within Supplementary Planning Guidance: Planning Obligations.

Flooding matters

5.32 Policy PS6 and Technical Advice Note 15: Development and Flood Risk, are relevant to the application. Natural Resources Wales (NRW) have confirmed in their response to the consultation that a small section of the site is within zone C2 according to the DAM map in TAN 15 (2004). Nevertheless, they go on to note in terms of the location of the site itself, a FMfP flood map which includes the most recent information relating to flood risk.

5.33 They note that the FMfP identifies the site as being located within flood zone 1 which means that the possibility of flooding in any year would be less than 0.1%, and on these grounds, there are no concerns about flood risk. Therefore, it must be acknowledged due to the location is partly located within a flood zone, that this is usually contrary to the relevant requirements of TAN 15. However, having considered the guidance of NRW and other material considerations namely the current flood maps and the fact that there is no substantial risk, it is not believed that the proposal would be unacceptable and that it would be unreasonable to refuse the application based on flood risk.

Infrastructure matters

5.34 Despite the allegation that existing services such as sewerage and water treatment systems cannot cope with this increase in houses within the village, it can be seen from Welsh Water's response that confirmation is given regarding the matter, confirming that there is capacity within the public sewerage network to accommodate foul discharge only from the site of the

proposed development and that existing capacity is available within the water supply system for the development.

- 5.35 Although the details of the site's drainage strategy was submitted as a part of the application, in line with Welsh Water's recommendation, it is believed that it would be reasonable to impose a condition to agree to the final details of the site's drainage system and thus, ensure compliance with the relevant requirements of policies PS 2 and ISA 1. It is also noted here that there would be a need to submit an application for permission (which is a separate process to planning), for the sustainable drainage system.
- 5.36 Observations were received stating that the situation of the local surgery, namely Meddygfa Rhydbach, is problematic in terms of capacity, waiting lists, etc. As part of the statutory consultation, a letter was sent to the Local Health Authority and to the surgery itself, however, they did not send a response. Therefore, it is not believed that robust evidence is available relating to the situation and consequently there is no justification to refuse the application or request a financial contribution from the developer, in accordance with Policy ISA 1.

Response to the public consultation

- 5.37 It is acknowledged that objections have been received to this proposal and it is considered that all relevant planning matters have been given appropriate consideration as part of the above assessment. A recommendation is made based on a full assessment of all relevant planning considerations, including all observations received during the public consultation and nobody was wronged in any way when considering this application.

Additional matters

- 5.38 As part of the consultation process, the following observations were received as well as a report entitled Botwnnog Housing Needs Survey which alleges that it is a document which proves that there is no need for these types of housing. This document is in the form of a survey drawn up in collaboration between Adra and the Rural Housing Enabler, and dates back to December 2022.
- 5.39 The information within the survey refers to the research carried out locally into the demand for housing and it can be seen from the responses that there is a mix in the opinion for new residential developments. But what is also noted is that it is obvious that there is a need for affordable housing in the area.
- 5.40 In order to avoid any doubt regarding the conclusions and findings of the report, this is what is noted as included in the report:

"As noted in part 10 of the report, four people are on the Tai Teg affordable housing register and have chosen Botwnnog as one of their options for an affordable property. Four people on the social housing register have a local connection and have chosen Botwnnog as their area for a social house. The bullet points below show a summary of the most popular choices in respect of these two registers (i.e. Tai Teg and Social Housing)

Tai Teg:

- *1 wants to buy a two-bedroom house*
- *3 want to buy a three-bedroom house*

Social Housing:

- *12 want a one-bedroom property, including a bungalow or flat or maisonette. (however, none of these have a local connection)*

- 24 want a two-bedroom property, including a bungalow or flat or maisonette (however, only one of these has a local connection)
- 13 want a three-bedroom property, including a maisonette (however, only two of these have a local connection). Therefore, according to the two above registers, a two-bedroom house is the most popular property option, with three and one-bedroom houses as popular as each other."

5.41 As December 2022 is the publication date of this report, it is assumed that the situation has changed from what is noted, therefore, there is no guarantee that the information fully conveys the current situation although it is likely to be relatively similar including the possibility that the need has changed and that the local connections of applicants are now more obvious.

5.42 Although reference is made in the document to the nearby villages of Sarn Mellteyrn and Bryncroes, consideration must be given to the requirements of the policy of the settlement where the proposed development is located, i.e. the village of Botwnnog. As has already been noted in paragraph 5.5 of this report (above), the definition of local is the Gwynedd area. The housing survey also notes "*The definition of local need for affordable housing (for a site within the development boundary) - people in need of an affordable house who have lived in Gwynedd for a continuous period of five years or more, either immediately prior to submitting the application or in the past... This need must be complied with*". As seen from the additional observations of the Housing Strategic Unit, the current figures confirm without a doubt that there is a critical need for housing as the ones proposed, for residents in the county, whilst waiting lists for the Council's housing options service and Tai Teg confirm the existing numbers.

6. Conclusions:

6.1 This is a proposal for affordable housing drawn up to meet the needs of the local housing market and located on a site designated for housing within the village's development boundary. As a result, it is believed that the plan is acceptable on the grounds of principle and that it complies with relevant local and national planning policies as noted in the report. Full attention was given to all material observations and objections received and it is believed that the proposal is acceptable and that, consequently, it is in accordance with the relevant policies as noted above.

7. Recommendation:

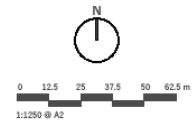
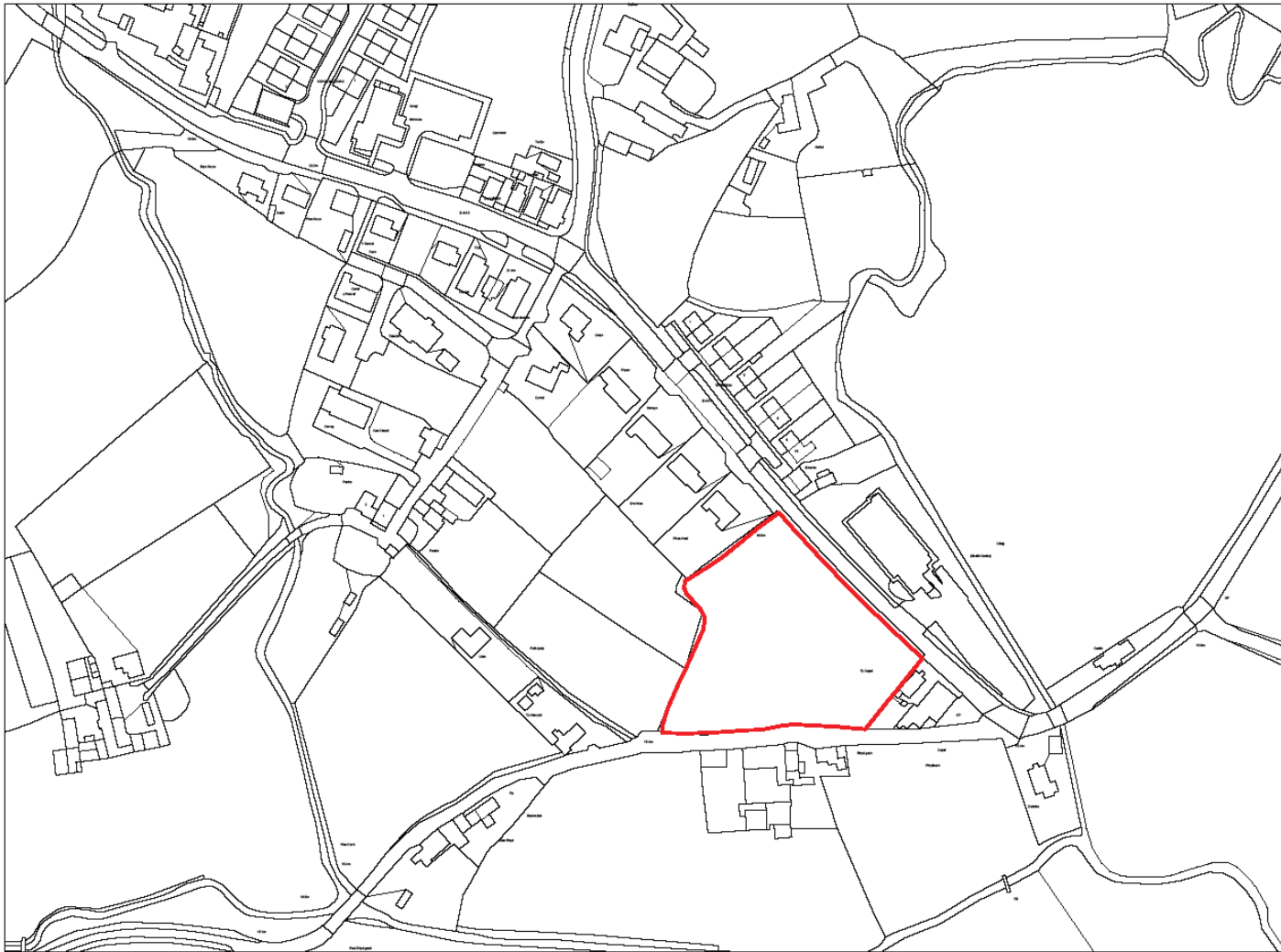
7.1 To delegate powers to the Head of Environment Department to approve the application, with the following conditions:

1. Time
2. Development to comply with the approved plans
3. Must submit and agree on a programme for providing affordable housing
4. Must agree on external materials including the roofing slates
5. Removal of permitted development rights
6. Welsh Water Condition
7. Highways Conditions
8. Biodiversity conditions
9. A need to submit a Construction Management Plan prior to the commencement of the development work
10. There must be a Welsh name for the housing estate and individual houses.
11. Restrict the use to C3 use class only
12. Archaeology conditions
13. Condition to agree on equipment for the playing field

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14. Landscaping to be completed
15. Natural Resources Wales conditions

REV	DESCRIPTION	DATE	BY	CHK
P1	INITIAL ISSUE	16/10/2022	CG	SD
P2	NO CONCEPT SUBMISSION	20/10/2022	CG	CG
P3	ADDITIONAL IFC INFORMATION	06/11/2022	CG	CG
P4	PLANNING AND IFC UPDATE	20/10/2023	CG	SD





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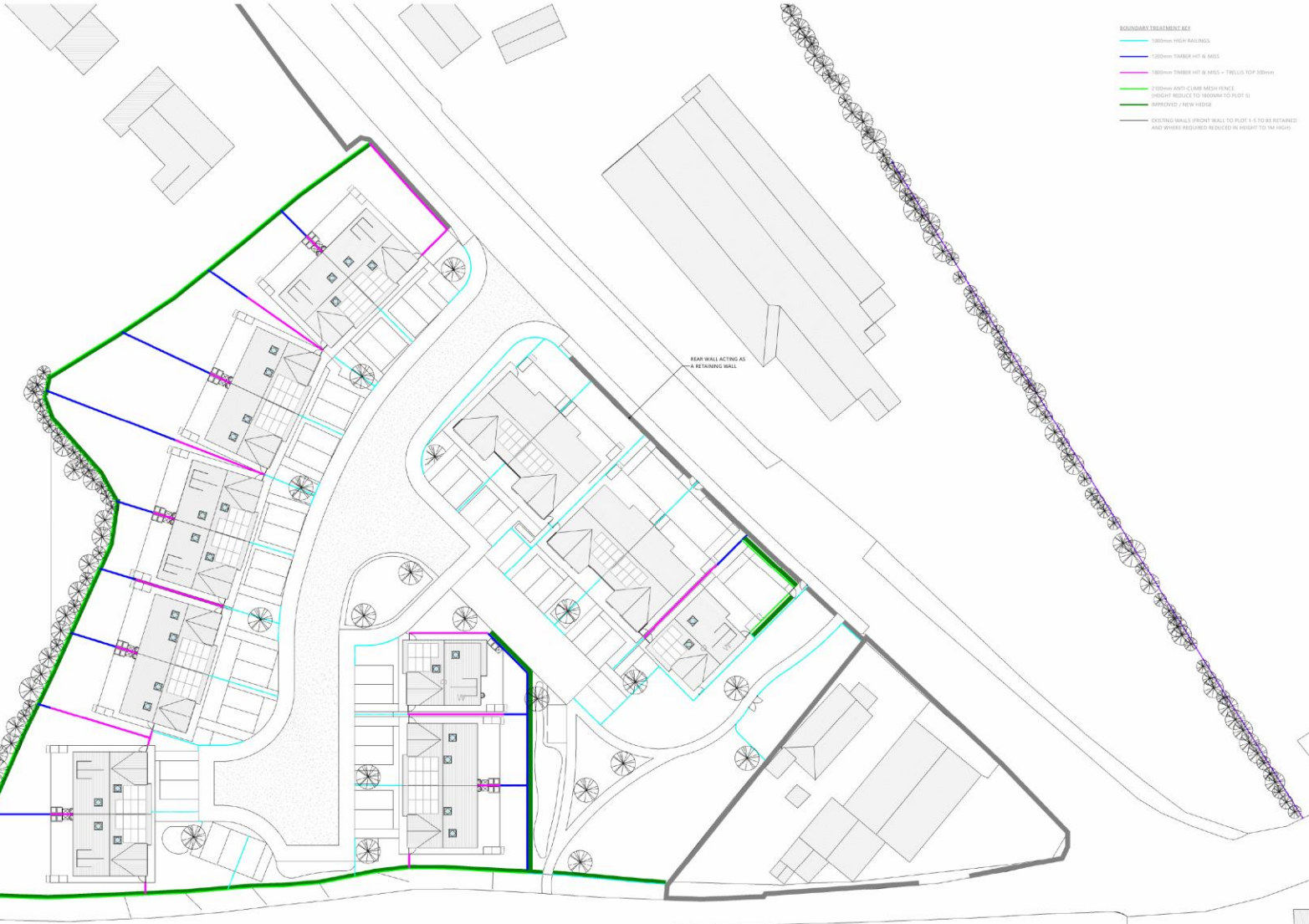
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PROJECT:
**CAE CAPEL HOUSING,
 BOTWNNOG**

CLIENT:
RWE LTD | ADRA

DRAWING TITLE:
LOCATION PLAN

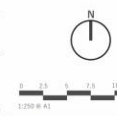
DRAWING STATUS: PLANNING	STATUS: S3
DRAWING No: CCH-SAL-01-ZZ-DR-A-0001	PROJECT No: P1154
SCALE: 1:1250@A2	REVISION: P4



BOUNDARY TREATMENT KEY

- 1000mm HEAVY RAILINGS
- 1200mm TIMBER HT 8 RAIS
- 1800mm TIMBER HT 8 RAIS + TRELLIS TOP 300mm
- 1500mm ANTI-CLIMB MESH FENCE (HEIGHT REDUCE TO 1200MM TO PLOT 5)
- APPROVED / NEW FENCES
- EXISTING WALLS FRONT WALL TO PLOT 1-5 TO BE RETAINED AND WHERE REQUIRED REDUCED IN HEIGHT TO 1M HIGH

REV	DESCRIPTION	DATE
P1	FRESH FOR COMMENT	01/08
P2	UPDATES TO FOLLOWING CLIENT COMMENTS	06/08
P3	UPDATES TO FOLLOWING CLIENT COMMENTS	06/08
P4	UPDATES TO FOLLOWING CLIENT COMMENTS	06/08
P5	UPDATES TO FOLLOWING CLIENT COMMENTS	06/08
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P99	UPDATES TO FOLLOWING CLIENT COMMENTS	06/08
P100	UPDATES TO FOLLOWING CLIENT COMMENTS	06/08



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PROPOSED BOUNDARY

DRAWING STATUS: PLANNING
DRAWING NO: CCH-SAL-01-ZZ-001-A-0004
SCALE: As indicated @ A1



Note: Existing ground level

REV	DESCRIPTION	DATE	BY	CHECK
P1	POST ISSUE FOR COMMENT	15/07/2022	SD	GI
P2	UPDATES LAYOUT FOLLOWING CLIENT COMMENTS	08/07/2022	SD	GI
P3	3D BOUNDARY FOOTPRINT UPDATES	18/07/2022	SD	GI
P4	SOIL PERMEABLE SURFACES & MOBILITY STAIR ASSES UPDATES	23/09/2022	ME	SD
P5	SOIL PERMEABLE SURFACES UPDATES	23/09/2022	SD	GI
P6	NOTAL ISSUE	19/10/2022	GI	SD
P7	ME CONSULT SUBMISSION	28/10/2022	GI	SD
P8	ADDITIONAL ME INFORMATION	05/11/2022	GI	SD
P9	PLANNING AND ME UPDATE	20/01/2023	GI	SD
P10	BOUNDARY TREATMENT CHANGES	04/07/2023	GI	SD
P11	CLIENT COMMENTS INCORPORATED	27/10/2023	ME	GI
P12	ME COMMENTS	13/11/2023	GI	SD
P13	PLANNING UPDATES	21/06/2024	GI	SD
P14	POST 5 GARDEN FENCING ADJUSTED	27/06/2024	GI	SD

STREET SCENE 1

SCALE: 1 : 200



Note: Existing ground level



Note: Existing ground level

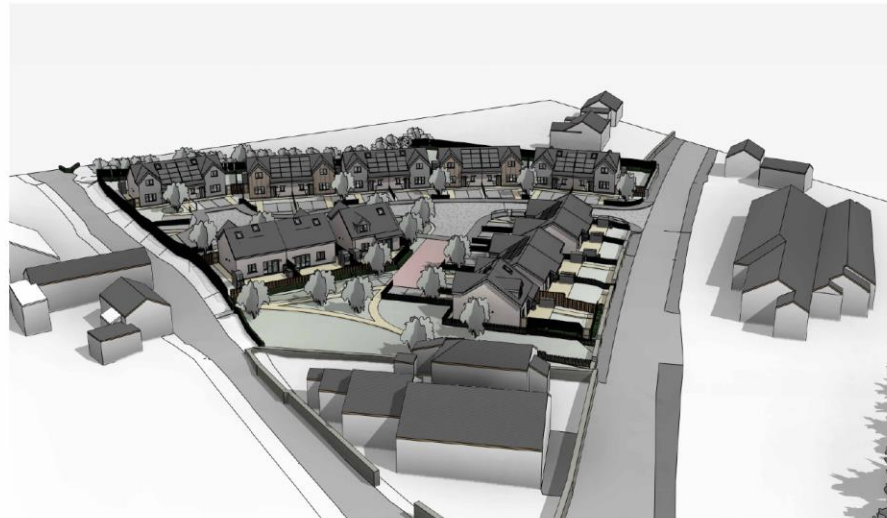
STREET SCENE 2

SCALE: 1 : 200



STREET SCENE 3

SCALE: 1 : 200



1:200 @ A2



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DRAWING TITLE:
STREET SCENE

DRAWING STATUS:	STATUS:
PLANNING	S3
DRAWING No:	PROJECT No:
CCH-SAL-01-ZZ-DR-A-0005	P1154
SCALE:	REVISION:
1 : 200@A2	P14

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3D VIEW 1

3D VIEW 2

NO.	DESCRIPTION	DATE	BY	CHK
P1	PLANNING CONSULTANTS COMMENTS	30/10/2023	ME	CS
P2	PLANNING OFFICERS	21/06/2024	GS	SD
P3	PLOT 3 GARDEN FENCING	27/06/2024	GS	SD



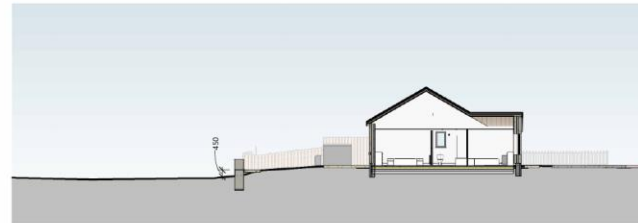
STREET ELEVATION

SCALE: 1 : 200



SECTION THROUGH PLOT 2

SCALE: 1 : 200



SECTION THROUGH PLOT 4

SCALE: 1 : 200



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PROJECT:
CAE CAPEL HOUSING,
BOTWNNOG

CLIENT:
RWE LTD | ADRA

DRAWING TITLE:
STONE BOUNDARY WALL

DRAWING STATUS	STATUS
PLANNING	S3
DRAWING No: CCH-SAL-01-ZZ-DR-A-0007	PROJECT No: P1154
SCALE: 1 : 200 @ A2	REVISION: P3



5P3B FIRST FLOOR
SCALE: 1 : 100



FRONT ELEVATION
SCALE: 1 : 100



REAR ELEVATION
SCALE: 1 : 100

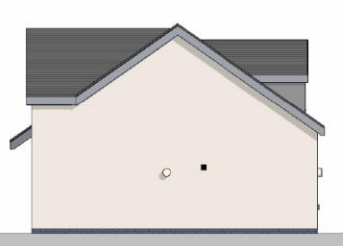


5P3B GROUND FLOOR
SCALE: 1 : 100

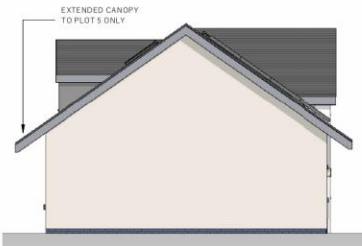
PLOT 5, 6, 9, 10, 13, 14, 17, 18



REAR ELEVATION PLOT 5
SCALE: 1 : 100



SIDE ELEVATION
SCALE: 1 : 100



SIDE ELEVATION PLOT 6&5
SCALE: 1 : 100

ENERGY REQUIREMENTS				
REV	DESCRIPTION	DATE	BY	CHEK
P1	ISSUED FOR PRESENTATION	15/11/2022	SS	GU
P2	PLANNING AND WELSH WATERS	20/01/2023	GU	SS
P3	CLIENT COMMENTS	27/05/2023	ME	GU
P4	WELSH WATERS APPROVED	09/02/2024	ME	GU
P5	PLANNING UPDATES	25/06/2024	GU	SS

NEW HOMES MUST MEET ENERGY AND DECARBONISATION REQUIREMENTS WHICH CONSISTS OF:
ACHIEVING EPC A (SAP82 OR GREATER) THROUGH THE MINIMUM FABRIC STANDARD SET OUT IN 'APPENDIX E' - ELEMENTAL SPECIFICATION FOR THE DETER, WITHIN THE BUILDING REGULATIONS APPROVED DOCUMENT PART L WALES 2020 AND BY NOT USING FOSSIL FUEL FIRED BOILERS TO PROVIDE DOMESTIC HOT WATER AND SPACE HEATING. ALTERNATIVE PROPOSALS WILL BE ACCEPTABLE WHERE IT CAN BE DEMONSTRATED BY INDEPENDENT CERTIFICATION THAT THE BUILDING'S ENERGY DEMAND IS REDUCED IN ACCORDANCE WITH THE ENERGY HIERARCHY FOR PLANNING IN WELSH GOVERNMENT'S PLANNING POLICY WALES.

APPROVED DOCUMENT PART L - APPENDIX E (WALES)	
ELEMENT OR SYSTEM	SPECIFICATION
OPEN AREAS (WINDOWS AND DOORS)	SAME AS ACTUAL DWELLING UP TO A MAXIMUM PROPORTION OF 25% OF TOTAL FLOOR AREA 1
EXTERNAL WALL U-VALUE (W/m²K)	0.13
CORRIDOR WALL U-VALUE (W/m²K)	0.18
PARTY WALL U-VALUE (W/m²K)	0
ROOF U-VALUE (W/m²K)	0.11
FLOOR U-VALUE (W/m²K)	0.11
WINDOWS, ROOF WINDOWS AND GLAZED DOOR U-VALUE (W/m²K)	1.3 (WHOLE WINDOW U-VALUE)
ROOFLIGHT U-VALUE (W/M²K)	1.6 (WHOLE WINDOW U-VALUE)
WINDOWS, ROOF WINDOWS, GLAZED ROOFLIGHTS AND GLAZED DOOR U-VALUE (W/m²K)	0.63
OPAQUE AND SEMI-GLAZED DOOR U-VALUE (W/m²K)	1.0
AIR PERMEABILITY (M³/HM² AT 50 PA)	5

SP3B STORAGE (2.5m³)				SP3B GIA	
NAME	AREA	VOLUME	COMMENTS	FLOOR	AREA
00 - GROUND FLOOR				GROUND FLOOR	56.7 m²
ST	12.2 m²	3.7 m³		FIRST FLOOR	42.2 m²
01 - FIRST FLOOR					98.9 m²
AC	0.9 m²	2.1 m³			
	3.1 m²	5.8 m³			

LOFT STORAGE (16m³)			
NAME	AREA	VOLUME	COMMENTS
01 - FIRST FLOOR			
EAVES STORAGE	9.3 m²	12.3 m³	
EAVES STORAGE	6.1 m²	7.4 m³	GROUND FLOOR STORAGE OVERSIZED TO COMPLY WITH FULL REQUIREMENTS
	15.3 m²	19.7 m³	

- PROPOSED MATERIALS
- OFF WHITE RENDER
 - NATURAL STONE CLADDING OR PANALISED SYSTEM SUCH AS TER
 - TIMBER CLADDING
 - DORMER STRUCTURE - GREY CLADDING
 - GREY PLINTH - ENGINEERING BRICK
 - TILE OR SLATE ROOF
 - WINDOWS AND DOORS - GREY UPVC WINDOWS AND COMPOSITE DOORS



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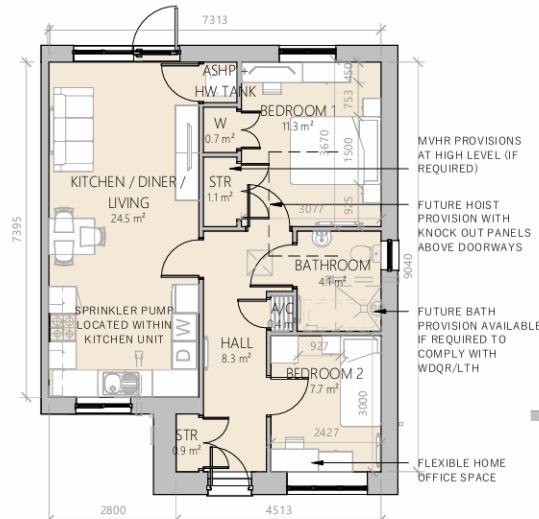
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PROJECT: CAE CAPEL HOUSING DEVELOPMENT
CLIENT: RWE LTD | ADRA

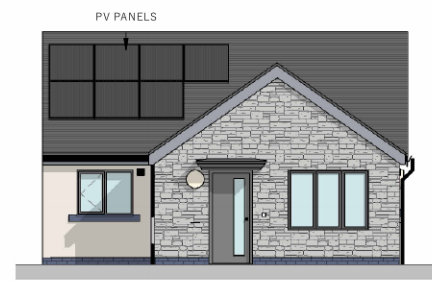
DRAWING TITLE: 5P3B DORMER BUNGALOW PLANS AND ELEVATIONS

DRAWING STATUS	STATUS
FOR COMMENTS	S3
DRAWING No:	PROJECT No:
CCH-SAL-02-ZZ-DR-A-0010	P1154
SCALE	REVISION:
1 : 100 @ A2	P5

PRINTED:	21/06/2024 15:06:12
REV. DESCRIPTION:	DATE BY CHK.
P1 ISSUED FOR PRESENTATION	15/11/2022 SD GJ
P2 PLANNING AND W/UPDATES	29/01/2023 GJ SD
P3 CLIENT COMMENTS INCORPORATED	27/03/2024 WJE GJ
P4 PLANNING UPDATES	27/06/2024 GJ SD



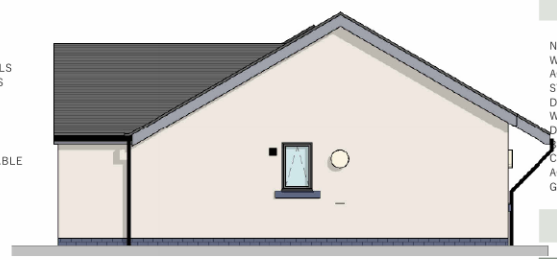
3P2B GROUND FLOOR
SCALE: 1 : 100
PLOT 1, 2, 3, 4



FRONT ELEVATION
SCALE: 1 : 100



REAR ELEVATION
SCALE: 1 : 100



SIDE ELEVATION
SCALE: 1 : 100

3P2B STORAGE (2m ²)			
NAME	AREA	VOLUME	COMMENTS
00 - GROUND FLOOR			
STR	1.1 m ²	2.4 m ³	MVHR AT HIGH LEVEL WITHIN STORE (IF REQ)
A/C	0.4 m ²	0.8 m ³	
STR	0.9 m ²	1.9 m ³	
	2.4 m ²	5.0 m ³	

3P2B GIA	
FLOOR	AREA
GROUND FLOOR	61.5 m ²
	61.5 m ²

ENERGY REQUIREMENTS

NEW HOMES MUST MEET ENERGY AND DECARBONISATION REQUIREMENTS WHICH CONSISTS OF: ACHIEVING EPC A (SAP92 OR GREATER) THROUGH THE MINIMUM FABRIC STANDARD SET OUT IN "APPENDIX E" - ELEMENTAL SPECIFICATION FOR THE DER/TER, WITHIN THE BUILDING REGULATIONS APPROVED DOCUMENT PART L WALES 2020 AND BY NOT USING FOSSIL FUEL FIRED BOILERS TO PROVIDE DOMESTIC HOT WATER AND SPACE HEATING. ALTERNATIVE PROPOSALS WILL BE ACCEPTABLE WHERE IT CAN BE DEMONSTRATED BY INDEPENDENT CERTIFICATION THAT THE BUILDING'S ENERGY DEMAND IS REDUCED IN ACCORDANCE WITH THE ENERGY HIERARCHY FOR PLANNING IN WELSH GOVERNMENT'S PLANNING POLICY WALES.

APPROVED DOCUMENT PART L - APPENDIX E (WALES)

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OPEN AREAS (WINDOWS AND DOORS)	SAME AS ACTUAL DWELLING UP TO A MAXIMUM PROPORTION OF 25% OF TOTAL FLOOR AREA 1
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PARTY WALL U-VALUE (W/m ² K)	0
ROOF U-VALUE (W/m ² K)	0.11
FLOOR U-VALUE (W/m ² K)	0.11
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ROOFLIGHT U-VALUE (W/M ² K)	1.6 (WHOLE WINDOW U-VALUE)
WINDOWS, ROOF WINDOWS, GLAZED ROOFLIGHTS AND GLAZED DOOR G-VALUE	0.63
OPAQUE AND SEMI-GLAZED DOOR U-VALUE (W/m ² K)	1.0
AIR PERMEABILITY (M ³ /H·M ² AT 50 PA)	5

PROPOSED MATERIALS

- OFF WHITE RENDER
- NATURAL STONE CLADDING OR PANALISED SYSTEM SUCH AS TIER
- TIMBER CLADDING
- DORMER STRUCTURE - GREY CLADDING
- GREY PLINTH - ENGINEERING BRICK
- TILE OR SLATE ROOF
- WINDOWS AND DOORS - GREY UPVC WINDOWS AND COMPOSITE DOORS



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PROJECT:
CAE CAPEL HOUSING DEVELOPMENT
CLIENT:
RWE LTD | ADRA

3P2B BUNGALOW PLAN AND ELEVATIONS

PURPOSE OF ISSUE: PLANNING	STATUS: S3
DRAWING No: CCH-SAL-04-ZZ-DR-A-0012	PROJECT No: P1154
SCALE: 1 : 100@A3	REVISION: P4







PLANNING COMMITTEE	DATE: 21/10/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 2

Application Number: C24/0174/25/LL

Date Registered: 11/03/2024

Application Type: Full

Community: Pentir

Ward: Arllechwedd

Proposal: Change of use of ground floor from public house to holiday lets

Location: Vaynol Arms, Pentir, Bangor, Gwynedd, LL57 4EA

Summary of the Recommendation: TO REFUSE

PLANNING COMMITTEE	DATE: 21/10/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

1. Description:

- 1.1. This application is for the conversion of the ground floor of an empty public house into two self-contained holiday units. The building is situated on the square in the centre of the village of Pentir adjacent to a class 2 road which connects to the A4244 approximately 50m to the south.
- 1.2. The building is two-storey and is constructed of rendered stone with a slate roof. The intention in this case is to change the use of the ground floor of the pub into two holiday accommodation units. The applicant has operated the ground floor as a public house and restaurant with residential accommodation on the first floor and, according to the Planning Statement submitted, it is intended to retain this dwelling. The applicant explains that the pub business has become uneconomic to sustain and it is unlikely that the current and anticipated economic climate will enable that business to succeed in the future.
- 1.3. The site is located within the Pentir Cluster as defined by the Anglesey and Gwynedd Joint Local Development Plan. It also lies within a designated Landscape of Outstanding Historic Interest.
- 1.4. The following documents were submitted in support of the application:
 - Supporting Planning Statement including information on the process of marketing the property
 - Supplementary Planning Statement (including Welsh Language Statement)
 - Structural Survey
 - Copy of correspondence providing background to the proposal
 - Business Plan
 - Statement from the former manager of the business
 - Viability Report
- 1.5. This is the third submission of a similar scheme and the other applications were previously refused (Ref. C23/0153/25/LL and C22/0800/25/LL) for reasons of lack of information to justify the loss of a community resource.
- 1.6. The main change with this application is the inclusion of a Viability Report from Dabro & Associates, Licensed and Leisure Property Consultants as a supporting document to the application.
- 1.7. The application is submitted to the Planning Committee at the request of the Local Member for the reasons that allowing the application would result in a loss of an important community resource and create an excess of holiday accommodation provision. In addition, the Head of Planning Department considers it appropriate for the application to be considered by the Planning Committee due to the public interest in the proposed development.

2. Relevant Policies:

- 2.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material considerations indicate 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 7 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 (31 July 2017)

PS 1: The Welsh Language and Culture

ISA 2: Community Facilities

TRA 2: Parking standards

TRA 4: Managing transport impacts

PCYFF 2: Development Criteria

TWR 2: Holiday Accommodation

TAI 6: Housing Clusters

Supplementary Planning Guidance:

Tourist Facilities and Accommodation (2021)

Maintaining and Creating Distinctive and Sustainable Communities (2019)

Change of use of community facilities and services, employment sites and retail units (2021)

2.4 National Policies:

Planning Policy Wales, Edition 12, February 2024.

TAN 6: Planning for sustainable rural communities

TAN 13: Tourism

TAN 20: Planning and the Welsh language

3. Relevant Planning History:

C23/0461/25/LL Change of ground floor use of public house to holiday lets - Refused 05/05/23

C22/0800/25/LL: Change of use of ground floor of public house into two holiday units - Refused 04/01/23

4. Consultations:

Community/Town Council:

"Pentir Community Council objects to the above development.

It is quite obvious that this is the third submission of their original application and, in reality, they have not added anything.

There is no 'new' planning reason of any kind just the owner's desire to deprive this rural community of its only community resource. The upper part of the building has already been converted and let as holiday accommodation and there is evidence that this resource is not very busy. Therefore, how is it expected that having two more units will add to his business.

It was mentioned in our original objection that this historic building has been a community destination for decades while an excess of holiday units already exists either in this rural area or have been granted planning permission not far from this site.

We therefore object on the grounds of excess as well as having a

PLANNING COMMITTEE	DATE: 21/10/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

situation which disturbs the amenities of neighbouring residents".

Transportation Unit: No objection

Welsh Water: Request a condition for the protection of the public sewer and offer guidance for the applicant.

Gwynedd Archaeological Planning Service: The building is of historical interest, and it requires a condition to ensure that a photographic survey of the building is completed before undertaking any physical work.

Public Consultation:

A notice was posted on the site and nearby residents were notified. A number of objections to the proposal were received on the grounds of material planning matters, including:

- The application is contrary to policy ISA 2, as the developer has been unable to show evidence that the use is not financially viable.
- The application lacks a Financial Report with evidence of the financial performance of the business and future projections.
- No adequate attempt has been made to market the public house to discover potential tenants who would be willing to keep it as a public house.
- Information that is part of the application includes the marketing report of the property on behalf of the brewery before the current owner purchased the property - this is not relevant to this application.
- The public house was originally sold by the brewery due to low sales of drinks, this does not take into account the sale of food and other services essential for the viability of a public house.
- When the public house was marketed by the brewery in 2020 (before it was purchased by the current owner), it was advertised as a viable business.
- The business has not had a chance to re-establish itself following Covid.
- The fact that the public house was poorly run in the past is no reason to think that success could not be achieved under different management.
- Keeping the dwelling, which is now an AirBnB, on the first floor by the owners makes it very difficult to get a viable use for the rest of the building.
- The price at which the property was advertised was excessive, especially considering that only the ground floor was available for lease.
- The public house has been a focal point for community activity for some hundreds of years and no similar facility is available locally.
- There is a great need for a centre in the village for community activities.
- The loss of the public house would be a loss of a resource used by tourists as well as local residents.
- Self-catering accommodation would reduce the employment potential on the site.
- Losing the public house would be detrimental to the continuous use of Welsh and reduce the opportunities to use and learn the language in the community.
- A community group has tried to negotiate to lease / purchase the property as a pub/community hub but the owner is unwilling to reach an agreement.
- There is no need for more self-catering holiday accommodation in the area.
- Losing the public house would go against sustainable development principles as it would force people to travel from their local area to use a similar facility.
- Concern about flooding in the area.
- The effects of noise and disturbance from allowing holiday units that will operate without the statutory control found in a public house.

PLANNING COMMITTEE	DATE: 21/10/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

- Hiring the building as a holiday resource would contribute nothing to the culture or Welshness of the village.
- The current owner has not made a real attempt to run a viable pub business.
- The pub used to be a popular resource despite the lack of good relations between the former landlord and many in the community.
- The public house is in an accessible location to a wider community than the village itself and a regular bus service serves the village and it is a good location for bicycle access.
- The evidence submitted shows that the owner's wish to retire was his real reason for closing the pub.
- The fact that some people have objected to extending pub hours in the past should not be seen as a sign of a general lack of support for having a pub business in the community.
- Concerns about the impact on transport.
- Question the content of the Viability Report for reasons such as:
 - the content is very superficial, using British figures instead of local,
 - does not show awareness of the situation in Gwynedd and the local area especially when considering the situation of rural pubs,
 - repeats the owner's comments rather than including evidence in the form of financial reports,
 - lack a detailed assessment of the community group's proposal to run the facility and rule out the option without valid reasons, particularly when considering the success of other such initiatives.
 - suggests that the pub business as it stands is unviable without suggesting any possible improvements to improve its viability.
 - the report looks at the situation only in the short-term while the pub has survived centuries of economic change.

At the time of writing this report, there were 1227 signatories on the on-line petition "Save the Vaynol Arms, Pentir Bangor".

In addition to the above, several comments have been received that are not material planning considerations for this application, including:

- That unauthorised use of the first floor of the property is already taking place as two "AirBnB" units.
- Allege a conflict of interest because the Viability Report was written by a person who worked for the company that sold the property to the current owner.
- Loss of property value nearby.
- Fire safety concerns in the building.

5. Material Planning Considerations:

The principle of the development

5.1 It is a requirement that planning applications be determined in accordance with the adopted development plan, unless other material planning considerations indicate otherwise. The Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case.

5.2 Paragraph 6.1.19 of the Joint LDP recognises public houses as a community facility while Part 2 of policy ISA 2: "Community Facilities" states that the loss or change of use of an existing community facility should be resisted unless:

- i. a suitable replacement facility can be provided by the developer either on or off site, and within easy and convenient access by means other than the car, or*

PLANNING COMMITTEE	DATE: 21/10/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

- ii. it can be demonstrated that the facility is inappropriate or surplus to requirements, or,*
- iii. in the case of a commercially operated facility, there is evidence:*
 - that the current use has ceased to be financially viable, and*
 - that it could not reasonably be expected to become financially viable, and*
 - no other suitable community use can be established, and*
 - there is evidence of genuine attempts to market the facility, which have been unsuccessful.*

- 5.3 The table in part 2.3 of Supplementary Planning Guidance (SPG) 'Change of use of community facilities and services, employment sites and retail units' (2021) elaborates on the relevant requirements in terms of the criteria noted in policy ISA 2 above.
- 5.4 When considering proposals that would lead to changing the use of a facility that is being run commercially, financial evidence must be received to prove that the existing facility is not commercially viable. In order to provide this information, a Financial Report should be submitted which provides an overview of the business' financial position (previous accounts along with future financial projections). The Financial Report must be prepared by a qualified individual/company such as a financial advisor or accountant. In this case, a viability report was submitted by Dabro & Associates, leisure and licensed property consultants and that report will be discussed in the next section.
- 5.5 In order to prove that the facility is inappropriate or surplus to requirements, compelling evidence should be submitted to show that the facility is no longer needed. In a case of commercial use, if the property is empty (as in this case), it should be proven that an unsuccessful attempt has been made to market the property for sale at a reasonable and fair rent or price for a continuous period of 12 months (at least). It must be ensured that the property is marketed appropriately (including targeting the most suitable market, i.e. agents for example who are experts in marketing specific types of facilities), and there will be a need to present evidence with any planning application which indicates the marketing strategy. This includes details on the sale process (for the whole period), information in terms of how much interest has been expressed in the unit and any offers received and why they were not accepted.
- 5.6 It is noted that an email was submitted by G and A Lettings stating an effort to market the property for over 12 months. However, no detailed evidence has been submitted to support this statement. It also appears that they are referring to an attempt to market the property for rent rather than selling the property as a business in its entirety (see exp UK e-mail - Appendix 4 of the Supportive Planning Statement).
- 5.7 It is also noted that an advertisement by the Fleurets Company is included as an appendix to the Supportive Planning Statement but there is no information to indicate when the property was advertised by that company, for what period or what was the response to that advertisement. It is noted that there is no longer an advertisement for the property on Fleurets' website.

Viability Report

- 5.8 A Viability Report was submitted by a specialist company, Dabro & Associates, and it concludes:
- The Vaynol Arms is located in a fairly rural area of North Wales, which means there are few visitors and is very much a "destination" pub.

PLANNING COMMITTEE	DATE: 21/10/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

- The business has not returned a viable profit in its previous trading years, for the Operator (Robinsons), the landlord or tenant.
- The business can reasonably be expected to struggle again given the significant increase in overall costs, low local support, location and reduced customer spend.
- The Consultant believes that it would be very difficult for any operator to 'make the sums work' and in turn this will severely limit the availability of funding/support that would likely be needed to reopen the site.
- The consultant does not deem the closure of the property as a pub as a loss to the local community.
- The comments of the previous tenant suggest there was regularly little support from the local community. Anyone wishing to go to a public house would have the opportunity in other pubs in the area.
- Conversion to an unlicensed hospitality business could bring additional tourists/visitors to the village and thereby be of overall benefit.
- The viability of the community group's Business Plan is highly questionable, it does not show solid research that identifies a demand in the Pentir community to maintain the public house or for any other community-led use.
- It considers that the criteria of policy ISA 2 of the Anglesey and Gwynedd Joint LDP are met as economic and cultural changes have resulted in less trade being available in pubs with the location and features of the Vaynol Arms. The limited trade potential combined with the cost of purchase and any necessary work likely to be done makes the business unviable.
- All the points raised in the report and particularly the recent/current shortfall in turnover and profits, along with the significant increase in costs, suggest that the Vaynol Arms, as a pub and in its current format, is not a viable proposition, and that is unlikely to change in the medium to long-term.

5.9 Looking at the information submitted in the context of the relevant criteria in Policy ISA 2 in turn:

2.i Provide an alternative facility - When stating the Consultant's view that it is not viable to maintain a public house at a location such as Pentir, there is no similar facility and within convenient distance of the village without the use of a motor vehicle to reach it.

2.ii That the facility is inappropriate or excessive - Again, the Consultant's views on the overall viability of rural public houses are acknowledged; however, it is noted that there is a strong view from the local community that the need for such a facility remains.

2.iii Financial viability - In relation to this criterion, Supplementary Planning Guidance "*Change of use of community facilities and services, employment sites and retail units*" requires the submission of a Financial Report with any application that will involve the loss of a commercial community facility. The report should offer an overview of the financial position of the business (previous accounts plus financial projection for the future). Although a Viability Report has been submitted, it is noted that this is largely dependent on the expert's opinion and that no sound financial evidence in the appropriate form has been submitted to support the application.

Alternative Community Use – It is noted that the Viability Report discussed proposals from a community group to maintain a business in the public house, which concluded that such an enterprise would not be viable in this case. Having said this, it does not appear that those conclusions were based on any detailed analysis of a particular business proposal and the community group remains of the opinion that their proposals to run a business from the site are viable and practical.

That there is actual evidence that the facility was unsuccessfully marketed - As noted in 5.6 and 5.7 above, it is not believed that the evidence submitted is sufficient to clearly show how and when the facility was marketed or what was the response to those efforts.

- 5.10 In assessing the information submitted with the application, it is not believed that sufficient evidence has been submitted regarding the financial position of the business or to show that the public house has been advertised appropriately for a continuous period of at least 12 months in accordance with the requirements of the SPG and policy ISA 2.

Holiday Accommodation

- 5.11 Policy TWR 2 allows proposals relating to the provision of self-service holiday accommodation as long as the proposal complies with a series of criteria as contained within the policy, namely:

- “i. In the case of new build accommodation, that the development is located within a development boundary, or makes use of a suitable previously developed site;*
- ii. that the proposed development is of appropriate scale considering the site, location and/or settlement in question;*
- iii. That the proposal will not result in a loss of permanent housing stock;*
- iv. That the development is not located in a mainly residential area, or does not cause substantial harm to the residential character of the area;*
- v. That the development does not lead to an over-concentration of such accommodation within the area.”*

- 5.12 The site is located in Pentir which has been identified as a Cluster in policy TAI 6 of the Joint LDP. Although policy TAI 6 (Housing in clusters), is not directly relevant to the application in question, paragraph 6.4.31 in the 'Clarification' text of the policy highlights the social character and highly sensitive environment of clusters. Criterion iv. of Policy TWR 2 aims to protect the residential character of an area and considering that this development will involve the loss of an important community resource, and replacing it with the creation of an entirely different private facility in nature, it is inevitable that there will be damage to the residential character of the area from this development.

- 5.13 It is also noted that the application relates only to the ground floor of the property. From a planning point of view, a public house is one single planning unit. In this case, the planning unit includes the bar/restaurant and associated facilities downstairs, the manager's accommodation upstairs and the outside area. The upstairs accommodation is part of the lawful business use of the property and cannot be separated from the rest of the unit without planning permission. As such, if the upstairs floor is to be used as permanent residential accommodation in its own right, then planning permission would be required and any application would need to be assessed in accordance with policy TAI 6 of the LDP. Similarly, planning permission is required to use the first floor as a holiday unit.

Excess

- 5.14 It is also important to be mindful of the compliance of the proposal with criterion 'v' of Policy TWR 2 which states that:

“v. The development does not lead to an excess of such accommodation within the area.”

- 5.15 In considering criterion v, it should be ensured that a Business Plan is submitted as part of the application in order to include the necessary information in terms of the vision for the proposal

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and to ensure that there is a market for this type of use (paragraph 6.3.67 of the Joint LDP). In addition, the existing provision of holiday accommodation within the local area should be taken into account.

5.16 The business plan submitted with the application refers to a business consisting of three holiday units, with the first floor of the building being converted into a holiday let unit for up to 12 people. That is not part of the application in question and, therefore, it is not believed that consideration can be given to that document as part of this application as it considers an entirely different development from the one in question.

5.17 Furthermore, Supplementary Planning Guidance: Tourist Facilities and Accommodation (March 2021) states that a high number of holiday accommodation or a concentration of holiday accommodation in a specific area can have a detrimental impact on the social fabric of those communities. Section 4.6 of the guidance seeks to define excess and paragraph 4.6.5 states:

"In assessing whether or not there is an over-provision of holiday accommodation, the following should be considered:-

- *Is there a constant spread of holiday accommodation across an area - There is provision of holiday accommodation that is consistently distributed across an area as a means of ensuring that it does not result in pockets of empty properties during the winter and ensures that excess pressure is not placed on local services and infrastructure at the peak of the season;*
- *Sociocultural impact - If holiday accommodation permeates into a traditionally residential area it can lead to a change in people's values and behaviour, and consequently, lead to them losing their cultural identity.*
- *Impact on the amenities of local residents, e.g. complaints regarding noise, disturbance, increase in traffic etc.*
- *Lack of community facilities and services - Local businesses providing for the needs of visitors more than the needs of local residents and only opening on a seasonal basis.*
- *Pressure on local infrastructure - The capability and capacity of local infrastructure to cope at the peak of the season.*
- *Quantity of holiday accommodation - Favourable consideration will not be given to applications for self-serviced holiday accommodation when the existing combination of holiday accommodation and second homes within the Community/Town/City Council area is higher than 15%. Council Tax information should be used as the information source to find this information. There may be exceptions, where it is considered that there is a high level (more than 15%) of holiday accommodation in a specific settlement/area within a Community/Town/City Council area. In such circumstances, consideration may need to be given to provision beyond the Community/Town/City Council level."*

5.18 In accordance with Council Tax figures (October 2021), the combined total of second homes and holiday accommodation in the Pentir Community Council area is **2.61%**, bearing this in mind, it is considered that the proposal is in accordance with this element of the relevant SPG.

The Welsh Language

5.19 The Supplementary Planning Guidance (SPG) 'Maintaining and Creating Distinctive and Sustainable Communities' (adopted July 2019), provides further guidance on how it is expected for Welsh language considerations to be incorporated in each relevant development. The proposal does not reach the thresholds to submit a Welsh Language Statement or a Report on a Welsh Language Impact Assessment; however, the guidance included within Appendix 5 notes that

every retail, commercial or industrial development where there is no need to submit a Welsh Language Impact Statement/Assessment should show how consideration has been given to the language.

- 5.20 It is noted that consideration for the Welsh language has been submitted as part of a Supporting Planning Statement which states the development will benefit the local economy and thereby help retain Welsh speakers in the area. It also commits the applicant to measures such as developing a Welsh Language Policy and to ordering goods and services locally. It is believed that the information submitted is acceptable under the requirements of policy PS1 and the relevant SPG.

Transport and access matters

- 5.21 The Transportation Unit did not raise any objection to the proposal and when considering the authorised use of the building as a public house, it is not believed that this development is likely to cause substantially greater difficulties than the authorised situation. Therefore, it is believed that the proposal is acceptable under policies TRA 2 and TRA 4 of the LDP that relate to ensuring that developments meet the Council's parking standards and that there would be no harm to highway safety.

General and residential amenities

- 5.22 Generally, policy PCYFF 2 of the Joint Local Development Plan approves proposals for new developments as long as they do not have a detrimental impact on the health, safety or amenities of the occupiers of local properties or on the area in general.
- 5.23 In considering the development as submitted in the planning application, and ignoring potential impacts on any intended residential use of the first-floor of the building, given the distance between the buildings in the area and the orientation of those buildings, it is not believed that there would be no significant additional overlooking nearby and there would be no harm caused to the privacy of any nearby property from the development.
- 5.24 In terms of noise impacts and general disturbance, when considering the nature of the existing lawful use of the site, such as a public house, it is not believed that it would be likely for the proposed use to cause worse significant harm to the amenities of neighbours. It is accepted that public house use is squeezed to shorter hours during the day compared with holiday accommodation use, however, only a restricted number of residents would be in the units and it is likely that their general impact would be much less than what could happen as a result of the property's lawful use.
- 5.25 Having said the above, should the top floor of the property be retained as a separate living unit from the business, having two holiday units within the same building, with five bedrooms and communal rooms such as two dining rooms / kitchen, an "entertainment" room and two living rooms, may have a detrimental effect on the overall residential amenities of the first-floor unit. This may be acceptable if the first floor was retained as accommodation for the holiday unit manager, however due to the uncertainty surrounding the use of the first floor it is not possible to fully assess this at this time.

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Green Infrastructure

5.26 Chapter 6 of Planning Policy Wales (PPW), deals with green infrastructure, net benefit to biodiversity, the protection afforded to Sites of Special Scientific Interest and trees and woodlands. However, no Green Infrastructure Statement was submitted with the application, considering there is no proposal for external changes to the building it is highly unlikely that there would be any harm to biodiversity from this development. If the development was acceptable in its entirety, it is believed that conditions could be imposed on any planning application to ensure biodiversity improvements in accordance with PPW requirements. In doing this, the application would also be acceptable under policy PS 19 of the LDP.

6. Conclusions:

6.1 When considering the above assessment, specifically the lack of clear evidence that the business was not financially viable when it closed (and prior to that), and that it cannot be sold / let as a facility that could be financially viable in the future, it is not believed that sufficient information has been submitted with the application to justify the loss of an important community facility that would happen if this public house is lost permanently. After giving full consideration to all material planning matters, therefore, the Local Planning Authority has no option but to refuse the application based on the lack of information about the matters highlighted in the assessment.

7. Recommendation: To Refuse

The Local Planning Authority is not persuaded that the evidence submitted with the application is sufficient to demonstrate that it is not possible to continue with a community use of this building. The application is therefore contrary to Policy ISA 2 of the Anglesey and Gwynedd Joint Local Development Plan 2011-2026 as it relates to the protection of community facilities.



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Number: 3

Application Number: C24/0640/42/LL

Date Registered: 09/08/2024

Application Type: Full

Community: Nefyn

Ward: Morfa Nefyn and Tudweiliog

Proposal: Full application to construct a 3-bedroom, two-storey residential property (C3 use) as well as the creation of a new vehicular access

Location: Glascoed, Lôn Cae Glas, Edern, Pwllheli, Gwynedd, LL53 8YT

Summary of the Recommendation: Approve with conditions

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1. Description:

1.1 This is a full application to erect a two-storey residential property within a section of garden in an existing property in the village of Edern. The proposed house would be a two-storey dormer property with living rooms on the first floor and the bedrooms and a bathroom on the ground floor. Specifically, it would provide the following:

- Ground floor: 3 bedrooms (1 en-suite), bathroom, toilet, utility room
- First floor: Kitchen, living room, lounge/snug

1.2 An opening will lead out of the first-floor kitchen to an exterior balcony that would be located on an elevation facing outwards over the proposed parking site with a high-level opaque glass handrail on the south-western side of the balcony. The house would include slate ridge roofs with the finish of the exterior walls in a combination of render, stone, and cedar / larch timber boards. The house would measure 10.5m by 12.3m at the most, with a height of approximately 6.3m. As part of the application, it is intended to create a new vehicular and pedestrian access and there would be room to park two cars within the site. It is intended to create a new soil *clawdd* on the boundary with Glascoed and to plant native plants along it.

1.3 The site is located within the development boundary of Edern as shown in the Anglesey and Gwynedd Joint Local Development Plan. The site is also within the Western Llŷn Special Landscape Area and the Llŷn and Enlli Landscape of Outstanding Historic Interest. An unclassified public road runs along the northern boundary of the site and residential houses of various sizes and form are located nearby.

1.4 The application is submitted to committee for a decision at the request of the local member who expresses his objection to the proposal on the grounds of overdevelopment, not in keeping, the house is too large/prominent on the end of a small and neat housing terrace, objection to a side and rear balcony, and unsuitable access to Lôn Cae Glas, which is an exceptionally narrow and dangerous road.

2. Relevant Policies:

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material considerations indicate 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 7 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 2011-26, adopted 31 July 2017**

PS 1: The Welsh Language and Culture

TRA 2: Parking Standards

TRA 4: Managing transport impacts

PS5: Sustainable development
 PCYFF 1: Development boundaries
 PCYFF 2: Development criteria.
 PCYFF 3: Design and place shaping
 PS 16: Housing provision
 PS 17: Settlement strategy
 TAI 4: Housing in local, rural and coastal villages
 PS 19: Conserving and/or enhancing the natural environment
 AMG 2: Special landscape areas
 AMG 5: Local biodiversity conservation
 PS 20: Protecting and where appropriate enhancing heritage assets
 AT 1: Conservation Areas, World Heritage Sites and Landscapes, Registered Historic Parks and Gardens

2.4 National Policies:

Future Wales: The National Plan 2040
 Planning Policy Wales (Edition 12 - February 2024)
 Technical Advice Note 12 - Design

3. Relevant Planning History:

- 3.1 Application 3/4/1828 - Outline application for the erection of a bungalow - Refused 04/12/68.
- 3.2 Application 95/00306/OUT22 – Outline application to erect a dwelling – Refused 29/11/95.
- 3.3 Application C18/0507/42/LL – Construction of new house – Approved 14/01/19

4. Consultations:

Community/Town Council:	Refuse - overdevelopment; is not in keeping with the area and the new access is unsuitable for the narrow road, i.e., Lôn Cae Glas.
Transportation Unit:	The applicant is requested to provide a detailed plan for the proposed access point. No responses to this comment had been received from the agent at the time of writing this report.
Welsh Water:	Standard advice and response in relation to drainage matters.
Public Protection Unit:	The Service has considered the above planning application; it was noted that the development is very close to houses. The Service does not object, however, it is recommended that the following conditions are imposed on any consent given:- Restrict construction working hours; the applicant must use best practice methods to reduce noise and vibration from the development and consider the recommendations of 'BS5228: Control of Noise and Vibration on Construction and Open Sites'; no materials should be burnt on the site at any time.

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Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period expired and letters / correspondence were received objecting on the following grounds:

- The access from Lôn Cae Glas would be incredibly dangerous; the road is continuously used by the HGVs of a local engineering company, as well as many tractors; it can also be seen that there are caravans nearby therefore holiday traffic is constant.
- The house would affect the privacy of an adjacent house due to overlooking into a rear patio area, which is a private area.

In addition to the above objections, an objection was submitted that was not a valid planning objection, which included:

- The applicant does not live in the existing house; he lives and works in London and Glascoed is let as a holiday unit.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The site is located within the development boundary of Edern, policy PCYFF 1 states that developments will be approved within Development boundaries in accordance with the other policies of the LDP. The site forms part of a residential garden, therefore, it is believed that it is previously developed land and that the principle of the proposal is fully acceptable based on the sustainable development requirements and thus, the relevant criteria of policy PS 1. The village of Edern has been identified as a Coastal/Rural Village in the LDP and, therefore, the proposal must be considered in accordance with the requirements of policy TAI 4 ('Houses in Local, Rural and Coastal Villages'). The indicative level of housing supply to Edern over the Plan period is 12 units. During the period 2011 to 2022, a total of 3 units have been completed in Edern. The windfall land bank, i.e., sites with extant planning permission on sites not allocated for housing, in April 2024, was 4 units. Based on this information, approving a development at this scale would be completely acceptable on the grounds of the indicative growth level for the Village.
- 5.2 Policy TAI 4 supports proposals for open market housing in the villages if there is compliance with the criteria in the policy. The two criteria in the policy note that the size, scale, type and design of the development must be balanced with the character of the settlement and that the site is located within the development boundary of the settlement. As noted previously, the site is located within the development boundary of the village and therefore the proposal is in line with these criteria. The proposal will be assessed in more detail in the rest of this report in terms of the size, scale, type and design of the proposal. However, in principle, the proposal is acceptable in relation to Policy TAI 4 of the LDP. As 1 house is proposed, it does not meet the threshold of requiring an affordable house contribution.
- 5.3 It is noted here that the description of the application refers to the use of the proposed dwelling as permanent residential use within use class C3. This means that it is possible to control, through a condition, the use to ensure that this will be permanent residential use and not holiday use or second home use, which are uses defined in separate use classes, i.e., C5 and C6. Considering the local demand for housing, it is believed that providing a permanent home for a family would make a positive contribution to this demand.

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Language Matters

- 5.4 In accordance with the Planning (Wales) Act 2015, it is a duty when determining a planning application to consider the Welsh language, where it is relevant to that application. This is further reiterated in para. 3.28 of Planning Policy Wales (Edition 11, 2021), and Technical Advice Note 20. The Supplementary Planning Guidance (SPG) 'Maintaining and Creating Distinctive and Sustainable Communities' (adopted July 2019), provides further guidance on how it is expected for Welsh language considerations to be incorporated in each relevant development.
- 5.5 It is noted that there are some specific types of development where it will be required for the proposal to submit a Welsh Language Statement or a Welsh Language Impact Assessment. The thresholds in terms of when it is expected to submit a Statement/Report have been highlighted in Policy PS1 of the Joint LDP, along with Diagram 5 of the SPG. In terms of the type of developments in question, the following is noted: The proposal does not reach the thresholds for submitting a Welsh Language Statement or a Report on a Welsh Language Impact Assessment. However, Appendix 5 of the SPG notes that every housing, retail, commercial or industrial development where there is no need to submit a Welsh Language Impact Statement/Assessment should show how consideration has been given to the language.
- 5.6 As this development, accumulatively, would not provide more than the complete indicative housing provision for the village of Edern, no Welsh language statement is needed with the application. It is not considered that the proposed development is likely to have a detrimental impact on the Language because of the proposal and by imposing a condition to secure a Welsh name for the settlement, it is considered that they comply with the requirements of policy PS1 in relation to that.

Visual amenities

- 5.7 The proposal involves erecting a new residential house in a residential area of the village. The house would be a dormer type and would be finished with a slate ridge roof and walls in a combination of stone, render and cedar / larch timber boards. It is also intended to create a new access to the site with parking provision to the side of the house. In terms of materials, it is considered that slate, render, timber boards and stone would be suitable for the location and in-keeping with the local construction materials. In terms of the balcony, it must be acknowledged that there are similar features such as balconies on other houses in the broader area which vary in terms of their size and appearance and it is not believed that this proposal would be significantly different, if at all, to the types of developments already approved in the locality.
- 5.8 The building in terms of its size, design, layout and location is unchanged from what was deemed reasonable with the previous application. It is believed that the situation is unchanged from what was previously considered and therefore it is believed that the proposal continues to be suitable for the site and that it would not cause an overdevelopment of the site. The proposal would be located near other houses, and it is not considered that it would stand out prominently in the landscape. It can be seen that nearby houses vary in terms of their size and design, although there are relatively large detached two-storey houses nearby, particularly to the north of the site, and it is believed that this variety is common through the village. Therefore, it is considered that the proposal is acceptable and that it would not have a detrimental impact on the visual amenities of the area or character of the Special Landscape Area. The proposal is considered acceptable in terms of Policies PCYFF 3 and AMG 2 of the LDP.
- 5.9 The site lies within the Llŷn and Enlli Landscape of Outstanding Historic Interest. The proposal relates to the construction of one dwelling house on the site and in terms of its location and size, it is considered that the impact of the proposal would be local and that it would not have a broader

impact on the historic landscape. Therefore, it is considered that the proposal is acceptable in terms of Policy AT 1 of the LDP.

General and residential amenities

- 5.10 Dwellings have been located in the vicinity of the application with associated gardens to the west and south-west of the site. No first-floor window is located on the south-west side of the property that would face the nearby gardens. There is a balcony on this side but it is intended to install a 1.8m high opaque screen on the south-western side of the balcony. It is considered that this would remove any likely overlooking to nearby gardens. The main windows of the property will look towards the north-west and east and those windows would not affect any nearby houses. The windows that would face the garden of the Glascoed property itself would be ground floor windows and would be noted on the plans as ones with opaque glass. A *clawdd* would be erected on the boundary with Glascoed and therefore as ground floor windows are proposed, it is not considered that these would have to be opaque as it is not considered that they would cause overlooking. Therefore, it is not considered that a condition is required to ensure that these are opaque glass in the future. However, it is likely that some of them would include opaque glass in any case, since they are for a bathroom, toilet and en-suite. Therefore, it is not considered that the proposal would cause wholly unacceptable harm to the local neighbourhood on the grounds of overlooking or loss of privacy.
- 5.11 It is accepted that erecting a house in this location is likely to change the current situation on the site somewhat, but it can be seen that there is a relatively intensive residential area here already and it is not believed that adding one house would be an unacceptable change in the situation. Steps have been taken in terms of the layout and design of the building to reduce the impact and it can be seen that opaque glass is to be used as appropriate to protect against any potential for harmful impact. Therefore, it is not considered that the proposal would cause significant harm to the amenities of the local community, and that it is acceptable in respect of Policy PCYFF 2 of the LDP.

Transport and access matters

- 5.12 The proposal involves creating a new vehicular access and parking and turning provision within the site. It is acknowledged that the public highway is narrow and winding in places but that in itself does not mean that it cannot be driven along and considering that the site is within the village's 20mph zone, the creation of a new access should not create obvious barriers in terms of its impact on road safety.
- 5.13 Nevertheless, objections to the proposal were received on the grounds of road safety. The Transportation Unit was consulted regarding the proposal and they have no concerns regarding the proposal but ask for more information on technical elements relating to creating the access. It is hoped that these details will be submitted before the application is determined and that the response of the Transportation Unit has been received. However, it is believed if this cannot be done, imposing a condition to agree on details is completely acceptable in a case like this and no development will be commenced until written confirmation of those details are received. It is intended to include conditions regarding the access and to ensure that the parking spaces are operational before the property is occupied. As a result, it is not considered that the proposal would disrupt road safety and that it is acceptable in terms of Policies TRA 2 and TRA 4 of the LDP.
- 5.14 For information, the previous application was not objected to on the grounds of transport either and considering that the layout of the proposal is the same, the size of the property is unchanged and there is no change to the access and parking provision, it is not believed that the situation has

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changed so that it is now unacceptable. Indeed, since designating the 20mph area as seen here, it is likely that road safety has improved from what it used to be.

Biodiversity matters

- 5.15 As a result to the development of the site, there would be losses to parts of the *clawdd* and existing growth with the road in order to create a new access. Therefore, in the case of the previous application, it is considered that the plan to create a new *clawdd* and hedge planting appears to match what is lost as a result of the development. It is intended to impose a condition to ensure that any hedges and growth would be cut during the bird nesting season (March to August).
- 5.16 In accordance with recent legislative changes to Planning Policy Wales (PPW) and the need to introduce a Green Infrastructure Statement, a statement has been submitted and for the purpose of satisfying PPW in terms of this particular aspect, it is believed that this has been done in this case by confirming that bird and bat boxes would be erected on the new house. Therefore, it is believed that the proposal is acceptable on the grounds of policy AMG 5 as well as an update to chapter 6 of Planning Policy Wales relating to the green infrastructure and the phased approach.

Relevant planning history

- 5.17 As noted in the report, a previous Planning application has been approved for the same as the current proposal. Some objections were received to it at the time; however, it was assessed as an acceptable proposal and thus, it was approved. It can be seen that this consent only expired at the beginning of this year, therefore it is not believed that a lengthy period of time has elapsed so that the situation has changed, not only on the site itself, but essentially, in policy terms. The same policies as existing were used to consider the previous application and as the situation is unchanged, it is not possible to consider an unchanged application to be unacceptable in policy terms.
- 5.18 An objection was received from the previous local member, but there was no objection to the proposal from the Community Council at the time and the proposal was not objected to by any statutory consultee.

Response to the public consultation

- 5.19 It is acknowledged that objections have been received to this proposal during the consultation period and it is considered that all relevant planning matters have been given due attention as part of the above assessment. A decision is made based on a full consideration of all the material planning considerations and all the comments received during the public consultation and that no one was let down when considering this application.

6. Conclusions:

- 6.1 Having considered the above and all the relevant planning matters including the local and national policies and guidance, as well as all the observations and objections received, it is believed that the proposal is acceptable and thus satisfies the requirements of the relevant policies as noted above.

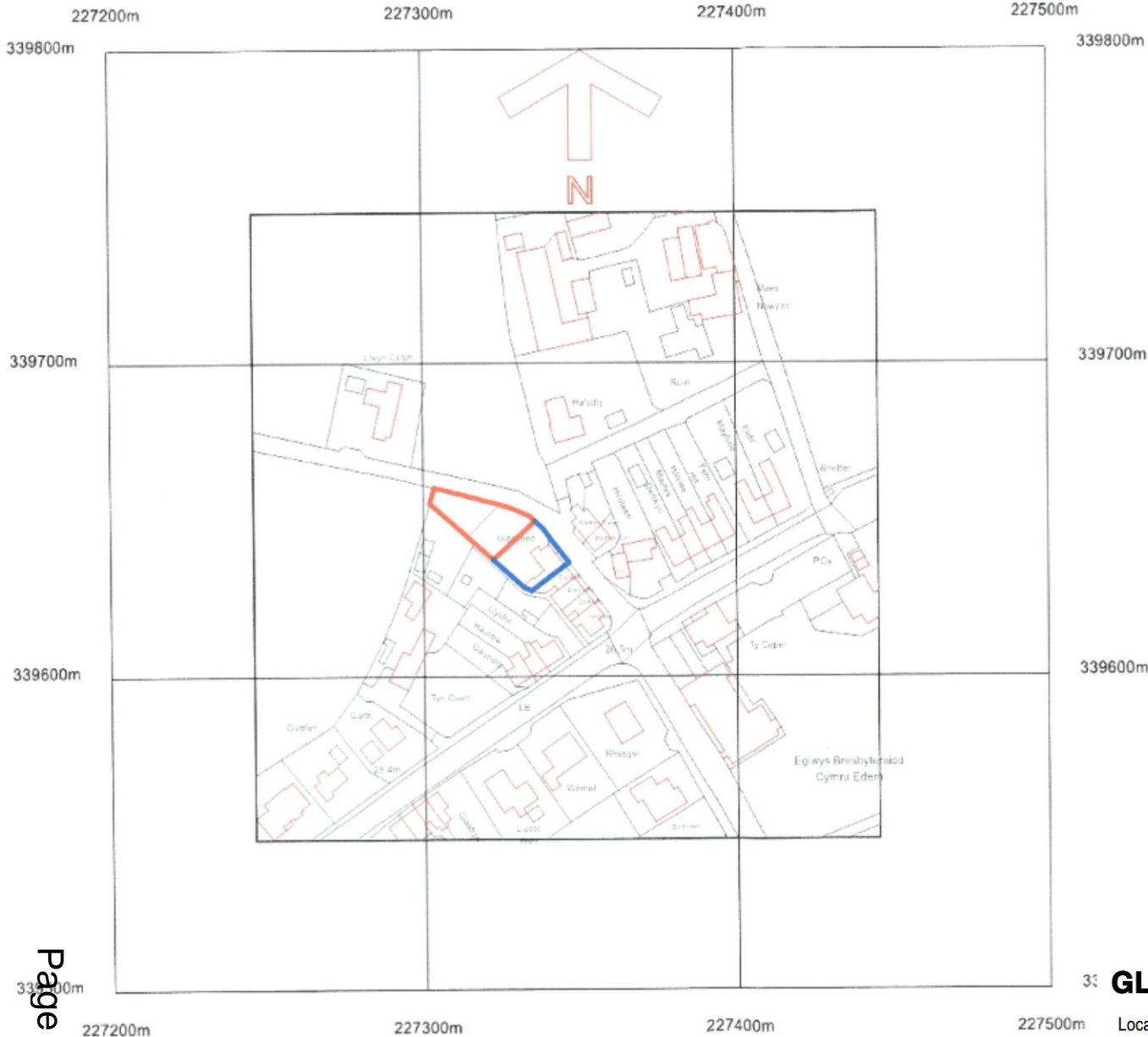
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7. Recommendation:

7.1 To delegate powers to the Senior Planning Manager to approve the application, subject to:

Conditions

1. Time
2. Compliance with plans
3. Exterior materials/finishes
4. There is a need to ensure that a 1.8 metre high opaque glass screen is installed on the south-western side of the balcony at all times
5. Boundary wall near the access no higher than 1 metre
6. Parking and turning spaces to be operational in accordance with the plan before the property is occupied for the first time
7. No tree or vegetation clearing between 1 March and 31 August
8. Erection of the soil *clawdd* before the property is occupied for the first time
9. Agree on a landscape plan
10. Implement the landscaping plan
11. To restrict the occupancy of the property to a permanent residence
12. Withdrawal of PD rights
13. Green Infrastructure Statement
14. Agree on a building management plan
15. Welsh Name



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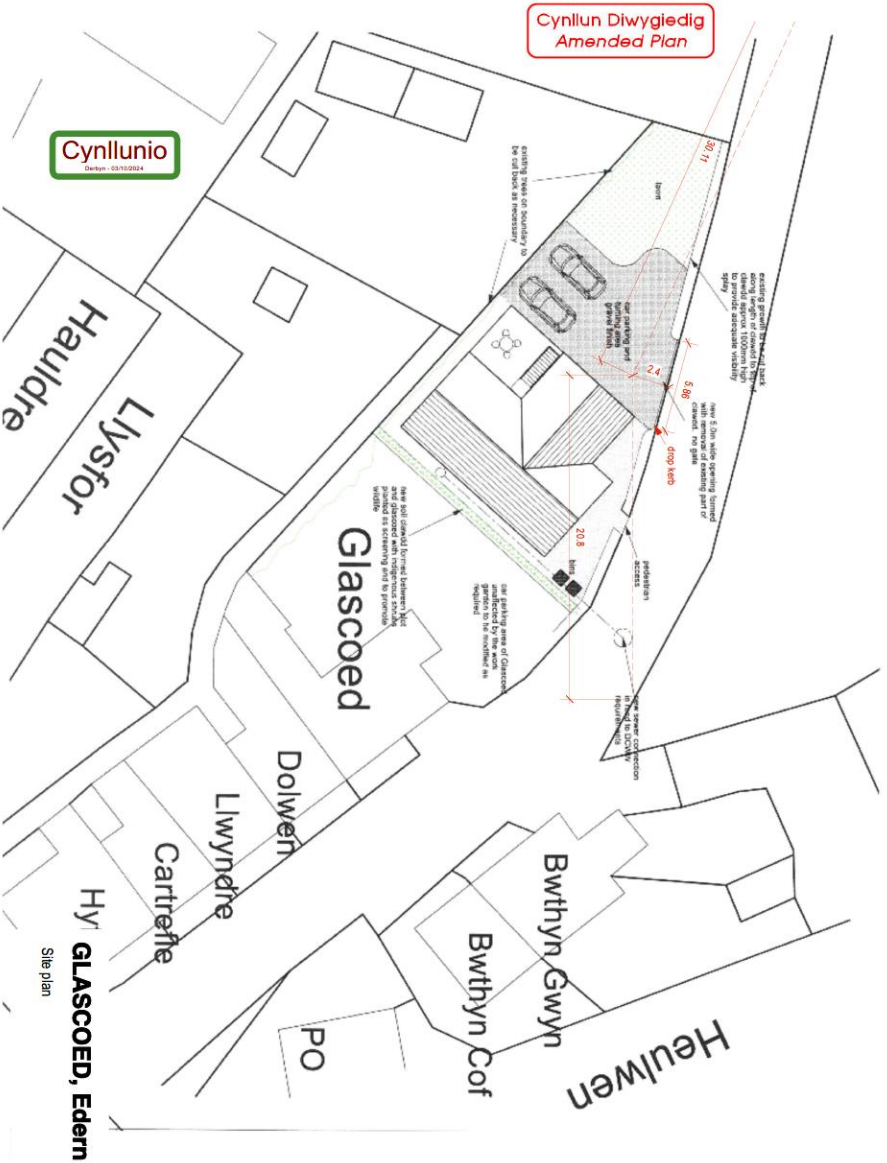
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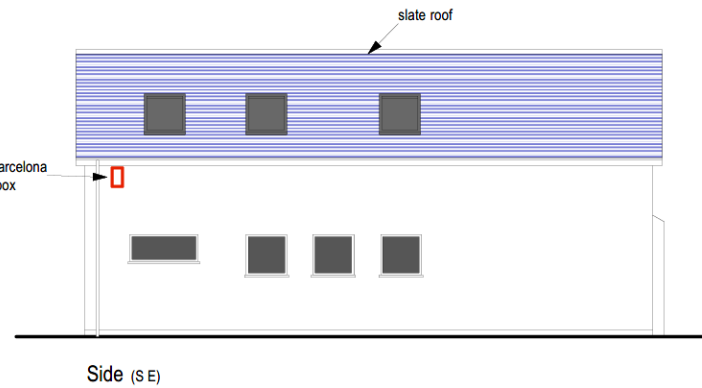
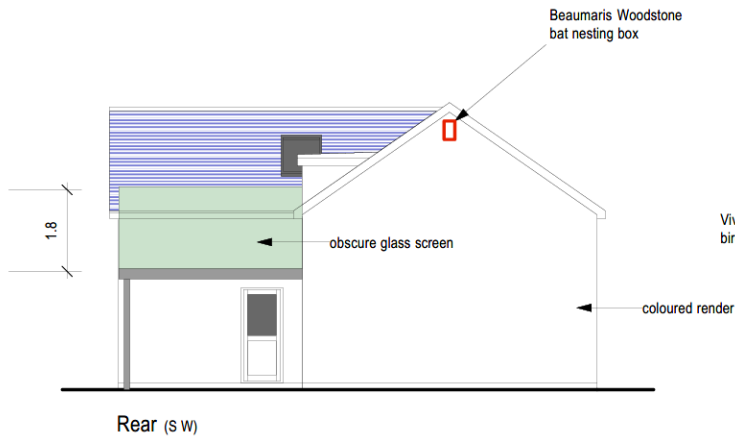
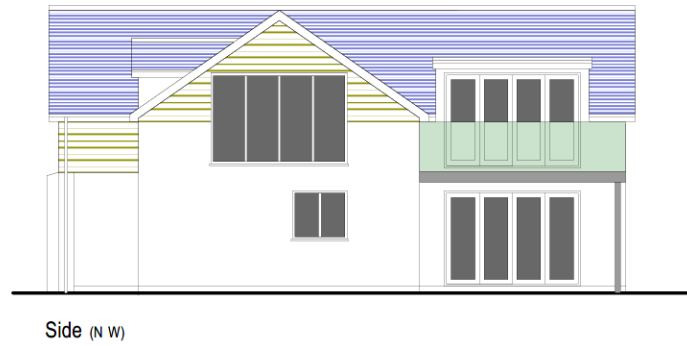
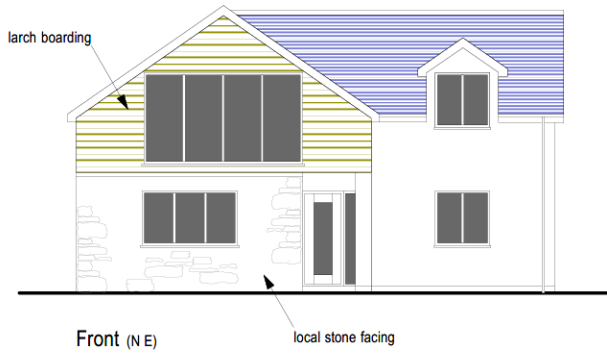
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GLASCOED, Edern

Location plan



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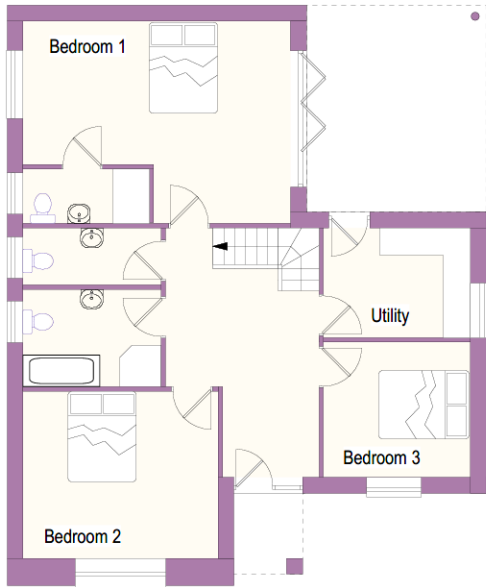
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Elevations

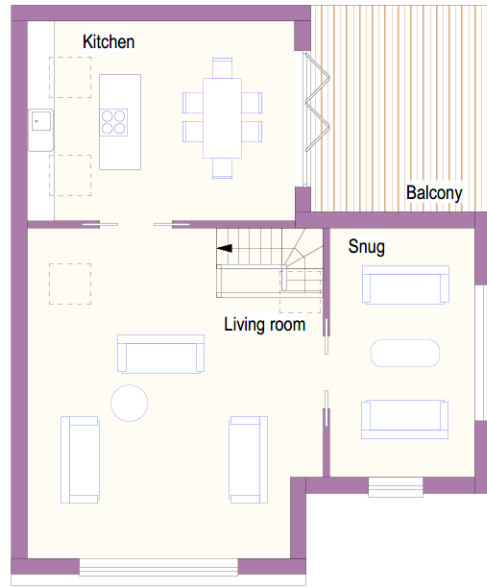
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Ground floor



First floor

GLASCOED, Edern

Floor plans

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