

PLANNING COMMITTEE	DATE: 26/02/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	DOLGELLAU

**Number: 3**

**Application Number:** C17/1269/25/LL

**Date Registered:** 22/12/2017

**Application Type:** Full - Planning

**Community:** Pentir

**Ward:** Pentir

**Proposal:** Demolition of existing buildings and erection of eight affordable dwellings and creation of parking spaces

**Location:** Houses at Tai'r Efail, Penrhos Road, Bangor, Gwynedd

**Summary of the Recommendation:** TO APPROVE SUBJECT TO COMPLETING A SECTION 106 AGREEMENT AND RELEVANT CONDITIONS.

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## 1. Description:

1.1 This is a full application to construct eight affordable houses which are to be developed by the applicant and then transferred to a registered social landlord. The information received with the application states that Cartrefi Cymunedol Gwynedd would operate the site. The site is a former joiner/builder's workshop site. The application can be split into different elements which include:-

- Erection of four one-bedroom residential units in the form of semi-detached houses in the front of the site and adjacent to the class III county road (Penrhos Road). This element of the development will involve demolishing the existing single-storey building.
- Erection of four three-bedroom residential units in the form a terrace to the rear of the site. This element of the development will involve demolishing a number of existing buildings/workshops within the curtilage of the application site.
- Creation of parking spaces for 11 vehicles along with turning spaces within the site.
- Provision of rubbish and bicycle storage areas.
- Landscaping around and within the site.
- Improvements and upgrading of the surface of the footpath/public right of way (Number 11 Pentir) that runs along the northern boundary of the site by widening it and creating a pavement.
- Erection of a 1.8m high privacy fence above a 600mm wall along the eastern boundary of the site behind and to the side of the four houses in the form of a terrace.

1.2 As part of the application the following information was submitted:-

- Planning Statement
- Community and Linguistic Statement
- Birds and Bats Surveys
- A Housing Needs Statement prepared by CCG.

1.3 The height of the two-storey houses will vary from 8m in respect of the terraced houses to the rear, to 8.3m in respect of the semi-detached dwellings in the front of the site. The roofs will be covered in natural slate, the walls will be of clean brickwork/coloured render/horizontal slate and natural stone to the plinth, along with dark grey coloured UPV-c openings.

1.4 The site is located on relatively level land with the land rising approximately 1m. Until recently, the land has been used for mixed purposes for a funeral director business and as a joiner/builder's workshop Use Class B1/B2 and B8. The site is located within the development boundary as contained in the Gwynedd and Anglesey Joint Local Development Plan (LDP) and it is not allocated or protected for any specific use. The site can also be defined as a *previously developed site*.

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- 1.5 There is a public right of way to the north of the site ( Public Footpath Number 11 Pentir ) along with the garden of the dwelling known as Edli, the rear gardens of Ffordd Cynon residences are located to the east, Ffordd Cynan residences are located to the south and residential dwellings, including the Tai'r Efail terrace are located to the west.
- 1.6 The site measures approximately 0.17ha with the interior floor surface area of the one-bedroom units to the front of the site measuring 51.7m<sup>2</sup> (excluding the communal stairwell) with the three-bedroom units to the rear of the site measuring 98m<sup>2</sup>. The units have been designed and provided in order to respond and comply with the Welsh Government document - Wales Development Quality Requirements Booklet. The development is included within the programme to receive a Social Housing Grant from Welsh Government.
- 1.7 The existing access serving the site will be improved by widening it and locating the new one-bedroom units back from the county road carriageway in order to improve visibility in both directions. It is also intended, as part of the application, to upgrade the surface of the existing public right of way to the Council's adopted standards, including the provision of a purpose-built footpath. Although this is not a part of the planning application, it is intended to extend the existing lay-by in front of the site to create additional parking spaces for the public.

## **2. Relevant Policies:**

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 2.3 **Gwynedd and Anglesey Joint Local Development Plan 2011-2026 adopted 31 July 2017:-**

Policy ISA1 - infrastructure provision

Policy ISA5 - provision of open spaces in new housing developments

Policy PS1 - The Welsh Language and Culture

Policy TRA2 - parking standards.

Policy TRA4 - managing transport impacts.

Policy AMG5 - local biodiversity conservation.

Policy PS5 - sustainable development

Policy PCYFF1 – development boundaries.

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Policy PCYFF2 - development criteria.

Policy PCYFF3 - design and place shaping.

Policy PCYFF4 - Design and Landscaping.

Policy TAI1 - housing in the Sub-regional Centre (Bangor) and the Urban Service Centres

Policy TAI8 - appropriate mix of housing.

Policy TAI15 - threshold of affordable housing and their distribution.

Supplementary Planning Guidance (SPG): Planning and the Welsh Language.

SPG: Planning Obligations.

SPG: Affordable Housing.

SPG: Housing Developments and Educational Provision.

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

Planning Policy Wales, Edition 9, (2016).

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006).

TAN: Design (2016).

TAN 18: Transport (2007).

TAN 20: Planning and the Welsh Language (2013).

TAN22: Sustainable Buildings (2010).

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

3.1 Application number C16/0709/25/AM - outline permission granted in October, 2016 for the demolition of existing buildings and the erection of three one-and-a-half storey houses in their place.

3.2 Pre-application enquiry number Y17/000277 - residential development. The Local Planning Authority (LPA) responded by noting:- (i) that the site is within the development boundary and that the proposal is acceptable in principle; (ii) the site is an acceptable size to accommodate three dwellings; (iii) difficult to express an opinion on the design and the impact on residential amenities as no details of the dwellings have been received; and (iv) recommend that the plots to the rear of the site are single-storey in order to protect the residential amenities of nearby residents.

3.3 Pre-application enquiry number Y17/001786 - demolition of existing buildings and erection of nine affordable houses. The LPA responded by stating:- (i) the proposal is acceptable based on housing policy as it provides 100% affordable housing; (ii) that nine houses is an over-development of the site and it would be likely to disrupt the residential amenities of local residents; (iii) concern by the Transportation Unit on the

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grounds of over-development and a lack of sufficient parking and turning spaces; (iv) planning history material to any planning enquiry/application that states that three dwellings are acceptable on this site.

- 3.4 As a result of the LPA's concerns and following a site visit, amended plans were submitted reducing the density of the proposed development and a response was received stating:- (i) the density of eight houses, the layout of the houses and their design was acceptable; (ii) that the Transportation Unit was satisfied with the parking/turning provision along with improvements to the access, subject to the inclusion of relevant conditions and (iii) any planning application would be the subject of a statutory consultation process with any observations being considered when dealing with the application itself.

#### 4. Consultations:

Community/Town Council: No objection; however, it was noted that a section of the site included a public footpath which connected to the Redrow site.

Transportation Unit: No objection and the parking provision is in accordance with the CCS Wales parking standards requirements and the estate road has been designed in accordance with the Council's estate road design guidelines. Recommend imposing relevant conditions should this application be approved.

Natural Resources Wales: No response.

Welsh Water: Condition regarding the disposal of foul water only from the site into the public system.

Public Protection Unit: No response.

Housing Strategic Unit:

- The information included in the planning application (sources - Tai Teg and the Council's Common Housing Register) reflects the need for these types of houses in the area.
- A Housing Association is a partner for this development (Cartrefi Cymunedol Gwynedd) and the property will meet the requirements of the Wales Development Quality Requirements Booklet.
- The development is included within the programme to receive a Social Housing Grant from Welsh Government.

Tai Teg: No response.

Municipal Unit (Waste): No response.

Biodiversity Unit: Need to ensure that the development includes suitable landscaping and includes shelter for nesting birds.

Welsh Language Services Manager: No response.

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Countryside and  
Access Unit:

Observations involving:-

- An important footpath runs past the application site and it needs to be protected.
- Giving consideration to prevent cars from parking in the area where the public footpath connects with the proposed estate.
- Ensure that bull-nosed kerbs are installed where the path joins the proposed turning space.
- Should the application be approved, the applicant is asked to contact the Unit to discuss whether the path needs to be closed during the construction work.

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

- Questioning the need for more affordable houses considering the recent Redrow development along with all the other houses for sale in the city.
- The development would have a detrimental impact on road safety (pedestrians and vehicles) considering how busy Penrhos Road is and that cars park on the southern carriageway which will reduce visibility towards the south.
- The proposal would have a detrimental impact on the amenities of local residents on the grounds of noise nuisance, light pollution, loss of privacy and safety matters.
- The proposal is an over-development of the site compared with the previous application for three houses, particularly on the grounds of the number of occupants that could reside in the houses themselves.
- Eleven parking spaces is insufficient and this could possibly lead to cars parking on the carriageway of the nearby road - could a condition be imposed which protects existing parking spaces on the road's carriageway?
- The local schools will not be able to cope with more pupils attending them.
- The footpath between the proposed houses and Tai'r Efail would create anti-social problems.
- The type of housing proposed is out of character in this area.

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In response to the above concerns, the following observations were submitted by the applicant:

- It is believed that a density of eight houses on the site is acceptable considering the layout and amended design of the proposed houses and that they would not have a detrimental impact on the amenities of local residents.
- Penrhos Road has a 30mph speed restriction and the junction with the county road itself has been designed in line with the requirements of relevant statutory standards. Changes to the access will improve the current situation where substandard access serves an industrial business.
- A new pedestrian crossing will be provided on either side of the access which will improve the existing situation.

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

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

- 5.1 The principle of constructing houses on this particular site is based on Policy PCYFF1, TAI15 and PS5 of the LDP. Policy PCYFF1 states that proposals will be approved within development boundaries in accordance with the other policies and proposals in the Plan, national planning policies and other material planning considerations. As referred to above, the site is located within the development boundary of Bangor sub-regional centre. Policy TAI1 states that in the Bangor Sub-regional Centre and urban service centres that housing to meet the Plan's strategy will be secured through housing designations noted in the Plan itself along with suitable windfall sites within the development boundary.
- 5.2 Policy TAI15 states that every development is required to achieve an appropriate mix based on the tenure, type and size of affordable housing, which is supported by Policy TAI8. As a registered social landlord would be responsible for all the houses, they would all be available as affordable housing and it is therefore considered that the proposal would be in accordance with the requirements of these particular policies. Policy PS5 states that developments will be supported where it can be demonstrated that they are consistent with the principles of sustainable development, including reusing sites located in appropriate locations. As referred to above, it can be considered that this site is a previously developed site that is suitable for residential use.
- 5.3 Given the above assessment and, subject to the proposal complying with the other policies referred to below, along with taking into consideration the observations of the Council's Housing Strategic Unit that confirm that the type of housing proposed as part of this application addresses local need for affordable housing, it is considered that the application is acceptable in principle.

### **Visual amenities**

- 5.4 As referred to above, the site is situated within the Bangor development boundary and within a built area of mixed use, form, design, layout and size. The site is relatively level in nature and is set back from the class III county road (Penrhos Road) with the

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new units in the front of the site very visible from the road itself and the site as a whole visible from the adjacent public right of way (public footpath number 11 Pentir). The houses have been designed on the basis of four residential units in the front of the site in the form of semi-detached houses with private amenity spaces/gardens located to the rear. The other four houses in the form of a terrace will be in the rear of the site with open spaces and parking/turning spaces located in the space between them. Although the building in the front of the site will be approximately 1.5m higher than the Tai'r Efail terraced houses, it is believed, based on their modern design, layout of the openings, form and exterior materials, that it will not lead to an oppressive and incongruous structure in this part of the streetscene considering that quite a substantial building (Capel y Graig) is located immediately adjacent to the site itself. The four houses in the form of a terrace to the rear of the site are again of a modern design and use the same materials intended to be used on the front building.

- 5.5 Although the proposed houses would be two-storey, it is not considered that they would create oppressive or incongruous structures based on their form, layout and designs and also considering the site's context in relation to the constructions in the vicinity of the application site. The external design and appearance of the houses will reflect the construction materials used in the area surrounding the site including slate roofs, rendered/slate covered walls, clean brickwork and natural stone along with dark grey UPV-c windows. Although the density is higher than the density of some of the similar dwellings, it is not believed that the development will undermine the character of the local residential area and that the development would include spaces in the form of amenity/parking spaces within the site itself. It is therefore considered that the proposal is acceptable based on the requirements of Policy PCYFF2, PCYFF3 and PCYFF 4 of the LDP.

### **General and residential amenities**

- 5.6 As referred to above, residential dwellings are located on the northern, eastern, southern and western outskirts of the site and are a mix of single-storey and two-storey dwellings and correspondence was received from some local residents regarding the detrimental impact of the proposal on residential and general amenities. The building in the front of the site will be located 1m to the north of the gable end of the Tai'r Efail terrace and would be set on a shallow angle to the adjacent road so that it will not create an oppressive structure for the occupants of the terrace itself. A void of approximately 19m is located between the front of the new building and the front elevation of the residential units within the former Capel y Graig chapel. Considering the size of this void, how busy Penrhos Road is, along with the fact that an element of community and passive over-looking exists at present between residential dwellings on either side of the county road, it is not believed that this proposal will add substantially to the element of over-looking and noise nuisance that already exists in the vicinity of the application site. It is, therefore, believed that the proposal is acceptable based on the requirements of Policy PCYFF2 of the LDP.
- 5.7 The dwelling known as Edli is located to the north of the application site with a public footpath, hedge and garden located between them. It is not believed that the proposal would have a detrimental impact on the general or residential amenities of the occupants of Edli, considering the layout and design of the proposed houses in relation to the location of Edli in the streetscene. The greatest impact on the development will derive from the location of the four proposed terraced houses located to the rear of the site. Residential dwellings and their rear gardens are located to the east, south and west of the location of the proposed houses. The rear of the houses would be located 5m away from the boundary of the garden of the dwelling known as 7 Ffordd Cynan and



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approximately 10m away from the rear garden of 9 Ffordd Cynan. The designs of the houses have been amended (considering the original concerns of the Local Planning Authority in relation to loss of privacy and the creation of oppressive structures) based on the layout and design of the openings on the first floor in the rear of the houses themselves. Any over-looking will be reduced by ensuring that opaque glass is used, internal rooms are re-designed, velux type windows within the roof surfaces and that views from the bedroom windows are north-facing.

- 5.8 In addition to these steps, there will be a proposal to erect a solid timber fence measuring 1.8m high above a 600mm high retaining wall along the eastern boundary of the site in order to reduce any direct over-looking on eye-level into the gardens/back rooms of the dwellings on Ffordd Cynan and located closest to the application site. This 1.8m high fence will extend around the southern and western boundaries of the site and screen the rear gardens of the terraced houses from the north. The layout of the terraced houses along with their front elevations have been designed to reduce any direct over-looking from the first floors into the rear of the Tai'r Efail terrace.
- 5.9 The physical impact of the houses on nearby dwellings has been reduced by breaking-up the elevations of the houses. Although the southern gable end of the proposed terrace will be located 1m away from the rear curtilage of 5 Ffordd Cynan (a property in the applicant's ownership) and approximately 10m away from the rear curtilage of 3 Ffordd Cynan considering the flow of the sun it is not considered that the proposed terrace would cast substantial shadows to the rear of these dwellings or to the rear of Tai'r Efail which are located approximately 19m to the west of the front elevations of the proposed houses. Considering the above assessment, it is not believed that the proposal will have a substantial impact on the residential and general amenities of nearby residents on the grounds of over-looking, noise nuisance and that they would not create oppressive structures. Therefore, it is believed that the proposal complies with the requirements of Policies PCYFF2 and PCYFF3 of the LDP.

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

- 5.10 The proposal involves undertaking improvements to the junction between the class III county road (Penrhos Road) and access to the site itself off the public right of way (public footpath number 11 Pentir). Other improvements will include re-surfacing and widening the footpath, creating a pedestrian crossing on either side of the junction, improving the visibility to the north and south and extend the existing lay-by in front of the site for public use (although this element of the development is a part of the planning application). It is proposed to provide parking spaces for 11 vehicles within the site to serve the affordable houses, along with turning spaces. The Transportation Unit has no objection to the application subject to the inclusion of appropriate conditions. The Footpaths Unit has submitted observations on the importance of preventing vehicles from obstructing the access to the public footpath as well as the need to connect to the Unit should the path need to be closed during the construction work and the applicant is already aware of these requirements. It is therefore believed that the proposal is acceptable based on the requirements of Policy ISA1, TRA2 and TRA4 of the LDP.

#### **Biodiversity matters**

- 5.11 A Bird and Bat Survey Report was submitted and this concludes that there was no evidence that bats roost within the structure of the site and that two bird nests were discovered within one of the buildings within the site. The Report recommends that any demolition work is carried out outside the nesting season and that the proposal

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includes the installation of bat and bird boxes as part of the plan. In accordance with the content of relevant biodiversity conditions, it is believed that the proposal is acceptable based on the requirements of Policy AMG5 of the LDP.

### **Affordable housing matters**

5.12 A Community and Language Statement was submitted by Cartefi Cymunedol Gwynedd with the application and it concludes:-

- That only 23 social rent units are located in the Penrhosgarnedd area in Bangor. Although 78 such units are located in the Pentir ward, the majority of these are single-storey houses/bungalows for people aged over 55 years.
- The Council's Housing Options Team (August 2017) confirm that 40 applicants are on the waiting list for one-bedroom flats, along with 68 applicants on the list for a three-bedroom houses in the Penrhosgarnedd area of Bangor (a total of 155 registered applicants).
- The numbers on the waiting list are much higher than the supply of suitable social housing for rent that is available.
- The proposed development would contribute towards meeting this particular need for social housing for rent within the Pentir ward.

5.13 The application has been the subject of prior discussions between Cartrefi Cymunedol Gwynedd and Welsh Government which led to the development being included to receive a Social Housing Grant from Welsh Government and considering the observations of the Housing Strategic Unit noted above, it is believed that the proposal is in accordance with the requirements of Policy TAI8 and TAI15 of the LDP.

### **Educational matters**

5.14 The relevant policy within the context of educational contributions for residential developments is Policy ISA1 of the LDP. Policy ISA1 notes that proposals will only be approved when infrastructure capacity exists although no housing number threshold has been recorded for an educational financial contribution within the Plan itself. Considering the scale of the development and the fact that the development is located within the built form of the City of Bangor, it is believed reasonable to consider the situation in any other primary schools nearby within a reasonable walking distance. Considering the above, therefore, it is believed that the situation in Ysgol Babanod Coed Mawr/ Ysgol Glanadda (which serve the abutting catchment area) can be considered in order to meet this additional need. It is noted that there are sufficient places within these schools to meet the demand deriving from this proposal.

5.15 The supplementary planning guidance adopted to support the previous development plan continue to be a material consideration when determining planning applications until they are replaced by new ones. To this end, it is material to consider the SPG: Housing Developments and Educational Provision, when discussing this current application. The information within the SPG suggests that two primary school-age pupils would derive from the proposed development (one-bedroom units are not considered for the need to provide a contribution to educational establishments and to this end, therefore, only the four terraced houses apply here). The SPG notes that consideration should be given to the situation in the school that serves the catchment area where the development is located and in this case, the relevant school is Ysgol y Faenol. This school is already over capacity (figures of September 2017) and in line with the advice included in the SPG, consideration will need to be given to receiving an educational contribution in relation to this proposal. However, considering that only

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two pupils will derive from this proposal along with the fact that capacity is available in other local schools, it is believed, in this particular situation, that no educational contribution will be required should this application be approved and, therefore, it is believed that the proposal complies with the requirements of Policy ISA 1 of the LDP along with the requirements of the relevant SPG.

### **Community and linguistic matters**

- 5.16 A Community and Language Statement was submitted with the application in accordance with the requirements of Policy PS1 of the LDP and the requirements of SPG: Planning and the Welsh Language. Although a response to the contents of the Statement has not been received from the Council's Welsh Language Services Manager whilst preparing this report, it is presumed that there would be no objection to the application on the ground of its impact on the Welsh language when considering that the proposed affordable houses offer more choice for local people within the local housing market; it is likely that the development would be very attractive to families with children and would likely keep the local population within the community. To this end, and on the grounds of receiving confirmation from the Council's Welsh Language Service Manager, it is considered that the proposal can comply with the requirements of Policy PS1 of the LDP as well as the requirements of the relevant SPG.

### **Section 106 agreement matters**

- 5.17 As is referred to in the above assessment, the proposal comprises 100% affordable housing (eight in total) under the control of Cartrefi Cymunedol Gwynedd (a registered social landlord). As the applicant does not currently own the site, a legal agreement must be signed under Section 106 of the Planning Act in order to ensure that the site is transferred to Cartrefi Cymunedol Gwynedd as the relevant housing association in order to ensure that the houses are affordable initially and in perpetuity.

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

- 5.18 Following a period of public consultation, a number of letters were received objecting to the application and the main matters raised by the objectors included:-
- Noise nuisance on the grounds of vehicular movements as well as daily noise deriving from the houses themselves - it must be considered that the site is located in an established residential area adjacent to a busy road which is one of the main rights of way into Bangor. Although it is acknowledged that some increase in noise nuisance will be inevitable should this application be approved, it is not believed that the increase would be substantially different to the current situation not only based on noise nuisance from the commercial activities of the site but also the daily noise from the nearby area which includes a vast number of residential dwellings and a primary school. It is also considered that the site's use for residential use is more suitable than its legal use for trade/industry considering its location within an established residential area.
  - Loss of privacy and over-looking - it is believed that the applicant has responded to the original concerns of the Local Planning Authority regarding the proposal undermining the privacy of nearby dwellings (including their private gardens) by redesigning and re-locating the houses within the site in order to reduce any direct substantial over-looking into these dwellings. This is very relevant to the rear of the four terraced houses facing the rear gardens

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of Ffordd Cynan where the design and layout of the windows means that there will be no direct over-looking into the gardens themselves. This can be ensured by imposing a condition that restricts on extensions and the creation of new openings in the form of windows.

- Road safety and parking requirements - the original plans submitted have been amended in accordance with the requirements of the Transportation Unit in relation to statutory standards relating to the creation of safe accesses, parking standards and the design of housing estate roads. Although this is not a part of this application, the applicant will extend the lay-by in front of the site in order to create two additional parking spaces for the public. The applicant is also aware of the requirements of the Footpaths Unit in relation to public footpath number 11 Pentir that is partly within this application site.
- Over-development - following the original concerns of the Local Planning Authority regarding the element of over-development, the applicant has removed a detached two-storey house within the site and has re-located the houses within the site in order to release open spaces for amenity and parking spaces. The houses themselves have been designed in order to comply with the national living standards included within the Wales Development Quality Requirements Booklet document. Although the density of the proposal is higher than some of the nearby houses, it is believed that erecting eight houses in the form of four flats and a terrace of four houses is not an over-development as no substantial harm derives from the development.

5.19 The Local Planning Authority has considered these objections as material considerations when preparing a recommendation for this application. Furthermore, the material considerations associated with this proposal have been assessed in the context of the relevant planning policies and guidance, and on these grounds it is not considered that there is justification to refuse the application.

## **6. Conclusions:**

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

## **7. Recommendation:**

7.1 To delegate powers to the Senior Planning Manager to approve the application subject to the applicant completing a Section 106 Agreement in order to transfer all houses to the control of Cartrefi Cymunedol Gwynedd as a registered social landlord and to the following conditions:-

1. Five years.
2. In accordance with the plans.
3. Natural slates/materials.
4. Highways.
5. Biodiversity
6. Welsh Water
7. Withdrawal of permitted development rights (extensions and windows).
8. Landscaping.

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