

PLANNING COMMITTEE	DATE: 22/03/2021
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

Number: 5

Application Number: C20/0942/22/LL

Date Registered: 02-12-2020

Application Type: Full

Community: Llanllyfni

Ward: Penygroes

Proposal: Application to erect 24 houses, create a new access and internal estate road, confirmation of public footpath, drainage work and ancillary work

Location: Land Near Maes Dulyn County Road Penygroes, LL54 6HE

Summary of the Recommendation: TO APPROVE SUBJECT TO THE RECEIPT OF A FAVOURABLE RESPONSE FROM WELSH WATER AND TO COMPLETE AN AGREEMENT UNDER SECTION 106 FOR AN EDUCATIONAL FINANCIAL CONTRIBUTION AND OPEN SPACE CONTRIBUTION.

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1. Description:

- 1.1 This is a full application to provide 24 residential units, with each of them being affordable houses, creation of new access and internal estate road, confirmation of public footpath, drainage work and ancillary work. The proposal has been submitted by Grŵp Cynefin, which is a Registered Social Landlord, and the site is already owned by Grŵp Cynefin. The application can be split into several different elements, which include:-
- The provision of affordable units that includes 10 two-bedroom houses, 3 three-bedroom houses, 2 three-bedroom houses, 1 four-bedroom house and 8 one-bedroom flats that would be available in the form of a mixed affordability tenure, which is to be agreed. Provision of infrastructure to include an estate road and associated footpaths, fences/railings and stone walls.
 - Provision of parking spaces for each house, create a new access from the adjacent class II county road (B4418) as well as providing a footpath through the site in compliance with the public footpath that crosses the site.
 - Provision of an amenity plot within the site, along with areas to accumulate water and a wildlife corridor.
- 1.2 The site is located adjacent to Bro Silyn Leisure Centre and immediately near a Telephone Exchange on the eastern boundary of the village of Penygroes and currently, it is a 0.8ha sized plot of open pasture, with a public footpath crossing it. There is vegetation around the site, including trees and shrubs, and cloddiau and traditional stone walls are located on the periphery of the site. The land is relatively level and sits slightly lower than the B4418 highway, which runs along its northern boundary. The site does not abut residential houses and agricultural land surrounds it.
- 1.3 The site is located within the development boundary of Penygroes as contained in the Gwynedd and Anglesey Joint Local Development Plan, 2017 (LDP) and, in addition to this, it has been allocated as a SP993 housing site within the LDP. In order to support the application, the following documents were submitted - Supplementary Planning Statement, PAC Statement, Heritage Impact Assessment, Penygroes Housing Needs Report, Design and Access Statement, Affordable Housing Response Note, Playing Field Response Note, Linguistic Statement, Tree Report and Ecological Report. Confirmation was received that the applicant has been successful in receiving grants funded by Welsh Government to build all residential units as affordable units.
- 1.4 It was confirmed that the applicant had undertaken a pre-application consultation in accordance with Article 1 of the Town and Country Planning Act (Development Control Procedure) (Wales) (Amendment) 2016, as the proposal is a development defined as a major development. A Pre-application Consultation Report (PAC) has been included with the application to reflect this consultation. Although the development is a development that is described as a major development, there is no need for an Environmental Impact Assessment in relation to this development as this development does not involve constructing more than 150 houses on a site that is larger than 5ha in size - Schedule 2, Regulation 2(1) of the Town and Country Planning Regulations (Environmental Impact Assessment) (Wales) 2017.
- 1.5 Amended plans have been submitted as part of the application in order to mitigate the concerns of Welsh Water.

2. Relevant Policies:

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

2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

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

Policy PS1 - Welsh Language and culture.

Policy PS2 - infrastructure and developer contributions

Policy ISA1 – Infrastructure provision.

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

Policy TRA2 – Parking standards.

Policy TRA4 – Managing transport impacts.

Policy PS 4 – Sustainable transport, development and accessibility.

Policy PS5 - Sustainable development.

Policy PCYFF1 – Development boundaries.

Policy PCYFF2 - Development criteria.

Policy PCYFF3 – Design and place shaping.

Policy PCYFF4 - Design and landscaping.

Policy PCYFF5 - Carbon Management

Policy PCYFF6 - Water conservation.

Policy PS17 - Settlement strategy.

Policy TAI 2 - Housing in Local Service Centres

Policy TAI8 - Appropriate housing mix.

Policy TAI15 - Threshold of affordable housing and their distribution.

Policy AMG5 - Local biodiversity conservation.

Policy PS 20 - preserving and where appropriate enhancing heritage assets.

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Gwynedd Planning Guidance (2003).

Supplementary Planning Guidance (SPG): Housing Mix.

SPG: Maintaining and Creating Unique and Sustainable Communities.

SPG: Planning Obligations.

SPG: Affordable Housing.

SPG: Housing Developments and Educational Provision.

2.4 **National Policies:**

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

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

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

TAN5: Planning and Nature Conservation (2009).

TAN12 Design (2016).

TAN24: The Historic Environment (2017)

3. **Relevant Planning History:**

3.1 None

4. **Consultations:**

Community/Town Council:

Following a meeting of Llanllyfni Community Council this week, there was no objection to this application.

Transportation Unit:

I refer to the above planning application, and confirm that I have no objection to the proposal.

The proposal meets the requirements regarding visibility splays through the access with the B4418, and shows a proposal to provide an estate that complies with the Council's requirements in relation to the design, width and turning spaces, etc.

The main concerns of the Transportation Unit during the pre-application consultation period was the lack of pedestrian access to local services in Penygroes. I note that the plans that now make up the formal application now includes a proposal to provide a footpath from the site access past the Telephone Exchange towards the British Legion club.

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I trust that this proposal responds to our original concerns and offers a safe link to the school crossing, and onwards to other paths leading to shops, surgeries, public transport, etc. in the village.

I recommend including conditions / notes as part of any planning permission granted.

Natural Resources
Wales:

We recommend that you should only grant planning permission if you attach the following condition to the permission. Otherwise, we would object to this planning application.

Condition - that a lighting plan is submitted and agreed to the satisfaction of the local planning authority, before commencing on the development.

Protected Species

We acknowledge the ecological report that supports the submission (Cambrian Ecology, 27 July 2020).

We note that the survey report confirms that the western and eastern boundaries of this site is abutted by hedges and tree lines that have the potential to improve flight paths for bat species. The report recommends that these boundary features are kept as a part of any development.

We note the recommendation within paragraph 8.2 to include a sensitive lighting plan near the site's boundaries. We agree with this recommendation and we would ask you to attach the following condition to the permission, which asks for a lighting plan to be submitted and approved for the proposed development. The lighting plan should confirm that all site boundaries will continue to be dark during the building work and operational phase of the proposed development, in order to allow bats to continue using the boundary feature.

Condition - that a lighting plan is submitted and agreed to the satisfaction of the local planning authority, before commencing on the development.

Flood Risk

In terms of flood risk, the site is not in an area at risk of flooding according to the development advice maps that accompany Technical Advice Note 15: Development and Flood Risk.

It is shown that the site is within Zone A on the maps, which would note that the risk of flooding on the site is low or no risk.

It is noted from the planning form that the proposed method of disposing of surface water is through an existing watercourse. A plan has also been submitted showing the

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Flooding Paths. We would advise you to contact Gwynedd Council's Flood Risk Management Unit in Dolgellau (which acts as the Lead Local Flooding Authority), regarding the method of disposing of surface water, and any proposed flooding paths.

Welsh Water:

Response 04.01.2021

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Our records indicate that the proposed development the proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. We note on drawing c986 003 k the proposal includes an allotment which is shown to be positioned directly over our watermain, this asset is of critical importance and we cannot allow anything to compromise its integrity or ability to access it safely to undertake repairs and general maintenance. Therefore we place a holding objection at this time and request a revised submission is submitted to demonstrate how the asset will be protected and our ability to access it maintained. We respectfully request that are reconsulted for further comments on receipt of this information.

We also note that the site is crossed by a 150mm combined public sewer with its approximate position being marked on the attached Statutory Public Sewer Record. Under Section 159 of the Water Industry Act 1991, Dwr Cymru Welsh Water has rights of access to its apparatus at all times, and as such require the protection zone of 3m either side of the centreline of this pipe to be maintained during the lifetime of the development. Should the new dwelling and/ or associated structures be located within the protection zone of the sewer crossing, there would be a requirement to divert the public sewer, which can be applied for under Section 185 of the Water Industry Act 1991.

Rights of Way:

Should the development be approved, we would wish to secure a condition to discuss and reach agreement on the details of the footpath, e.g. the type of gates, the surface of the path and its width, before the work commences.

CADW:

CN148 Caer Engan

The proposed development is located some 253m north of the boundary of scheduled monument CN148 Caer Engan. The monument comprises the remains of a prehistoric hillfort occupying a rocky knoll, defended by a double rampart located to control the valley of the Afon Llyfni.

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The impact of the proposed development on the setting of Caer Engan has been considered in a document prepared by Cadnant Planning. This document has concluded that the proposed development will have a slight but not significant impact on the setting of scheduled monument CN148 Caer Engan. We concur with this conclusion.

Language Advisor,
Corporate Support Unit:

Response 02.03.2021

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Developer:	Grŵp Cynefin
Nature of application:	Application to erect 24 houses, create a new access and internal estate road, confirmation of public footpath, drainage work and ancillary work
Document submitted:	Welsh Language Statement
Prepared by:	Cadnant Planning
The identified risk/impact on the language:	Positive
Language Unit's brief opinion: Agree or Disagree	<p>There is insufficient evidence to agree or disagree with the linguistic impact.</p> <p>There was no doubt from looking at the information that there is a need for housing in the area, in particular affordable housing and social housing, but this does not mean that there would be a community or linguistic impact from supplying the houses to meet that demand. It is noted that 100% of the houses would be affordable and there are no details about the exact nature of the occupancy mix or whether the Housing Department agrees with the demand identified and whether it supports the application.</p> <p>The development is in an area where the Welsh language continues to be the main language of the community, and it is likely that prospective residents would</p>

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	<p>come from the Penygroes ward itself or from adjacent wards. It could be argued that the development ensures that more Welsh-speakers have the opportunity to stay in their area and that this would have a positive impact on the Welsh language. However, it must be borne in mind that moving to Penygroes from adjacent wards or other areas, could impact those wards and the situation of the Welsh language in those areas. It is suggested that consideration is given to how the impact of the development on adjacent wards can be measured.</p> <p>It is estimated, by looking at the reasonable maximum that could live in each unit, that the development could add up to 88 individuals to the local population. Therefore, it is important to consider whether the local primary and secondary schools have the capacity to accommodate the children living in the new development and the projections of the schools for the coming years. Consideration should also be given to the impact on nearby schools should the evidence show moving from one village to the nearby village. No reference is made to this in the application's documents, and we suggest that consultation is needed with the education department.</p> <p>We note that no consultation, including on-line consultation, has taken place with the local community due to Covid-19.</p>
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Housing Strategy Unit:

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

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Based on the above information it appears that the Plan:-
Meets a need in the area

The Housing Association is a partner for this development and the properties will meet the Development Quality Requirements - DQR. It was included within the programme to receive a Social Housing Grant from Welsh Government.

Education
Information
Officer:

Numbers for September 2021

N	0	1	2	3	4	5	6	Total
22	15	22	27	32	22	29	27	196

Capacity 159 + 21 nursery.

The primary school is already exceeding its capacity and we would request a relevant contribution.

Drainage
Unit:

INFORMATION: Our maps show that watercourses run along the development site, but it does not appear that the plan would disrupt the flow of the ditches in any way. Nevertheless, the developer is advised to avoid installing / constructing any structures within 3 metres to the course of the ditches as this could impede maintenance in future. Additionally, an Ordinary Watercourse Consent will be required for any work that could affect the river flow and FCRMU@gwynedd.llyw.cymru should be contacted for further advice.

Since 7 January 2019, sustainable drainage systems (SuDS) will be required to control surface water for every new development of more than one dwelling or where the building area has drainage implications of 100m² or more. Drainage systems must be designed and constructed in accordance with the minimum standards for sustainable drainage as published by Welsh Ministers.

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

Due to the size and nature of the development, an application will need to be provided to SAB for approval before construction work commences. A sustainable drainage strategy and an associated plan have been submitted with the planning application, but until an application is submitted to the SAB, there is still some uncertainty on whether the proposed plan of the site will enable the development to fully comply with the series of national SuDS standards.

Response 26.02.2021

The proposal of erecting a bund behind numbers 20 - 23 is reasonable enough, and provided that access to the ditch is maintained from the other side, I cannot see any problem with this.

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Biodiversity Unit:

Detailed observations have been received from the Biodiversity Unit and the conclusions state that the proposal is acceptable, provided that the following conditions are imposed on any planning permission:

- Reptile Plan to be agreed
- Habitat Mitigation Plan to be agreed
- Lighting plan to be agreed
- The applicant to ensure that an ecologist checks the site for nests before the work commences OR avoid the nesting season entirely (March-August)
- Hedgehogs: need to make the site suitable for the movements of hedgehogs.
- Soft landscaping plan
- Plan for dealing with non-native plants
- CEMP

Trees Unit:

Response 05.01.2021

A row of trees abuts the boundary of the development site and there is also a cluster of trees on the lower side of the plot. I have reviewed the information submitted, and there is no BS5837 tree report to outline what trees would be affected, and what protection measures are being put in place.

Response 22.02.2021

Thank you for consulting on this matter.

I do not have any objection to the development on the grounds of trees, provided that the work and tree protection measures outlined in the tree report from Eryri Arboriculture are being followed and that the trees are kept as a wildlife corridor on the site.

Gwynedd
Archaeological
Planning Service:

The proposed development is for the creation of 24 new dwellings on land off County Road, on the eastern extent of Penygroes. The site is undeveloped agricultural land, with a history of use as such supported by an early OS map regression. Whilst there are no known archaeological sites in the site, as recorded by the national or regional HER databases, there are a large volume of archaeological sites within the locality, as well as a scheduled monument (ref. CN148) Caer Engan, located just 200m to the south.

GAPS was consulted on this scheme at the pre-application stage, and the response to which noted both the general potential for unknown archaeological remains in the site boundary, as well as the character of the site itself as a marshy wetland (which has a tendency to preserve remains). In conclusion no evaluation was requested at the time, although there was no objection to any pre-determination work being conducted. As no such work has been pursued, it is suitable now to recommend a programme of work to mitigate the archaeological potential of the site. This would include archaeological fieldwork (outlined below) in order to

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mitigate the sub-surface potential for unknown remains, as well as a specialist palaeo-environmental assessment of the soil profiles themselves, helping to characterise potential features within the waterlogged conditions.

In the light of these comments and in accordance with Planning Policy Wales (2018) and TAN 24: The Historic Environment, it is recommended that the planning authority should require that appropriate archaeological mitigation is undertaken, should planning be granted.

Public Consultation:

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

- The site is a marsh located outside the boundaries of the village.
- A gas pipe crosses the site.
- Concern regarding the entrance

As well as the above objections, the following observations were received:

- Question the reference to the site as 'land near Maes Dulyn'

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The principle of erecting houses on this particular site is based in Policy PCYFF1, PCYFF2, TAI2, 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 Penygroes as a Local Service Centre under Policy TAI2, as well as the fact that it is designated as a housing site (T51) in the LDP. Criterion 3 of Policy PCYFF 2 states that proposals should make the most efficient use of land, including achieving densities of a minimum of 30 housing units per hectare for residential development. In this case, the site is approximately 0.7ha, considering that it is not possible to develop the whole site due to the location of a water pipe and gas pipe, it is therefore confirmed that a density of 24 unit for this plot of land is acceptable and complies with criterion 3 of policy PCYFF2.
- 5.2 Policy TAI2 states that in the local service centres, houses to meet the Plan's strategy will be secured through the housing designations and on suitable windfall sites within the development boundary. The indicative supply level of housing for Penygroes over the Plan period, as noted in Appendix 5 of the Joint Local Development Plan, is 89 units (including a 10% 'slippage allowance', which means that the method of calculating the figure has taken into account potential unforeseen circumstances which could influence the provision of housing, e.g. land ownership matters, infrastructure restrictions, etc.). During the period 2011 to 2020, a total of 19 units have been completed in Penygroes (all windfall sites). The windfall land bank, i.e. sites with extant planning permission on sites not designated for housing, stood at 5 units as of April 2020

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(disregarding units identified in the JLDP as unlikely to be completed). This means that there is sufficient capacity within the indicative provision for the settlement of Penygroes at present.

- 5.3 The proposal involves providing 24 residential units and in accordance with the requirements of Policy TAI 15 at least 20% of the units should be affordable. In this case, **all** of the proposed units will be affordable. Confirmation was received that the applicant has been successful in receiving grants funded by Welsh Government to build all residential units as affordable units.
- 5.4 Policy PS5 states that developments will be supported where it can be demonstrated that they are consistent with the principles of sustainable development, including suitable sites within the development boundaries. It is deemed that this specific site can be defined as a sustainable site based on its location within the development boundary and opposite an established residential area, its location close to the local road network and public transport together with its location in relation to local facilities such as shops, and educational establishments. It is also noted that the element of sustainable development and accessibility on this site will be one of the main considerations when choosing sites for constructing houses within the LDP by the Planning Inspector.
- 5.5 Given the above and the fact that all houses will be affordable (rather than the 20% that needs to be provided), it is considered that the application is acceptable in principle. It is also required that the proposal complies with other relevant policies and these will be discussed below.

Affordable housing and housing mix

- 5.6 An Affordable Housing Statement was submitted by the applicant. This information states:-
- The proposal on the application site relates to erecting 24 new dwellings (100% affordable housing) to be built by Grŵp Cynefin, the owners of the site. Grŵp Cynefin (the applicant and developer) is a charitable housing association that has been registered under the Co-operative and Community Benefit Societies Act 2014 (IP21194R).
 - These will be let at a mix of affordable occupancies, e.g. social rent, intermediate rent, but the exact mix is to be confirmed.
 - Grŵp Cynefin provides social dwelling units across North Wales under the leadership of the relevant county, Gwynedd Council in this case. New tenants, and any future tenants, will be selected through Gwynedd Council's Housing Options, and the dwellings will be let in accordance with the General Housing Allocations Policy. Each Registered Social Landlord operating in Gwynedd complies with the requirements below as noted in the General Housing Allocations Policy. The other affordable occupancies in the plan will be implemented through Tai Teg and their relevant processes.
 - The plan has received grants that are funded by Welsh Government. In accordance with Welsh Government's financial grant procedures, a fee is charged on the land which means, practically, that this restricts on other future uses of the land, including the right to sell the dwellings without prior agreement by Ministers.
- 5.7 The application involves the provision of the following houses that are all affordable houses designed to DQR standard, in compliance with the size requirements of affordable housing as noted in the Affordable Housing SPG. The houses being proposed are as follows:
- 10 Type 1 (two-bedroom house, 4 individuals) 84m²
 - 3 Type 2 (three-bedroom house, 5 individuals) 96m²

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- 2 Type 3 (three-bedroom house, 5 individuals) 96m²
- 1 Type 4 (four-bedroom house, 7 individuals) 118m²
- 8 Type 5 (one-bedroom flat, 2 individuals) 51m²

Whilst the mix of houses is acceptable and meets the local needs, officers have also asked the agent/applicant whether information is available on the proposed occupancy.

- 5.8 The application has been the subject of prior discussions between Cynefin and the Council's Strategic Housing Unit which led to the development being included within a programme to receive grant monies next year that would be funded via the Welsh Government Social Housing Grant. Considering that the proposal responds to the recognised need and provides an appropriate mix of units, and also given the observations of the Strategic Housing Unit along with the fact that the site is designated for housing in the LDP, it is believed that the proposal is an opportunity to develop a quality scheme to satisfy recognised requirements and is therefore in accordance with the requirements of policies TAI8 and TAI15 of the LDP, along with the advice included in the SPG: Housing Mix and SPG: Affordable Housing.

Visual amenities

- 5.9 There is a mix in terms of form, construction and design of existing developments in the application site catchment area of traditional houses to public buildings, such as the School and Leisure Centre, and the proposal provides two-storey houses with slate pitch roofs with solar panels and cream-coloured render and timber/stone cladding. It is considered that the design and finish of the houses are acceptable and appropriate for the area.
- 5.10 It is noted that the site is located within the Dyffryn Nantlle Landscape of Special Historic Interest. Therefore, consideration should be given to Policy AT1 (Conservation Areas, World Heritage Sites and Landscapes, Parks and Registered Historic Gardens).
- 5.11 It is noted that the site is near the potential World Heritage Site as defined in the 'Slate Landscape of North Wales' management plan. Therefore, consideration should be given to the potential impact of the proposal on the setting of this potential World Heritage Site within the proposed buffer zone in the Dyffryn Nantlle area.
- 5.12 The document that assesses the impact of the proposal on heritage elements has been submitted as part of the application, and CADW has confirmed that the content of the assessment is acceptable and the proposal would have a small and insignificant impact only.
- 5.13 It is noted that the Grade II listed building (Turnpike) is located adjacent to the site across the highway. It is not considered that the proposal submitted would have a detrimental impact on its character or setting.
- 5.14 On this basis, it is considered that the proposal is acceptable on the grounds of the requirements of Policy PCYFF3, PCYFF4, PS20 and AT1 of the LDP.

General and residential amenities

- 5.15 The site is surrounded at present by agricultural land with the front of the site abutting the highway and a part of the western side abutting the existing telephone exchange building. Residential houses, as well as a leisure centre, are located immediately adjacent to the site across the highway.

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The nearest houses are to the west and south of the site, approximately 40-60m away, and they are separated by agricultural land. Sufficient distance and the highway/agricultural land separate these residential houses from the development and therefore it is not considered that the development would have a detrimental impact on the privacy or amenities of these residents.

- 5.16 Bearing in mind the above assessment, it is considered that the proposal is acceptable and would not have a substantial unacceptable impact on the residential or general amenities of nearby occupants. Therefore, it is considered that the proposal is in accordance with policies PCYFF2 and PCYFF3 of the LDP.

Transport and access matters

- 5.17 The proposal will involve the provision of parking spaces for each house, creation of a new access from the class II county road (B4418) along with the provision of a footpath through the site to comply with the public footpath crossing it.
- 5.18 In response to the statutory consultation and in accordance with the above observations, the Transportation Unit confirms that what was submitted has mitigated their concerns during the pre-application consultation period and that there is no objection to the development any more. Based on this, and subject to conditions, it is considered that the proposal complies with the requirements of Policy TRA2 and TRA4 of the LDP.

Flooding and drainage matters

- 5.19 The proposal would be subject to a watercourse consent and it is intended to provide a bund to the rear of plots 20-23 measuring 0.5m high over a width of 1.5m and would be located 0.5m to the side of the ditch and the agent has confirmed that it would be possible to maintain it from the other side of the ditch where access would also be maintained. The LPA have asked for a plan of this bund, but it had not been received at the time of writing the report.
- 5.20 The Land Drainage Unit has confirmed that the proposal is acceptable and that the proposal to erect a bund to the rear of numbers 20-23 is reasonable enough, provided that access to the ditch is maintained and as noted, it is likely that this will be acceptable.
- 5.21 Natural Resources Wales did not have observations to make from this perspective.
- 5.22 As well as the above measures, a surface water disposal system will need to be designed to conform to the requirements of the Sustainable Drainage System (SuDS). To ensure the efficiency of the new drainage system, maintenance measures will be included within the sustainable water system plan (SuDS) that would be approved by the Council's Water and Environment Unit in its role as a Sustainable Drainage System (SuDS) Approval Body.
- 5.23 It is considered, therefore, that the proposal meets the requirements of Policy ISA1, PS2, PCYFF6 and PS5 of the LDP as well as TAN15.

Linguistic matters

- 5.24 A Welsh language Statement was submitted with the application and criterion 1c of Policy PS1 of the LDP, as well as the advice included in the document SPG: Maintaining and Creating Unique and Sustainable Communities, states that any development of 5 or more housing units on allocated or windfall sites within development boundaries must address evidence of need and demand for housing recorded in a Housing Market Assessments and other relevant local sources

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of evidence. The information submitted by the applicant to this end includes a Welsh Language Statement that concludes that the proposed development would not be expected to lead to any negative impacts on the Welsh language. By providing a mix of occupancy types, as well as affordable homes, the proposed development could have a positive impact by allowing local Welsh speakers to remain in the community by providing suitable accommodation.

- 5.25 The observations of the Welsh Language Unit were received on the development and they are of the opinion that there is insufficient evidence that the type of units being proposed would not have a negative or positive impact on the Welsh language. To this end, the LPA has asked for further information, and the agent has confirmed that he is in a position to provide the relevant information, although it is yet to be received at the time of writing this report. We trust that this response will be received and assessed by the date of the Committee, so that it can be included as late observations.
- 5.26 On the grounds of receiving information on the above and that this information is acceptable to the Language Unit, it is considered that the proposal can be acceptable on the grounds of the requirements of Policy PS1 and SPG: Maintaining and Creating Unique and Sustainable Communities.

Educational matters

- 5.27 The relevant policy within the context of educational contributions for residential developments is Policy ISA1 of the LDP. 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 contents of SPG: Housing Developments and Educational Provision in discussing this application. The information/formula within the SPG suggests that 6.4 primary and secondary school-age pupils would derive from the proposed development. The SPG notes that consideration should be given to the situation in the school that serves the catchment area where the development is located. In response to the statutory consultation the Education Department's Information officer states that Ysgol Gynradd Bro Lleu is over capacity. There is justification here, therefore, to ask for a contribution to satisfy the lack of capacity at the primary school by contributing a specific sum of £64,614 and, to this end, the applicant has received confirmation from the planning officers that an educational contribution is required, and this may be ensured by signing a legal agreement under Section 106 to comply with the requirements of Policy ISA1 together with SPG: Housing Developments and Educational Provision.

Open Spaces Matters

- 5.28 Policy ISA 5 of the LDP states that new housing proposals for 10 or more dwellings, in areas where existing open space cannot meet the needs of the proposed housing development should provide suitable provision of open spaces in accordance with the Field in Trust benchmark standards. The second part of policy ISA 5 states:

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

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

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- 5.29 Paragraph 6.1.29 states that in order to provide information regarding the requirements for open spaces in future proposals, the Fields in Trust (FIT) benchmark standards of a minimum of 2.4 hectares per 1000 of the population, should be used. This includes 1.6ha of outdoor sports facilities (with 1.2ha being formal playing fields) and 0.8ha of children's play area (with 0.25ha being play areas with equipment).

The following table shows the current provision and the target needed in the community.

- 5.30 The information available currently shows that there is a lack of play areas with equipment for the children in the area. It is noted here that the applicant is proposing 1040m² of open space without equipment on the site and the agent has explained that equipment cannot be provided on the open plot proposed as access is required to utilities such as Welsh Water.
- 5.31 Policy ISA 5 acknowledges that on-site provision may not always be practical in each case, and in these cases, the Authority will seek to arrange a planning obligation under Section 106 of the Town and Country Planning Act 1990 to enable developers to make a contribution towards suitable play areas off the site, instead of a direct provision within the development site.
- 5.32 Based on the current lack identified and the provision required as part of the proposal, costs have been calculated based on the standard formula by using (i) FiT standards (which notes the provision level per 1,000 of the population), and (ii) likely basic costs to provide open spaces.
- 5.33 Although the proposal includes a proposed open space, the space does not meet the need for a plot with equipment. The agent has provided a reason for why it is not possible to provide equipment on the open space proposed as access to services is needed. To this end, and in order to comply with the requirements of policy ISA5 of the LDP and the SPG: Open Spaces in New Housing Developments, confirmation has been received by the Gwynedd and Anglesey Joint Planning Policy Unit that it will be required for the developer to provide a contribution of £8911.54 through a 106 agreement in order to secure appropriate provision in the local area.

Biodiversity matters

- 5.34 Planning Policy Wales 11 determines that planning authorities must improve biodiversity when exercising its functions. This means that development should not lead to a large loss to habitats or substantial populations of species, locally or nationally, and it must lead to net advantages to biodiversity (para 6.4.5). This policy and subsequent policies in Chapter 6 Planning Policy Wales 11 respond to Section 6 of the Environment Duty (Wales) Act 2016.
- 5.35 The letter of Welsh Government's Chief Planner (October 2019) states that ensuring net benefits for biodiversity within the context of Planning Policy Wales calls for a pragmatic approach to the specific circumstances of the site. By using the phased method (Planning Policy Wales, paragraph 6.4.21), which confirms appropriate cases, a net benefit can be ensured for biodiversity through the creation of habitats and/or long-term management arrangements to improve existing habitats, to improve biodiversity and the robustness of ecosystems.
- 5.36 Ecological and Trees Reports have been submitted as part of the planning application, and confirmation has been received from the Trees Unit that the development is acceptable, provided that the recommendations of the tree report are followed. The Biodiversity Unit has submitted very detailed observations on the application and has noted further requirements, confirming that

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it is possible to provide those requirements through planning conditions. This would meet with the relevant requirements in terms of local and national policy.

- 5.37 Considering that the Biodiversity Unit is satisfied that an appropriate development can be managed/ensured through planning conditions, it is considered that the proposal is acceptable and complies with the requirements of policies of AMG5 and PS5 of the LDP, along with the advice included in PPW11 and TAN5: Nature Conservation and Planning.

Sustainability Matters

- 5.38 The proposal submitted includes the installation of solar panels on the roofs of the houses, and dealing with run-off water through the SUDS scheme. The houses have been designed to DQR standards and make acceptable use of this designated site in terms of building density. To this end, it is considered that the proposal has considered sustainability matters and therefore complies with the requirements of policy PS5 of the LDP.

Response to the public consultation

- 5.39 Following a period of public consultation, the following observations were received regarding the application:

- The site is a marsh located outside the boundaries of the village.
- A gas pipe crosses the site.
- Concern regarding the access

The site is located within the development boundary of the village, and biodiversity and land drainage matters have been addressed appropriately as part of the above assessment. The plans submitted as part of the application acknowledges that service pipes cross the site. The Transportation Unit has confirmed that the proposal is acceptable in terms of the access and road safety.

Any other business

- 5.40 Welsh Water has expressed an objection to the proposal in their response to the consultation, which notes that the proposal includes the allotment shown to be located immediately opposite the waterway, and as this asset is essentially important, we cannot allow anything to compromise its integrity or ability to access them safely and make repairs and general maintenance. Welsh Water therefore, has objected to the proposal and have asked that an amended presentation is submitted to show how the asset will be protected and how it can be accessed for maintenance.
- 5.41 The agent has provided amended plans to this end, which removes the allotments from the area above the waterway and the LPA has re-consulted with Welsh Water and has followed-up the matter. No response had been received at the time of writing the report. Nevertheless, we trust that following informal discussions with Welsh Water, the amended plans respond to the concerns of Welsh Water and that it is possible to impose conditions to deal with access to the asset.
- 5.42 Subject to receiving the formal response of Welsh Water before the Planning Committee, it is considered that the proposal is acceptable to this end.

6. Conclusions

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- 6.1 Having considered the above assessment, it is believed that the proposal to develop 24 affordable houses is a positive response to the various housing needs that have been identified in the area. In assessing the application, full consideration has been given to the observations received in response to the consultation period and the response received from statutory consultees. Based on the above assessment, it is not considered that the proposal is contrary to local or national policies and there is no material planning matter that outweighs these policy considerations. To this end, it is considered that the proposal is acceptable subject to the completion of the 106 Agreement, to ensure an education contribution and open space contribution and to include the conditions noted below.

7. Recommendation:

- 7.1 To delegate powers to the Assistant Head of the Environment Department to approve the application subject to the receipt of a favourable response from Welsh Water and for the applicant to complete an agreement under Section 106, in order to ensure a financial contribution for the educational provision and open space contribution and to the following conditions:-

1. Five years.
2. In accordance with the documents/plans submitted with the application.
3. Natural slate.
4. Samples of materials and colours for the houses as well as details of the solar panels to be agreed with the LPA.
5. Highways Conditions.
6. Soft and hard landscaping.
7. Biodiversity and Tree Conditions
8. Working hours limited to 8:00 - 18:00 during the week, 08:00 - 12:00 on a Saturday and no working at all on Sundays and Bank Holidays.
9. Details of Path
10. Agree on details regarding Welsh names for the development together with advertising signage informing of and promoting the development within and outside the site.
11. Ensure a plan/arrangements to provide the affordable units.
12. Removal of general development rights for the affordable units.
13. Submit a Construction Method Statement including parking provision for the builders' vehicles.
14. Submit outdoor lighting details to be agreed with the LPA before they are installed.
15. Archaeological mitigation measures condition.
16. Safeguarding the open space for the future

Note: Inform the applicant of the need to submit a sustainable drainage strategy plan for approval by the Council's Water and Environment Unit.

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Note: Inform the applicant of the response of Welsh Water referring to a public sewer that crosses the site.