

PLANNING COMMITTEE	DATE: 11/12/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 1

Application Number: C23/0657/18/LL

Date Registered: 25/08/2023

Application Type: Full

Community: Llanddeiniolen

Ward: Bethel and Felinheli

Proposal: Full planning application for the erection of 30 affordable dwellings with a new access, internal access road and associated works.

Location: Land Opposite the Cremlyn Estate, Bethel, Caernarfon, LL55 1AX

Summary of the Recommendation: TO DELEGATE POWERS TO THE HEAD OF ENVIRONMENT DEPARTMENT TO APPROVE THE APPLICATION, SUBJECT TO ENSURING AN ACCEPTABLE SOLUTION REGARDING ARCHAEOLOGICAL MATTERS AND A 106 AGREEMENT FOR A PLAY AREA AND EDUCATIONAL CONTRIBUTION AND RELEVANT CONDITIONS.

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1. Description:

- 1.1 This is a full planning application to erect 30 affordable dwellings with associated works on a 1.47ha site that has been designated for housing within the development boundary of the Service Village of Bethel as defined by the Gwynedd and Anglesey Joint Local Development Plan.
- 1.2 The proposal includes erecting the dwellings and providing a new access to the B4366 (which is a class 2 road), creating an internal access road, landscaped areas and associated drainage works. The proposal includes the following housing mix:
- 3 two-bedroom bungalows
 - 1 three-bedroom bungalow with wheelchair access
 - 8 two-bedroom houses
 - 12 three-bedroom houses
 - 2 four-bedroom houses
 - 4 one-bedroom flats
- 1.3 In terms of their appearance, the houses would be finished in a mixture of materials to provide different styles and to vary the appearance on the site. The materials that are proposed to be used include:
- Roofs: Slate or natural tiles;
 - Walls: Render / timber cladding
- 1.4 The proposed plan includes providing an informal open space in the eastern corner of the site along with a mixed area in the western part of the site, which would be an informal public open area that will also facilitate a sustainable drainage strategy for the development. The proposal would also provide an access for pedestrians from the residential development to the adjacent highway, such as the B4366.
- 1.5 The application site is on agricultural land that is located within the Bethel development boundary and has been designated for housing on the LDP's Inset Map. The description in the LDP is Site T57 - land opposite the Cremlyn Estate and it has been designated for 28 dwellings. The site lies within the Dinorwig Landscape of Outstanding Historic Interest and it abuts the designated Pen-yr-Orsedd Wildlife Site which is known for acidic grassland; marshy grassland and acid/neutral wetland. Public Footpath number 10 - Llanddeiniolen Community crosses along the western boundary of the site.
- 1.6 The following information was submitted in support of the application:
- Welsh Language Statement
 - Transport Statement
 - Initial Ecological Assessment
 - Housing Mixture Statement
 - Drainage Statement
 - Design, Access and Planning Statement
 - Arboriculture Statement
 - Archaeology Report
 - Affordable Housing Statement
 - Geophysical Archaeological Survey
 - 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

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this application is defined as a "major development" due to the number of units proposed and the size of the site. In accordance with the appropriate procedure, a Pre-application Consultation Report was received as part of the application. The report shows that the developer has informed the public and statutory consultees of the proposal prior to submitting a formal planning application. The report includes copies of the responses received.

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 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act, and in making 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. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

2.3 Anglesey and Gwynedd Joint Local Development Plan (July 2017)

PCYFF 1: Development boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

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

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

AT 4: Protection of non-designated archaeological sites and their setting

ISA 5: Provision of open spaces in new housing developments

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Supplementary Planning Guidance: Affordable housing

Supplementary Planning Guidance: Housing Mix

Supplementary Planning Guidance: Maintaining and Creating Distinctive and Sustainable Communities

Supplementary Planning Guidance: Provision of open spaces in new housing developments

Supplementary Planning Guidance: Planning Obligations

2.4 National Policies:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Letter of the Welsh Government's Minister for Climate Change, dated 11 October 2023 announcing an update to chapter 6 of Planning Policy Wales with immediate effect

Technical Advice Note 2: Planning and affordable housing

Technical Advice Note 5: Planning and nature conservation

Technical Advice Note 12: Design

3. Relevant Planning History:

None

4. Consultations:

Community/Town Council: Welcomed the development of housing for people in the area but asked for full consideration to be given to the following matters:

- Concern about the capacity of Ysgol Bethel to cope with additional numbers, especially the risk that the age range of the new children would not correspond to the vacant spaces available, thus creating problems to some specific classes, and the risk of financial shortfalls should a large number of pupils start in the school at the same time.
- If this development is approved, then the Council feels that assurance must be given that local Welsh families will be able to live in them in order to protect the language in the village.
- There are historical issues in terms of sewerage in the village of Bethel and there is concern that the development would

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exacerbate those problems and has Welsh Water given sufficient consideration to the matter?

- The application does not offer an explanation regarding the provision to look after recreational spaces after completing the work. There is concern that the spaces could become a focal point for antisocial behaviour and there is a safety concern due to the location of electric cables across one of the spaces. Questioned whether it would be more appropriate to create a recreational space on the parcel of land behind the site.

Transportation Unit:

No objection subject to conditions relating to

- The access must be built entirely in accordance with the plans
- Nothing higher than 1m within the visibility splays
- The internal road and pavements must be completed before completing the final dwelling or within a period agreed with the local authority.
- The road and pavements for the foundation course must be completed and also ensure that lights are working before houses served by that road are occupied.
- The specific parking area must be completed before residing in any house
- A Construction Method Plan will need to be agreed before commencing work on the site
- Offer guidance for the developer

Welsh Water:

No objection to the principle of the sewerage disposal method and confirm that there is sufficient capacity in the local sewage treatment works to cope with the development and that a water supply can be ensured.

Ask for a condition to manage the sewerage connection and offer guidance for the developer.

Housing Strategic Unit:

Based on the information submitted, it seems that this plan addresses the need for housing in the area

Tai Teg:

Response not received

Trees Unit:

Response not received

Language Unit:

Concerned that the Linguistic Statement does not include all the necessary information to assess the development in question in the

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application.

Biodiversity Unit:

No objection subject to conditions relating to:

- The recommendations of the ecological report must be observed
- No vegetation clearance work during the bird nesting season without prior agreement from the Planning Authority
- Amended landscaping plan to include more measures to protect / enhance biodiversity

Land Drainage Unit:

An Ordinary Watercourse Consent will be required for any work that could affect the flow of the water course near the site

Due to the size and nature of the development, it is likely that an application will need to be provided to the SuDS Approval Body for approval before construction work commences.

Municipal Service

Response not received

Natural Resources Wales

No objection subject to a condition ensuring that the recommendations of the Preliminary Ecological Report are realised.

Offer guidance for the developer.

Gwynedd Archaeological
Planning Service

There is potential for archaeological interest on the site. Stated dissatisfaction with the archaeological information submitted and asked for more information before determining the application.

Public Protection

Need to ensure that details to protect the amenities of the neighbourhood are included within the Construction Environmental Management Plan (CEMP)

There will be a need to ensure that every dwelling has sufficient sound insulation

Fire Service:

Response not received

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Health Service: Response not received

North Wales Police No observations about the proposal

Education Department: Response not received

Public Consultation:

A notice was posted on the site and the neighbours were consulted. The advertising period has expired and the following observations regarding material planning matters were received, namely:

- The historical significance of the public footpath and associated structures are not reflected in the archaeological report. It is important that these features are preserved / repaired within the new development.

In addition, observations were received which are not material planning matters for this application:

- There is no shop in the village to serve the increase in population
- This development should include a shop
- A condition should be imposed on any permission to ensure that a footpath / cycle path is created between Bethel and Llanrug.

5. Assessment of the 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 The site is within the Bethel development boundary and has also been designated under T57 as a site for housing as noted in the Gwynedd and Anglesey Joint Local Development Plan. In accordance with Policy PCYFF 1 ('Development Boundaries'), 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. In the Joint LDP, Bethel has been identified as a Service Village under policy TAI 4. 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 Bethel over the Plan period is 40 units (including a 10% 'slippage allowance'). During the period 2011 to 2023, a total of 17 units have been completed in Bethel. The windfall land bank, i.e. sites with extant planning permission, in April 2023, was 5 units.

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This means that Bethel will exceed its indicative growth level by granting permission for this application.

- 5.4 Policy PS 17, namely the LDP'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 a number of permissions granted by the Local Planning Authorities, based on the previous development plans' requirements and relevant planning considerations. Currently, this site can be approved 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 must be given to whether the proposed development meets the demand for housing that is recorded in a Market Housing Assessment and other local evidence. A Housing Mix Statement was submitted noting the logic behind the housing mix proposed in the application and confirmation was received by the Strategic Housing Unit that the development meets the recognised needs of the local community.
- 5.6 Policy TAI 15 of the LDP states that councils will attempt to ensure an appropriate level of affordable houses in the plan area. In Bethel, the threshold is two or more housing units. As the proposal prepares a development of 100% affordable units and that the Strategic Housing Unit has confirmed that the proposal meets the need in the area, the application satisfies policy TAI 15.
- 5.7 Therefore, it is considered that there is justification and need for the proposal and that it meets the needs of the local community. It is considered that the proposal meets the objectives of the LDP's housing policies.

Location, Design and Visual Impact

- 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, it is deemed that the layout, design and materials of the proposed development will be in-keeping with the location in an appropriate way. It is believed that the houses have been designed to a standard quality that will suit the nature of the village. 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 a Landscape of Outstanding Historic Interest; however, when considering its location on the periphery of the village, it is not believed that the proposed development will have any harmful impact on the broad historical landscape and, therefore, it is considered that the application is consistent with the objectives of policy AT1 of the LDP.

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Archaeological Matters

- 5.11 Policy AT 4 encourages the refusal of developments that will affect local archaeological remains unless the need for the development overrides the significance of the archaeological remains. In this case, the Gwynedd Archaeological Planning Service notes that there is archaeological potential to the site. An Archaeological Desk Based Assessment was submitted with the application but the Archaeological Planning Service did not accept that this included the necessary work to ensure that there would be no harm to archaeological features. They suggested that there was a need to view the results of the Geophysical survey of the site in order to assess whether further work needed to be undertaken on the site. In response to this, a Geophysical Archaeological Survey was submitted along with some archaeological evidence found by that survey. Only one feature of potential archaeological remains was found, and it is most likely that this was a former field boundary. A number of modern features were also found, including buried utilities running through the western part of the site. A further consultation was undertaken with the Archaeological Planning Service, and although still awaiting their formal response to the Geophysical Survey, they have noted a possibility that further action will be needed in the form of trial trenching. Ultimately, this will not affect the ability to develop the site or indeed to grant planning permission; however, any significant findings may affect the viability of the plan, which means that the final results of the work will need to be received before determining the application. The matter will be further reported upon to the Committee.

General and residential amenities

- 5.12 Because of 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 this development. Whilst accepting that private property abuts the site towards the east and that there are adjacent houses on the other side of the highway, taking into account the distance between the new houses and these houses, it is not believed that any harmful overlooking from the existing properties would derive from the development and, while it would be inevitable to have some inter-visibility between the area's properties, it is not believed that this would be unreasonable or unexpected in such a location. Neither is it believed that there would be any harm in terms of impacts such as shadowing or dominating any other property.
- 5.13 In considering the above discussion, it is deemed that the development is acceptable under Policies PCYFF 2 and PCYFF 3 of the LDP in terms of its impact on private amenities.

Transport and access matters

- 5.14 Subject to appropriate conditions, the parking arrangements and vehicular access were acceptable by the Transportation Unit and it is believed that the traffic caused by the new development would not increase the risk for road users in a significant manner. Therefore, it is considered that the proposal meets the essential requirements in terms of road safety and parking provision and that a convenient and safe access arrangement could be ensured. Therefore, the application meets the requirements of policies TRA 2 and TRA 4 of the LDP as they relate to these matters.

Trees and Biodiversity Matters

- 5.15 An Initial Ecological Assessment and Arboriculture Assessment of the site were submitted along with landscaping proposals to mitigate the impacts of the development. The content of the Ecological Report was acceptable by the Biodiversity Unit although they were eager to ensure some changes to the landscaping plan to ensure that the existing features of the site are safeguarded

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and to seek improvements. By imposing appropriate conditions, it is believed that the development is acceptable under Policy PS 19 of the LDP and Planning Policy Wales and the sequential stage approach set out in chapter 6 as amended in October 2023.

The Welsh Language

- 5.16 In accordance with criterion (1b) of Policy PS 1 'The Welsh Language and Culture', as this development, collectively, will provide more than the total indicative housing provision for Bethel, it was required to submit a Welsh Language statement with the application. Such a report was received which concluded that the proposed development would ultimately have a neutral impact on the Welsh language and the community in Bethel, by providing 100% affordable housing that meets an identified need, and the price of those would be affordable to local residents. By not proceeding with the proposed development, it was also noted that it would be unlikely that those looking for affordable housing could continue to live in their local communities, and it is likely that ultimately they would have to leave, and this would lead to local residents emigrating and likely lead to a reduction in the number and proportion of Welsh speakers in Bethel. The proposed dwellings would be suitable for both families and couples, enabling younger generations to bring up families and contribute towards the local community.
- 5.17 In response, the Language Unit noted that a wider study area needed to be considered for an application of this size and the applicant should offer an analysis and reasons for the demographic changes seen in the area to be able to assess the potential impact of the development accurately and thoroughly. There is a need to assess how the development contributes towards other developments (in the pipeline, or approved) within the area and nearby areas. Although they had been taken from the Local Development Plan, given that the figures would have now changed, they ask the applicant to use the latest figures for elements such as house prices and average salaries. By recognising the high percentage of Welsh speakers in Bethel according to the 2021 Census statistics, census evidence indicates that only a very small number of new residents are needed in a small village to have a major impact on the percentage of speakers and to change the linguistic composition. It is strongly suggested that authors of the report verify the information and content to ensure that all information is relevant to the area in question in the application.
- 5.18 These concerns have been submitted to the applicant and they note that this is a site that has already been designated for housing within the LDP and the site was the subject of a linguistic assessment at the time. The applicants have submitted an update to the Welsh Language statement responding to the specific points raised by the Language Unit and the matter will be further reported upon to the Committee. However, on balance and considering that the site has been designated for housing and that it is for 100% affordable housing, there is no evidence 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.

Open spaces

- 5.19 Policy ISA 5 notes that new housing proposals for 10 or more houses, in areas where existing open spaces cannot satisfy the needs of the proposed housing development, are expected 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).

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- 5.20 By following the FIT methodology, it is noted that a development of the size under consideration here should provide an area of 965.60m² for Outdoor Sports, 173.17m² of Informal Play Areas for children and 138.31m² of play areas and equipment for children. This means that a total of 1277.08m² of open spaces are expected for the development. There is a total of 1124m² in two open spaces on the site but there is no intention to install play equipment on the site.
- 5.21 The applicants explain that the area designated as an open space towards the west of the site intends to be used to deal with sustainable drainage requirements and, therefore, it is not suitable for play equipment while a play area to the east of the site will be an informal space due to constraints on the grounds that a (high voltage) electricity line runs above the site and that it is close to the house next door, namely Dryslwyn. Therefore, providing a play area here would not be reasonable in terms of health and safety nor in terms of the amenities of the adjacent house. Should it be necessary to provide a play area on this site, it is also noted that the number of units would have to be reduced. This would then lead to a development of smaller density which possibly would not comply with the requirements of policy PCYFF 2.
- 5.22 An existing play area is within 60m of the site and the applicants are willing to contribute an appropriate sum towards improving the facilities and access to that area rather than attempting to provide a new area within the application site. It is also noted that no land outside the application site is in the ownership of the applicants or under their control.
- 5.23 Policy ISA 5 acknowledges that on-site provision may not always be practical in each case. The applicant must provide strong justification to prove that it is not possible to provide outdoor play areas as an integral part of a new housing development. In these cases, the Authority will seek to organise a planning obligation under Section 106 Town and Country Planning Act 1990. The planning obligation will enable developers to make a contribution towards suitable play areas off the site instead of direct provision within the development site itself. Based on the explanation provided above, should planning permission be granted for these houses, it is believed that it would be acceptable to proceed to draw up a legal agreement to ensure an appropriate financial contribution towards improving the existing play provision in the village.

Educational matters

- 5.24 When proposals create direct needs for new or improved infrastructure, including educational facilities, Policy ISA 1 notes that provision relating to infrastructure in the Development Plan makes it a requirement for the proposal to fund these. A request can be made for a financial contribution to improve infrastructure, facilities, services and associated works when these are necessary to make the proposals acceptable.
- 5.25 By using the standard methodology, it is estimated that this development will generate the following capacity
- Primary School = 10.4 children
 - Secondary School (7-11) = 7.5 children
 - Secondary School (12-13) = 0.5 children
- 5.26 As part of the pre-application consultation, it was noted that there is sufficient space in the local Primary School to cope with the proposal, but there is no space in the Secondary School and, therefore, this requires a financial contribution in accordance with policy ISA 1 to meet the needs of the Secondary School. By using the demand objectives above, a notional contribution can be calculated of what is sought through a 106 Agreement towards improving the secondary educational provision:

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Secondary School Years 7-11 = £15,299 x 7.5 = **£114,742.50**

Secondary School Years 12-13 = £16,572 x 0.5 = **£8,286.00**

Total contribution (if there is no capacity in the whole school) = **£123,028.50**

Using this figure as a starting point, the exact contribution will be based on further discussions with the Education Department regarding the specific needs of the school.

6. Conclusions:

- 6.1 This is a proposal for an affordable housing development that has been designed to meet the needs of the local housing market and is located on a site that has been designated for housing within the development boundary of the village. 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 regarding all the relevant material planning matters.

7. Recommendation:

To delegate powers to the Head of Environment Department to approve the application subject to ensuring an acceptable solution regarding archaeological matters and a 106 agreement for a play area and educational contribution and conditions in relation to the following:

Commencement within five years

Development to comply with the approved plans

Affordable homes provision programme must be submitted and agreed

External materials, including roof slates, must be agreed

Removal of permitted development rights

Welsh Water Condition

Highways Conditions

Biodiversity conditions

A Construction Environmental Management Plan needs to be submitted before the development work can commence

A Welsh name for the housing estate and individual houses.

Restrict the use to C3 use class only

Archaeology conditions

Note - Welsh Water

Land Drainage Unit

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Transportation Unit

Major development