

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

Number: 1

**REPORT TO THE PLANNING COMMITTEE  
REFER TO A COOLING OFF PERIOD**

**DATE OF THE PLANNING COMMITTEE:** 4 April 2016

**DESCRIPTION AND LOCATION OF APPLICATION:** Application no. C13/1143/11/AM

**REPORT BY:** Senior Manager, Planning and Environment Service

**RECOMMENDATION:** To accept the recommendation, namely to delegate powers to the Senior Planning Manager to approve the application subject to signing a 106 agreement relating to affordable housing and receiving financial contributions towards improving local education facilities.

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**1. PURPOSE**

- 1.1 This application was originally reported to the Planning Committee on 14 December 2015; that committee's recommendation was to refuse the application contrary to the officers' recommendation, on the grounds that it would have a detrimental impact on the Welsh language, a lack of evidence regarding how the infrastructure could cope, insufficient information submitted showing that local schools could cope and insufficient evidence submitted showing that the highways network was sufficient.
- 1.2 The Senior Planning, Environment and Public Protection Service Manager (Temporary) was of the view that there is a substantial risk to the Council in relation to the decision to refuse the application contrary to the officers' recommendation, therefore the matter was referred to a cooling-off period in accordance with the Committee's Standard rules. The purpose of reporting back to the Committee is to highlight the planning policy issues, potential risks and possible options for the Committee before it comes to a final decision on the application.
- 1.3 For information, the Council has received an Assessment of the Linguistic Impact of Erecting 366 Houses on Pen y Ffridd land prepared by Hanfod on behalf of an objector to the application. This information has been assessed formally by the Joint Planning Policy Unit; see observations on the content of the assessment later in this report.
- 1.4 Similarly, a Supplementary Community and Linguistic Impact Statement was submitted by Geraint John Planning on behalf of the applicant which has also been formally assessed by the Joint Planning Policy Unit. The service decided to re-consult formally regarding this supplementary information, see observations on the contents of this assessment later in this report.
- 1.5 As a result of the second consultation, further observations were received from individuals regarding the proposed development. The relevant planning matters are noted later in this report.

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

## 2. **DESCRIPTION AND BACKGROUND**

- 2.1 This is an outline application for planning permission to erect up to 366 new residential units with associated access roads, parking spaces and ancillary resources. For clarity, this is an outline application and only the details of the access form part of the application. I.e. normal matters such as elevations, landscaping, setting and size and to an extent, numbers, are all reserved matters and therefore will be the subject of a further application that would include all of these matters.
- 2.2 This site is located within the development boundaries of the city of Bangor, which has been designated as a sub-regional centre in the Gwynedd Unitary Development Plan (July 2009) and is a site that has been designated specifically for residential development.
- 2.3 As referred to above, the previous application was submitted to committee on 14 December 2015 with an officers' recommendation to approve with relevant conditions and subject to signing a 106 agreement relating to affordable housing and receiving financial contributions towards improving local education facilities. It was considered, based on the information and evidence submitted and the responses received, that this application was acceptable and that it complied with the requirements of relevant local and national policies. A copy of the report and plans as submitted to the planning committee on 14 December are attached in **Appendix 1** where the background of the application is explained further.
- 2.4 In response to concerns raised by the planning committee regarding the aspects that have already been mentioned in relation to this application, information is submitted to respond specifically to the following matters:
- **Detrimental impact on the Welsh language:**
  - **No evidence that the infrastructure can cope:**
  - **No evidence that education can cope:**
  - **No evidence that the roads network is sufficient:**

## 3 **POLICY CONTEXT**

### 3.1 **National Planning Guidance**

Paragraph 3.1.1 of Planning Policy Wales (PPW) (Edition 8, January 2016), clearly states that 'The planning system is intended to help protect the amenity and environment of towns, cities and the countryside in the public interest while encouraging and promoting high quality, sustainable development. In line with the presumption in favour of sustainable development applications for planning permission, or for the renewal of planning permission, should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise.'

It is also noted that the following are relevant:

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

- Technical Advice Note 1: Joint Housing Land Availability Studies (2015)
- Technical Advice Note 20: Planning and the Welsh Language (2013)
- Technical Advice Note 18: Transportation (2007)
- Planning (Wales) Act 2015
- The Well-being of Future Generations (Wales) Act 2015

### 3.2 Local Planning Policies

The adopted Development Plan is the Gwynedd Unitary Development Plan (July 2009) and the relevant policies in this case is policy A1 (Environmental assessments of other impact assessments), A2 (Protection of the social, linguistic and cultural fabric of communities), CH18 (Available Infrastructure), CH37 (Educational facilities), CH33 (Safety on Roads and Streets).

It is also noted that the following Supplementary Planning Guidance (SPG) are relevant:

- Development Briefs (November 09)
- Affordable Housing (November 09)
- Housing Development and Educational Provision (November 09)
- Planning Liabilities (November 09)
- Planning and the Welsh Language (November 09)

### 3.3 **Detrimental impact on the Welsh language**

Policy A1 states that there is a need to 'ensure that sufficient information is provided with the planning application along with any likely substantial environmental or other impacts in the form of an environmental assessment or assessments of other impacts'.

Also relevant is policy A2 which states that there is a need to 'safeguard the social, linguistic or cultural cohesion of communities from significant harm due to the size, scale or location of proposals.'

The site has been designated specifically for residential development and the Development Brief for the site notes that applying the general building density of 30 units per hectare shows that approximately 330 residential units can be accommodated on this site. It is reminded that this is an outline application for erecting **up to** 366 houses it is likely that this number will reduce through the careful planning of the site (including roads, play areas, gardens, etc.) Therefore, the final figure is likely to be closer to the indicative figure as noted in the development brief.

Due to the site's designation in the UDP, thorough assessments were undertaken during the period of adopting the Plan, a Public Inquiry was held under the leadership of a Planning Inspector to discuss the features of all designations in the Plan, including evidence in favour and against. The impact of developing the site on the Welsh language was considered at the time and based on all relevant issues it was decided to include the site as a formal designation for residential development.

A Linguistic Impact Assessment was submitted as part of the application as part of the application due to the need to update the situation in relation to the language following the

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

publication of the 2011 census. This statement was assessed by the officers of the Joint Planning Policy Unit and the outcomes were agreed with.

A Linguistic Impact Assessment of a Plan to erect 366 Houses on land at Pen y Ffridd was submitted by Hanfod as an objective response to the application and the information submitted as part of the application. It acknowledges that it is not possible to predict to any certainty what would be the exact impact of any specific development on the Welsh language but that it can analyse trends seen over the past years.

The Joint Planning Policy Unit was asked to comment on the content of this document and this is a summary of its observations:

The paper does not display any use of the acknowledged method that the Council has in place for assessing the impact of development on the Welsh language and communities. It does not follow any acknowledged methodology for considering linguistic and community matters in the context of linguistic and community land use planning.

Although some reference is made to other wards, focusing the impact assessment on the Dewi ward and dealing with the area as a settlement, rather than as an integral part of the city of Bangor, is a significant flaw.

Failing to acknowledge the complex nature of the link between the planning system, house building and the language is a significant flaw.

Failing to acknowledge the relationship between housing, the economy and community facilities and services is a significant flaw, in particular considering Bangor's role as a Sub-regional Centre.

The paper does not consider mitigation measures that could be put in place through the planning system or mitigation measures in other areas.

As a result of the above, it is not believed that it is reasonable to accept the presumptions submitted in the paper.

Subsequently, a Supplementary Statement on the Impact on the Community and Welsh Language was submitted (from Geraint John Planning), on behalf of the applicant. This statement was submitted in response to concerns raised by members at the Planning Committee dated 14 December 2015 and the recommendation to refuse the application based on matters including the harmful impact on the Welsh language. There was no necessity for the agent acting on behalf of the applicant to submit this information.

It states, according to the evidence submitted, that the proposal would not harm the linguistic and cultural character of the local area and that a lack of robust evidence had been submitted which provided a counter-argument against this.

By following the same procedure used with the Hanfod report, the Joint Planning Policy Unit was asked to comment on the content of the document and here is a summary of its observations:

Strategic Policy 1 will apply with all planning applications that promote development where it is appropriate to consider the impact on the Welsh language.

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

Note that the paper does not submit additional information, and rather it chooses to depend on the evidence submitted in the original statement, the observations of the Joint Planning Policy Unit and the conclusions of the Planning Service.

The paper refers to the correct data for the wards named, which shows that the Dewi ward is not the ward with the highest % of Welsh speakers. Nevertheless, it is one of a group of wards in close proximity where the highest percentages of Welsh speakers are to be found in the city of Bangor. This shows that residents in this part of Bangor are more likely than usual to hear the Welsh language on the streets within this area, compared with the rest of the city.

Note that the paper refers to / quotes from an overview of the situation by the Unit. Reference is made to the viability of the language in communities. In terms of assessing whether or not the language, or the use made of it, is a part of the social fabric of a community, neither planning policy nor TAN 20 currently provide a method to measure this. Nevertheless, Welsh Government in its strategic plan notes that communities where 70% or more of the local population can speak Welsh are ones where the language is more likely to be used in social, leisure and business activities, rather than solely in the home, school etc. In these places, it is considered that the Welsh language is a live, day-to-day language and that it is a part of the 'social fabric'. Therefore, the work 'viable' is used within this context. It is believed that this paper submitted on behalf of the applicant has misunderstood that. There is a need to consider a development's impact on the linguistic balance of an area within that context.

The proposed development involves releasing green land and previously used land to address the demand that ties in with the evidence gathered at the time of preparing the Plan. The Plan includes clear policies and a mechanism to provide a robust framework to control growth and encourage sustainable designs/schemes. It shows how development can take place in phases and introduce positive intervention measures.

Reference is made to the Housing and Language Study and its findings. It could possibly be more beneficial if the paper explained that the information derives from responses in specific wards. Asking for affordable housing to meet local need is one positive intervention that is identified as a method to help ensure that local households have access to houses to purchase or rent. The paper also refers to the role of local schools. Schools are one recognised method of ensuring that more individuals 'obtain' the language – this adds to the numbers who are able to speak Welsh. Also, bear in mind that there is a trend for local young individuals to move from the area to go to college/university and that young households move from the area, e.g. to find work. Employment opportunities in Bangor or in places within the city's catchment area and suitable housing to coincide with that will be important to ensure balance in terms of the city's age profile and thus the city's linguistic balance. Note that the paper confirms that the applicant is continuing to contribute a financial sum to ensure that relevant schools are able to cope with any additional pressure on them. This is to be welcomed.

For clarity, the Welsh language was not identified in the development briefs for housing designations because (as noted in the Plan and SPG Planning and the Welsh language), it was not anticipated that an applicant would need to submit a statement or report on the linguistic impact assessment associated with a housing designation. The development of the UDP and SPG was the subject of public consultation, therefore, numerous opportunities had been given so that communities could contribute and thus influence their content.

Based on the above, the additional information about the application received from the agent confirms the first view expressed by the Joint Planning Policy Unit regarding the content of the Linguistic Impact Statement submitted as part of the original application because of the need to update the situation regarding the language following the publication of the results of

<b>PLANNING COMMITTEE</b>	<b>DATE: 04/04/2016</b>
<b>SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER</b>	<b>CAERNARFON, GWYNEDD</b>

the 2011 Census. That particular view agreed with the conclusions of the Statement and stated, due to the location of the site and the provision of affordable housing intended, that it was not considered that there would be a significant impact on the Welsh language and community which was in accordance with the policy requirements of strategic policy 1 and policy A2 of the UDP.

Based on the observations of the Planning Committee on 14 December, 2015 the agent voluntarily submitted observations in the form of a Supplementary Statement of Community and Linguistic Impact (from Geraint John Planning). This statement was assessed by the officers of the Joint Planning Policy Unit and it agreed with the conclusions. Considering the above, as well as the fact that the site has been designated, the location of the site and the provision of affordable housing intended, including the fact that it is possible to manage the phasing of the development, it is not considered that there would be a significant impact on the Welsh language and the community which is in accordance with the requirements of strategic policy 1 and policy A2 of the UDP and it is not considered that any robust evidence has been submitted which argues against this.

Technical Advice Note 20: Planning and the Welsh language (October 2013) states that the impacts of housing developments on the Welsh language can be mitigated by building houses in phases and/or by providing affordable housing to meet local needs. The proposal would provide affordable housing by means of a formal 106 Agreement arrangement and it is intended to include a condition to ensure a phased development; consequently, it is believed that the proposal complies with the needs of TAN 20.

PPW also states that local planning authorities should aim towards providing houses that are widely distributed and developed in phases, taking into account the ability of various areas and communities to integrate those developments without having a detrimental impact on the situation of the Welsh language. Where possible, the planning system should aim to create conditions that are favourable to the use of the Welsh language. Having appropriate policies in development plans on the general scale and location of new developments, and their phased development, could assist to satisfy this aim. Policies relating to affordable housing could also assist to this end.

Full consideration has been given to relevant national guidance and advice provided in various legislation such as the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015. The Planning (Wales) Act and the Well-being (Wales) Act both refer to the need to consider the impact on the Welsh language as a material planning consideration. Information has been submitted which has been formally assessed; the evidence submitted was insufficient to counter argue what is noted in the Linguistic Impact Statement or what was stated in the Policy Unit's assessment.

Consequently, and based on the above, it is considered that the proposal, with appropriate planning conditions, satisfies the policy requirements of policies A1 and A2 and the Supplementary Planning Guidance: Planning and the Welsh Language and national policies and therefore there is no evidence or valid planning reason to refuse the application on these grounds.

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

### 3.4 Considerations relating to infrastructure

Policy CH18 states that ‘Development proposals will be refused unless there is an adequate provision of necessary infrastructure for the development, i.e. power and water supply, means of disposing of water and sewage, means of disposal of surface water, and other essential services, unless one specific criterion can be met which notes that appropriate arrangements are being made in order to provide a sufficient supply or that the development is undertaken in phases in order to coincide with any proposed plan to provide infrastructure.’

This site has been designated for residential development in the UDP, and at that time, the statutory consultees did not object to the designation due to a shortcoming in the local infrastructure.

Natural Resources Wales has stated in the form of a formal response to a consultation on the application that it is satisfied that the flood risk/drainage matters can be effectively managed by means of formal and relevant conditions. Therefore, it is believed that it is possible to ensure that there would be sufficient infrastructure for the development.

Welsh Water has expressed the same; that it is satisfied for conditions to be imposed on any permission in order to reach agreement on the work arrangements to create sewerage infrastructure and maintain the work of providing a substantial water supply. It is not anticipated that there would be problems regarding treating sewerage discharges from the site within the waste water treatment works.

Therefore, it is believed that there is no objection to the proposal from the statutory consultees such as Natural Resources Wales and Welsh Water (subject to the inclusion of relevant conditions as suggested), there is no concern in terms of the local infrastructure’s capacity to cope with the proposed development and that it consequently complies with the requirements of policy CH18.

### 3.5 Education

Policy CH37 states that ‘development proposals for new educational, health and community facilities will be approved provided that a series of criteria relating to the location of the proposal, its accessibility to various modes of transport, along with highway considerations, the design of any new school and the impact on the defined town centre, can be met.’

The Joint Planning Policy Unit undertook a detailed assessment of the information received regarding the application and cross-referenced it with the Education Department’s current data. It was discovered that the site was partially located in the catchment area of Ysgol y Faenol and partially located in the catchment area of Ysgol Babanod Coed Mawr and Ysgol Glanadda. It was also located within the broader catchment area of Ysgol y Garnedd and Our Lady’s School and within the catchment areas of Ysgol Friars and Ysgol Tryfan secondary schools. By using the formula seen in Supplementary Planning Guidance: Housing Developments and Educational Provision, it is believed that there is an existing shortfall in the capacity of primary schools to cope with the increase in the school-age population. The Policy Unit has contributed to the discussion regarding applying the formula, and has provided relevant statistics. The requirements of Policy CH37 of the Plan will therefore apply, and this will mean that the developer will be expected to make a financial contribution to add to the

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

relevant educational facilities in the local area to ensure that the appropriate infrastructure is in place to accommodate the development.

Based on these observations, a series of discussions were held with the applicant and agreement was reached based on the SPG formula that a contribution of £907,018 would be made by means of a formal 106 agreement in order to improve the facilities of existing schools and ensure that the proposal meets the requirements of the relevant guidance and complies with policy CH37.

No formal objection to the proposal was received from the Education Department.

### 3.6 Road Considerations

Policy CH33 states that ‘development proposals will be approved provided that specific criteria can be met which relate to the vehicular access, the standard of the current roads network and traffic calming measures.’

The applicant originally submitted a traffic assessment and data with the application and subsequently, additional assessments were submitted as a result of the Transportation Unit’s concerns regarding some aspects. This additional information showed that the development would be unlikely to have a detrimental impact on the local roads network, any more so than the natural addition in traffic levels projected for the next 15 years.

Final observations were received from the Transportation Unit which states ‘As the additional information appears appropriate, i.e. that the development is unlikely to have a detrimental impact on the local roads network, the Highways Authority confirms that its previous objection is now withdrawn.’

By imposing relevant conditions regarding managing the development from the perspective of highways and thus maintain any changes/improvements seen necessary by the highways unit and external agencies, it is expected that the development will satisfy the requirements of policy CH33.

### 3.7 Housing Availability

Although this was not a matter that was raised specifically by members during the discussion at the planning committee, it was believed that this matter was relevant and important to refer to as it was a matter that had been raised recently in appeal cases by Planning Inspectors.

In terms of national policies, Planning Policy Wales and Technical Advice Note 1 states that each Local Planning Authority must ensure that sufficient land is available and ready for development in order to provide a 5 year supply of land for housing; in accordance with one of the main requirements of Welsh Government’s planning policy. The planning system, by means of the Local Development Plan and previously the Unitary Plan, must provide the land required for constructing new homes, and Local Planning Authorities must ensure a sufficient supply of actual land to provide houses for 5 years.

The Gwynedd Council Joint Housing Land Availability Study 2015 notes that the Gwynedd Planning Authority Area has 3.3 years' supply of land for housing, i.e. the current supply of



PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

land available is lower than the required 5 year supply in order to satisfy Planning Policy Wales and TAN 1. Whilst this report provides an observation of the wider context in terms of this figure, including alternative methods of considering the housing land availability, by using the residual method of calculating the supply of land for housing as noted in TAN 1, the Gwynedd Planning area does not have a 5 year supply of land for housing.

The Unitary Plan, over the lifespan of the Plan (2011 – 2016) requires a provision for 4,178 dwellings and this ensures a 5 year supply. It is noted that Bangor has been identified as a Sub-regional Centre in the UDP and consequently, it is expected for it to satisfy a substantial percentage of the demand for housing in the Plan area, and more specifically in the Bangor Dependency Catchment Area. The figures of the last Gwynedd Joint Housing Land Availability Study published on 1 April 2015 shows a shortfall of new housing in Gwynedd and within the Bangor Dependency Catchment Area (see table below).

	Total Need for Housing (as outlined in the adopted Gwynedd Unitary Development Plan)	Total completed since the commencement date of the UDP (major and minor sites)	Residual need
Gwynedd	4178	2670	1508
Bangor Dependency Catchment Area (DCA)	1456	815	641

The above-mentioned statistics clearly show that there is insufficient land to provide a 5 year supply of housing; the Local Planning Authority must continue to provide a 5 year land supply in the future by means of the Local Development Plan. In addition, unless the housing requirement is generally satisfied, the need for affordable housing cannot be satisfied as an element of the general figure for housing either.

The site has been designated for housing in the Unitary Development Plan and the Development Brief prepared for the designation states that the site should be developed in phases so that the construction period reflects the current circumstances. A condition regarding phased development would require the developer to agree upon an appropriate plan before the work is commenced and one phase would need to be completed to the satisfaction of the Local Planning Authority before work could commence on the next phase.

### 3.8 Second consultation

As previously noted, and accepting the supplementary assessment that was submitted by the applicant in response to concerns noted by the Planning Committee on 14 December 2015 (completed by Geraint John Planning), a second formal consultation was held. A number of observations and objections were received which reinforced/reflected a number of the observations and objections noted in the previous report, namely traffic problems; negative impact on the Welsh language; negative impact on local schools; size and lack of evidence of the need; lack of infrastructure; flooding; harmful impact of the phased development; loss of green land and harmful to wildlife; lack of information/misleading information and all of

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

these elements have been addressed as part of the report submitted to the Committee on 14 December 2015.

One observation was received that has not been referred to previously, i.e. health and safety concerns considering the proximity of the site to Ysbyty Gwynedd's current helipad and instances of noise emanating from this use. It is believed that the location of this helipad would have been considered by the Planning Inspector when considering the designation of the land for residential development. Nevertheless, the issue was discussed with the Public Protection service and it stated that helicopter noise could not be controlled by means of normal nuisance legislation and that safety would be an issue covered by a section of the Civil Aviation Authority.

In addition to these observations, one specific comment was received regarding the linguistic assessment of Geraint John Planning which stated: the Language assessment is flawed as it does not give sufficient consideration to all relevant factors; it does not include information from fields such as demography and language sociology and linguistic planning, it is superficial and impressionistic, the Linguistic Assessment must be drawn-up by an expert in the field.

In addition to the above-mentioned objections, one letter of support was received supporting the application on the grounds of: suitable location, appropriate use of brownfield land; provision of quality housing; site designated to satisfy housing targets.

### 3.9 **To summarise**

Considering the above and based on detailed information and evidence submitted and subsequently assessed thoroughly, it is believed that this proposal is acceptable and that the application as submitted complies with local and national policies and guidance. Members must be able to present robust reasons and evidence to justify refusal and overturn the officers' recommendation on the application for a residential development on a site that has been designated specifically for housing and is considered to be in compliance with the relevant policies of the Gwynedd Unitary Development Plan as well as specific Welsh Government policies. In this specific case, it is not believed that sufficient reasons and evidence have been submitted to support the reasons for refusal as noted by the planning committee on 14 December to justify overturning the officers' recommendation.

## 4 **RISKS IF THE COUNCIL REFUSES THE APPLICATION**

4.1 As outlined above, refusing this application would undermine policies on a national and local level. The site has been designated specifically for residential development in the Gwynedd Unitary Development Plan and thus it is a part of a strategy and plan that has already been adopted by the Council. It would contribute towards meeting the need for a total of 1,456 new houses in the Bangor catchment dependency area which has been targeted for the Plan period (2011-2016). Please note that 815 units have already been completed and that there is a residual need of 641.

4.2 Refusing the application would create inconsistency in terms of implementing the Council's adopted planning policies when making decisions on applications to develop sites designated specifically for erecting new houses in the Gwynedd Unitary Development Plan and where a specific Development Brief has been adopted.

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

- 4.3 There is a risk that the application will be called in for a decision by Welsh Government. In addition to the risk of calling individual cases in, Welsh Government and its officers have powers to intervene formally regarding how the Council provides a Planning Service.
- 4.4 The obvious risk of refusing this application without robust and indisputable evidence means that it is likely that a formal appeal will be submitted to the Planning Inspectorate. It is likely that the decision would be to allow the appeal due to the site's housing designation. There is a genuine risk that substantial financial costs would fall against the Council if the application is refused without robust evidence. We remind you that there have been previous cases (Wern Manor, Treflys, Pentrefelin), where planning applications were refused contrary to officer recommendations without sufficient evidence to support the decisions, with subsequent appeals being approved with costs falling against the Council.

## 5. OPTIONS FOR THE COMMITTEE

- 5.1 The options open to the Committee when determining this application include the following, and the risk level to the Council is also highlighted.

To refuse the application based on any one or a combination of the following reasons:

- a) **Impact on the Welsh language** – refusing this application without robust evidence would create a substantial risk to the Council in the form of costs against the Council as a result of a formal appeal against the refusal. Information/evidence has been submitted as part of the application (and in addition following the committee's previous decision), as required and full consideration was given to current legislation including the Planning (Wales) Act 2015. The information submitted states that there will be no substantial impact on the Welsh language as a result of the development. This information has been assessed formally by the Joint Planning Policy Unit which states that it agrees with the conclusions of the information in relation to the impact.
- b) **Infrastructure** – refusing the application on this basis without robust evidence would create a substantial risk to the Council in the form of costs against the Council as a result of a formal appeal against the refusal. The proposal is not opposed by the statutory consultees such as Natural Resources Wales and Welsh Water. The applicant has prepared relevant information and by including conditions as advised by the above-mentioned bodies, it is not believed that there will be a harmful impact on the infrastructure of the local area.
- c) **Education** – refusing the application on this basis without robust evidence would create a substantial risk to the Council in the form of costs against the Council as a result of a formal appeal against the refusal. The proposal has been assessed by the Policy Unit and it was found that the proposal is acceptable on the grounds of evidence. The applicant has agreed to make a financial contribution in accordance with the requirements of the relevant SPG. The Education Department did not oppose the proposal and therefore it is not believed that the proposal is unacceptable in terms of this aspect.
- ch) **Transportation** – refusing the application on this basis without robust evidence would create a risk for the Council that would include costs against the Council as a result of an appeal against the refusal. The applicant has submitted detailed evidence and robust evidence that it

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

would not have a substantial impact on the local transport network. This information has been assessed by the Council's Transportation Unit and based on the evidence submitted, the proposal is not objected to in relation to this aspect.

- 5.2 **Therefore, we must realise, based on the above, that there are substantial risks associated with the refusal of this application and that there are financial risks associated with each of the above-mentioned reasons for refusal. The financial risk is substantial and would increase if the application is refused for more than one of the reasons as outlined above. The possibility of refusing the application based on the four reasons noted above could lead to a cost that could amount to tens of thousands of pounds for the Council.**
- 5.3 **In order to ensure that the Council avoids the risks as outlined above and as the merits of the application have been thoroughly assessed by Council officers and external agencies, it is believed that the proposal complies with the requirements of the adopted policies of the Gwynedd Unitary Development Plan, local and National guidance and National planning policies. Therefore, it is recommended that the application is approved as submitted subject to the completion of a 106 agreement with relevant conditions as outlined below and at the end of the report submitted as Appendix 1:**

Conditions –

1. Time.
2. To comply with plans.
3. Materials.
4. Landscaping.
5. To submit and agree upon a building control plan.
6. Phased development.
7. Highways requirements.
8. Archaeological matters.
9. Biodiversity matters
10. Trees.
11. Drainage/sewerage.
12. Removal of permitted development rights.
13. Safeguarding/diversion of rights of way.

## 6. **APPENDICES**

Appendix 1 – A copy of the previous report submitted to the planning committee dated 14 December 2015.

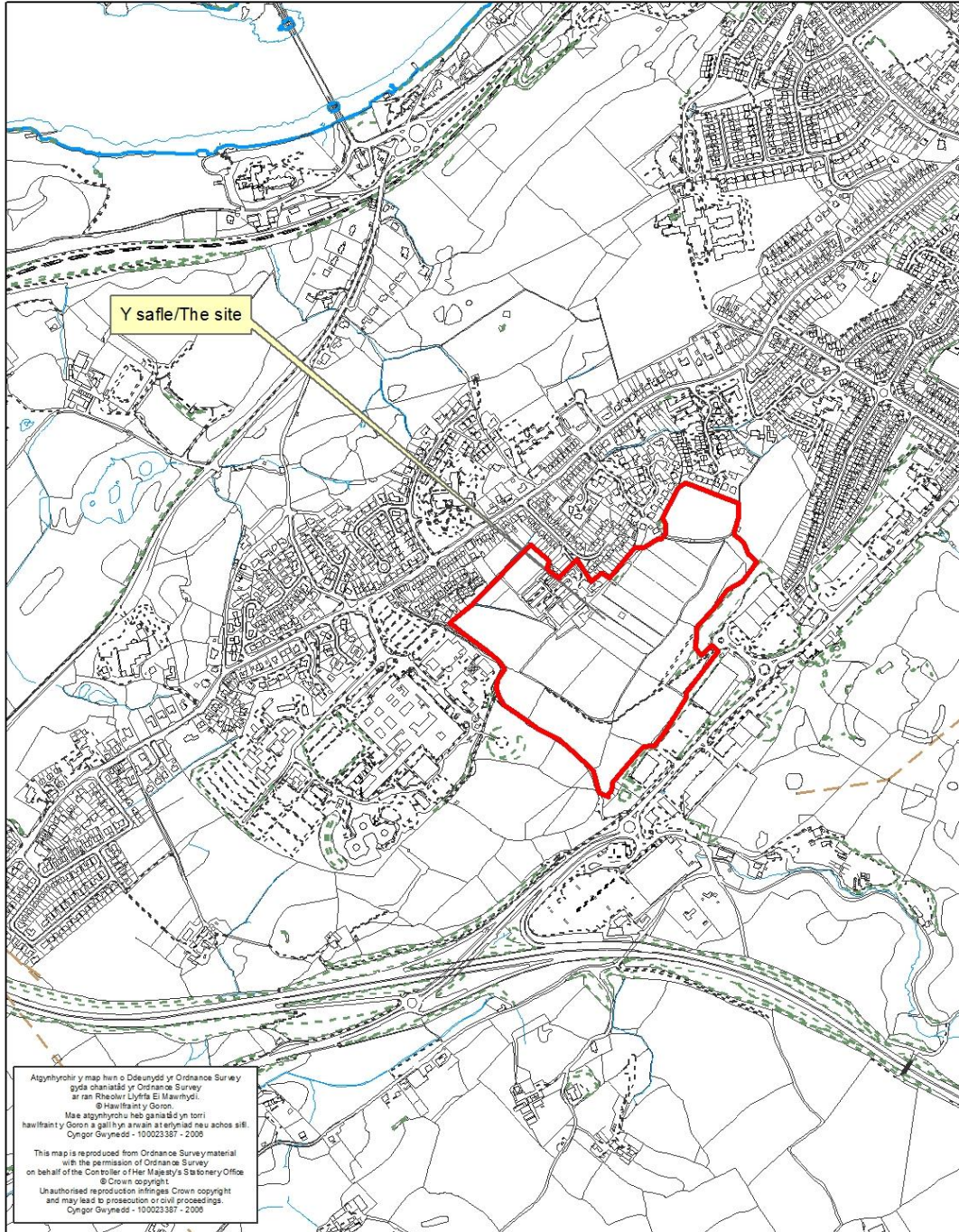
# APPENDIX 1

Number: 1



Rhif y Cais / Application Number : C13-1143-11-AM

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.  
Location Plan for identification purposes only. Not to scale.



PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

Application Number: C13/1143/11/AM  
Date Registered: 12/11/2013  
Application Type: Outline  
Community: Bangor  
Ward: Dewi

Proposal: OUTLINE APPLICATION TO CONSTRUCT UP TO 366 LIVING UNITS WITH ANCILLARY DEVELOPMENTS INCLUDING AN ACCESS ROAD, PARKING SPACES AND ANCILLARY RESOURCES

Location: LAND AT PEN Y FFRIDD, BANGOR, GWYNEDD, LL57 2LZ

**Summary of the Recommendation:** TO DELEGATE POWERS TO APPROVE

**1. Description:**

- 1.1 The Planning Committee deferred the discussion on this application at the committee held on 9 November 2015.
- 1.2 This application is an outline application for planning permission to erect up to 366 new residential units with connecting access roads, parking and ancillary resources. For clarity, this is an outline application with the details of the access only forming a part of the application. This means that matters such as appearance, landscaping, layout and scale and the exact numbers (up to a maximum of 366), are all reserved matters and will therefore be the subject of a further application.
- 1.3 The site is located within the development boundaries of the city of Bangor that is designated as a sub-regional centre in the Gwynedd Unitary Development Plan (July 2009) with the site specifically designated for residential development. The site measures 14.31 hectares (35.36 acres) with historical use as agricultural grazing land and within one section there is a site that was previously developed by Bangor University as an agricultural research site. However, this is now empty. The buildings that used to be a part of this site have now been demolished and disposed of.
- 1.4 The site is in the Penrhosgarnedd area of the city, and within the Bangor City Council area boundaries. The site also directly abuts the boundaries of Pentir Community Council to the south and south-west. Its location is relatively hidden from nearby public viewpoints as residential housing is located there. Ysbyty Gwynedd and its position on elevated land above Caernarfon Road conceals it to an extent.
- 1.5 Penrhos Road is located to the north and north-west of the site with existing residential estates, streets and existing single dwellings located between the site and the road itself. These houses, as well as houses on Penrhos Road, vary in appearance, size, finishings and design which means that there is no definite or uniform building form in the local area. The south-western boundary of the site directly abuts the vast Ysbyty Gwynedd site whilst the substantial retail units of Caernarfon Road are located to the south and south-east.
- 1.6 The proposal was screened in terms of the need for an Environmental Impact Assessment due to the size of the proposed development and it was concluded that an Assessment was not required as the proposal would not cause significant harm to recognised important features.
- 1.7 The indicative plans submitted with the application show the likely proposed development. In brief, the proposal would include the following:

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

- Areas of high density, medium density and low density building.
- Construction of a new vehicular access with two connecting roundabouts. The vehicular access to the site would be located off the existing roundabout located between B&Q and Curry's on Caernarfon Road.
- Construction of a main estate road, with connecting roads.
- Creation of formal and informal open spaces, including playing fields
- Maintaining and re-defining existing rights of way
- Creation of new foot / cycle access links

1.8 Obviously, due to the outline form of the application, no definite details have been submitted in terms of the type and exact number of units to be developed on the site. The following has been included as part of the Design and Access Statement submitted with the application:

*'The development will provide up to 366 houses with a proportion of affordable houses to be determined as part of any viability assessment. It will be a mixed development of 2 and 3 bedroom terraced houses, 3 and 4 bedroom town houses and 3, 4 and 5 bedroom detached houses. The 2 and 3 bedroom terraces will be located within the high density building area and the 4 and 5 bedroom houses will be on the periphery of the site. The affordable houses will be in clusters of no more than 6 to 10 units and will be a mixture of sizes, and will be located appropriately within the development'.*

1.9 To comply with current legislative requirements, the following information was submitted in the form of formal documents.

- Design and Access Statement- as required under current legislation, the application is supported with a Design and Access Statement. The applicant has noted in the statement how consideration was given to the context, access, design, character, environmental sustainability and site analysis. The statement is a material consideration when making a decision on the application and due attention has been given to it.
- Transport Impact Assessment – this report has been provided to explain the impact of the proposed development on the roads network in the nearby area, the accessibility of the site and other relevant matters in the context of transport.
- Language Impact Assessment – this report was submitted which included specific information regarding the local area and population and the impact of the development on related matters.
- Affordable Housing Statement – this report refers in general terms to the likely number and type of affordable housing offered on the site.
- Archaeological Assessment – an archaeological survey was submitted which contained information about relevant matters in relation to the site; this was as a result of detailed inspections that were undertaken on the site. The report has been updated to convey the comments of the Archaeological Trust.
- Initial Sustainability Assessment – Level 3 of the Code and a Sustainable Building Code Assessment
- Ecological Restrictions Assessment – This assessment was undertaken to identify any ecological restriction to the proposed development from the earliest stage in order to avoid any potential delay.
- Preliminary Risk Assessment – The main purpose of this report is to assess whether or not the land is polluted and whether or not there are any other concerns in relation to similar issues, including the stability of the land.



PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

- Flood Risk Assessment – This information was submitted to include appropriate protective measures in relation to land drainage and flooding along with mitigating measures to show how the residential development can safely manage the risks and consequences of flooding.

## 2. Relevant Policies:

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

### 2.2 Gwynedd Unitary Development Plan 2009:

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

**Design Standard – Strategic Policy 4** - Developments will be expected to be of a good design in order to ensure that it makes a positive contribution. Wherever possible, for the landscape, the built environment and sustainable development.

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

- making provision for a total of 4178 housing units, which will include the provision of 1870 housing units on allocated sites; 1380 housing units on small and windfall sites and through residential conversion of existing buildings; and 991 on sites with planning permission;
- making provision for meeting the local need for affordable housing;
- distributing the housing units across the Plan area in accordance with the Plan's settlement strategy.

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

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

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

Policy A3 – Precautionary Principle - Refuse proposals if there is any possibility of serious or irreversible damage to the environment or the community unless the relevant impact assessment can show beyond doubt ultimately that the impact can be avoided or alleviated.

Policy B7 – Sites of Archaeological Importance - Refuse proposals which will damage or destroy archaeological remains which are of national importance (whether they are registered



<b>PLANNING COMMITTEE</b>	<b>DATE: 04/04/2016</b>
<b>SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER</b>	<b>CAERNARFON, GWYNEDD</b>

or not) or their setting. It also refuses any development that will affect other archaeological remains unless the need for the development overrides the significance of the archaeological remains.

Policy B19 – Protected trees, woodlands and hedgerows - Approve proposals that will lead to the loss of, or damage to protected trees, woodlands or hedgerows only when the economic and/or social benefits of the development outweigh any harm.

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

Policy B21 – Wildlife corridors, habitat linkages and stepping stones - Safeguard the integrity of landscape features which are important for wild flora and fauna unless the reasons for the development outweigh the need to retain the features and that mitigating measures can be provided.

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

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

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

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

Policy B29 – Developments on Land at Risk of Flooding - Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A unless they conform with a series of criteria relevant to the features on the site and to the purpose of the development.

Policy B30 - Ensure that proposals for developing contaminated land or buildings are refused unless they conform to a series of criteria aimed at managing or restricting the pollution.

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

Policy B35 – Avoiding the spread of invasive species - Ensure that measures are taken to deal with invasive species where the development involves the disturbance of soil that is contaminated by invasive species.

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

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

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

Policy CH6 – Affordable housing on designated sites - Approve proposals for housing developments on sites allocated for housing or on random sites for five units or more within the development boundaries of the sub-regional centre and the urban centres, which provide the appropriate element of affordable housing.

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

Policy CH22 – Cycling network, footpaths and rights of way - All parts of the cycling network, footpaths and rights of way will be protected by encouraging proposals to incorporate them satisfactorily within the development and by refusing proposals which will prohibit plans to extend the cycling network, footpaths or rights of way. Should this not be possible, appropriate provision will have to be made to divert the route or to provide a new and acceptable route.

Policy CH29 – Protect and improve links for pedestrians - Proposals within Centres and Villages will be refused unless they provide safe, attractive and direct footpaths for pedestrians across and out of the site where there is an obvious opportunity for such a provision to be made.

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

Policy CH31 – Providing for cyclists – Development proposals which do not provide specific facilities for cycling where there are obvious opportunities for doing so will be refused.

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

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

Policy CH37 – Educational facilities - Development proposals for new facilities associated with education, health and the community or extensions to existing facilities will be approved provided that they conform to a series of criteria regarding the location of the proposal, its accessibility using different modes of travel, together with highway issues, the design of any new school and the effect on a specific town centre.

Policy CH43 – Provision of open spaces of recreational value - Expect that new housing developments of 10 or more dwellings - in areas where the existing open spaces provision does not meet the needs of the development - to provide suitable open spaces of recreational value as an integral part of the development.

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

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

SPG – Development Briefs

SPG – Affordable Housing

SPG - Housing Developments and Educational Provision

SPG – Housing Developments and Open Spaces of Recreational Value

SPG – Planning Obligations

SPG – Planning and the Welsh Language

### **2.3 National Policies:**

Planning Policy Wales – edition 7, 2014

Technical Advice Notes (TAN):

TAN 2: Planning and Affordable Housing

TAN 5: Planning and Nature Conservation

TAN 12: Design

TAN 18: Transportation

TAN 20: Planning and the Welsh Language

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

3.1 Application C11/0632/11/LL – renewal of application C08A/0065/11/LL in relation to the construction of a new road – approved on 13.10.11. No element of this application has been commenced to date; however, it remains 'live'.

3.2 Application C08A/0065/11/LL - extending the commencement period of a development of constructing a road approved under planning permission C05A/0525/11/LL - approved 01.04.08.

3.3 Application C05A/0525/11/LL - changing a condition of permission C98A/0111/11/LL as amended under condition 1 of planning permission C03A/0408/11/LL in relation to the commencement period of the development to create a new road between Caernarfon Road and Penrhos Road – approved 26.09.05.

3.4 Application C03A/0408/11/LL – changing condition 1 under planning permission C98A/0111/11/LL to extend the commencement period of developing a new road between Caernarfon Road and Penrhos Road - approved 27.08.03.

3.5 Application C98A/0111/11/LL - new road between Caernarfon Road and Penrhos Road including junctions and a car park and a new roundabout – approved 10.12.98.

### **4. Consultations:**

Community/Town Council: Bangor City Council – object. It is considered that the proposal is premature bearing in mind that another 245 houses have been proposed for another site off Penrhos Road less than 1km away. It is considered that the planning service requires a full assessment of the

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

local roads network, infrastructure, recreational resources, education and community facilities before the application can be considered.

Pentir Community Council – object to the proposed development as it is not believed that the infrastructure exists in the area to deal with additional traffic, the demands on local schools and health services or the impact on the Welsh language in Penrhosgarnedd.

Transportation Unit:

Additional information has been received on behalf of the applicant from the specialist company Turner Lowe Associates (dated 25.08.15), in the form of further formal assessments in relation to this application.

As this additional information appropriately shows that the development is unlikely to have a detrimental impact on the local roads network, the Highways Authority and the Welsh Government's Transport Department now confirm that their previous objection to the proposal is being withdrawn.

Nevertheless, we are disappointed that the developer has not fully investigated the potential of providing the entire through road as previously approved under other permissions and as noted in the development brief, particularly bearing in mind that the health authority had told the Council that they were prepared to consider this provision, but that the applicant had not been in contact to discuss the matter.

It is suggested that suitable conditions are imposed on the development including reaching an agreement on foot and cycle paths to ensure that there are suitable direct links with Penrhos Road.

Natural Resources Wales:

Satisfied that the flooding/drainage risks associated with the proposed development can be effectively managed by including relevant conditions. To this end, it is suggested that a condition is imposed to submit and reach agreement on a suitable surface water management plan for the site.

Welsh Water:

The application was originally objected to due to the lack of capacity in the public network. After undertaking an assessment of the network, it was discovered that the new developments in the area could be accommodated by making some changes. It is suggested that standard conditions are imposed in order to agree on an acceptable arrangement relating to relevant matters including water supply and waste disposal.

Public Protection Unit:

Not received

Rights of Way Unit:

Not received at the time of writing this report; however, it is expected that observations will be received regarding the proposal in the form of conditions to protect the existing rights of way that could be affected by the proposed development.

Biodiversity Unit:

Detailed information needs to be submitted and agreed in the form of conditions regarding mitigation and improvement measures for badger, bat, bird and reptile habitats. Agreement must also be reached on an appropriate lighting plan and an invasive species

<b>PLANNING COMMITTEE</b>	<b>DATE: 04/04/2016</b>
<b>SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER</b>	<b>CAERNARFON, GWYNEDD</b>

report must also be received.

Trees Officer:

It is accepted that the final trees report can be agreed to as a reserved matter. As it is a proposal to build up to 366 houses, this number could be reduced if necessary to cope with the restrictions in the area to be developed as a result of plotting root protection areas.

Housing Strategic Unit:

It is believed that approximately 30% of the houses being developed need to be affordable – I would be prepared to discuss the mix, be that social housing/intermediate rented housing and affordable ones to be allocated by using the Tai Teg register in line with the demand at the time. It is believed that the discount imposed on the affordable units can be determined by drawing up a 106 agreement.

Archaeological Service:

Not received at the time of writing this report; however, it is expected that the final observations will be submitted before a decision is made on the application.

Flood risk and coastal erosion management unit:

A series of standard conditions and advice in relation to the need to manage the flow of surface water and protect an existing watercourse.

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

Public Consultation:

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

- the effect of the development's substantial scale on the infrastructure of the area, including on health, roads, drainage and education facilities
- an unacceptable increase in traffic levels/harm to the existing roads network/ risk to road users
- lack of capacity of local schools
- need for foot/cycle paths
- excessive density / does not comply with the density noted in the Development Brief
- concerns regarding surface water flooding / creation of flooding on Caernarfon Road
- harmful impact on the community of Bangor and further afield
- harmful impact on the Welsh language / local culture
- harmful impact on the amenities of local residents
- unnecessary development
- environmental concern / loss of trees and hedges / impact on wildlife/ecology
- lack of open spaces / playing fields
- a language impact assessment is required
- no survey of the need for new houses conducted
- no access required to Penrhos Road
- lack of provision of affordable housing
- need for integrated communities
- overdevelopment
- lack of compliance with the requirements of the policies of the unitary plan and with other local and national guidance and policies
- harmful impact on protected trees on an adjacent site

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

- too close to the Ysbyty Gwynedd helipad
- it would reduce existing house prices

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

**5.1 The principle of the development**

5.1.1 This site is situated within the development boundaries of the city of Bangor with the land designated specifically in the Gwynedd Unitary Development Plan (2009) for housing. Therefore, the principle of developing house on the site is acceptable.

5.1.2 The proposed development represents a substantial proportion of housing developments that have been designated for the Bangor Dependency Catchment Area as outlined in the UDP (which is a total of 802 of new housing). The site represents a substantial proportion of the houses required during the UDP period. This contributes and reinforces the role and status of Bangor as a sub-regional centre as designated in the Unitary Plan.

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

5.1.3 Paragraph 5.1.23 of the Unitary Plan states:

*Locating the majority of the new housing units in the Sub-regional Centre or the Urban ...as far as possible having regard to the current physical and environmental constraints, will be advantageous both socially and in terms of the environment... they are best able to absorb further development*

5.1.4 This is consistent with strategic policy 10 and policies C1 and CH1 which support applications within development boundaries and residential developments on sites designated for housing. Relevant reports and assessments have been submitted to support this application; it is therefore considered that the application is in accordance with the basic requirements of policies A1 and A3 of the UDP.

5.1.5 Affordable Housing —The target for providing affordable housing on the site as noted in the site's development brief shows that 'approximately 30%' of the site total should be included as affordable units. This equates to 109.8 of the 366 units being included as affordable units. Lengthy discussions have been held between the developers and the Council as no formal proposal had been submitted which provided any affordable unit as part of the plan due to abnormally high development costs.

5.1.6 The Council decided to appoint the District Valuer (at the developer's cost), to undertake a detailed inspection in the form of an independent viability assessment of the proposed development as the developer had stated that it would not be possible to include any affordable element due to the development costs associated with the site. This assessment has been extremely thorough and has considered all complex issues relating to developing this site, including matters such as development costs, educational contribution, ransom lands, contracts with other parties with an interest in the land, etc.

5.1.7 Basically, the District Valuer has assessed the proposal as a formal evaluation of various factors and scenarios in terms of market prices, proportion of affordable units, abnormal development costs, etc. The assessment includes a list of various viewpoints; however, the comprehensive viability assessment and final recommendation states the following:

- The plan, considering the educational contribution, could provide 30% of mixed affordable houses to include a shared tenure distributed as approximately 70:30. A distribution of 50:50 rented housing would seem viable and thus satisfy the policy requirements.

5.1.8 In response to the findings of the District Valuer, the applicant has expressed that although he acknowledges the findings of the assessment, he does not agree with the content. Nevertheless, and in order to move the application forward to a decision, it is stated that making a decision on the number of affordable units on the site will be a matter for the Local Planning Authority. Therefore, it is believed that the target of 30% of affordable units, as noted in the development brief, can be realised and that this will be the expected target.

5.1.9 There is a need to ensure that a range of provision is offered - this will address the various housing needs in the Bangor area. The input of the Housing Strategic Unit will be essential in relation to this in terms of identifying the existing need in the area, introducing partners such as local housing associations, etc. Therefore, it is considered that it is possible to ensure that the proposal complies with the requirements of policy CH6 as agreement can be reached on the exact type and provision arrangements during the application's next step when full details will be available, including the numbers and types of houses.

5.1.10 Based on the information noted above it is believed that the proposal is in accordance with the policies noted above and is acceptable in principle.

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

## 5.2 Visual amenities

- 5.2.1 This is an outline application and full consideration will be given to detailed matters such as design, appearance and so forth at the time we receive and assess a reserved matters detailed application relating to all those matters. Nevertheless, we must discuss the principle of the development, including matters such as general and visual amenities and the impact of the proposed development on these elements. It must be acknowledged that it is unavoidable that a development of this scale will have some impact on the area's general and visual amenities. It is likely that the main impact would be on the existing houses located to the north, north-west and east from the site, and from some viewpoints from areas beyond the valley.
- 5.2.2 There is a general mixed form of existing developments in the area. Obviously, single-storey and two-storey residential houses are to be found in the nearby streets, nevertheless, the vast Ysbyty Gwynedd site includes buildings on a substantial scale that are prominent on the horizon when you look towards the area from the direction of the A55 and beyond. It is also appropriate to consider the recently approved new Redrow development, which has been commenced in part, namely a development to construct 245 living units on land to the south-west of the site.
- 5.2.3 The existing houses known as Pen y Ffridd, Bro Ogwen, Bryn Coed, Bryn Adda and Llys Adda currently enjoy views (to various degrees), across open land as it lies at present. Unfortunately, matters such as loss of views are not considered material planning issues; therefore, despite the likely change, this cannot be given due consideration as it is not a material planning matter.
- 5.2.4 Therefore, it is considered that the scale and built form of the area is varied in general, which means that should this development be approved, and despite the numbers associated with the application, it would not cause excessive or detrimental disruption to the visual amenities of the area.
- 5.2.5 The layout of the estate in the form as submitted (indicative form for the purposes of this outline application), is characteristic of an urban estate and it can be seen from these details that there will be a varied density within the site, subject to the type of houses being developed. The land's designation for residential development has already acknowledged that this site is acceptable for the construction of new houses. An indicative target of 330 housing units has been placed on the site in Appendix 3 of the Unitary Plan, based on applying a standard building density of 30 units per hectare. The Unitary Plan (paragraph 5.1.28), and supplementary documents acknowledge that the total housing units on designated sites can be determined at the planning application stage after all relevant factors have been considered, such as the location of the site, topography, physical constraints and the general character of the surrounding area. It can be seen from the details of the description of the application that this is an application to construct **up to 366** houses, therefore, there is no guarantee that this will be the final figure for the site. However, we can guarantee that it will be no higher than this number. Therefore, it is considered that the development as shown is acceptable in principle and in terms of its likely impact on the area's visual amenities.
- 5.2.6 There will be a need to reach agreement on the exact final design, form, finish/materials and number of units by means of a further reserved matters detailed application; therefore, it is considered that the suitability of the plan can be ensured in the context of the site and relevant policies at that time. It is believed that it is possible to ensure that the requirements of strategic policy 4 and policies B22, B23 and B25 will be satisfied through a further reserved matters application.
- 5.2.7 Detailed plans showing the proposed landscaping plan for the site would need to be submitted. It will be possible to ensure that the plan will be carried out by imposing a formal



PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

condition that will ensure that the work is completed and that the work and plants are safeguarded and protected for a period after the work has been completed. Therefore, it is considered that it can be ensured that policy B27 will be satisfied and that this will contribute towards safeguarding and maintaining the area's visual amenities. In addition, a condition can be imposed that the majority of hedges and trees on the site are to be protected as part of the development.

### **5.3 General and residential amenities**

- 5.3.1 A number of objections and a petition were received expressing concern about the impact that the proposed development would have on a number of various matters, including the impact on the residential amenities of nearby residents.
- 5.3.2 Once again, it is noted that this is an outline application and the actual details regarding the layout of the site are to be decided when a further details application is submitted. The indicative plans show that the houses to be erected would have rear gardens located between them and the existing houses that abut the site. The majority of the existing houses abutting this boundary would also include rear gardens that would create an acceptable space between the new developments and the existing houses.
- 5.3.3 Nevertheless, it is acknowledged that the plan could change to include a slightly different layout than what has been shown on the indicative plan. Full attention will be given to these matters at the time when the detailed application will be received; however, to protect the existing general and residential amenities, full consideration will be given to the location and layout of housing, the location of gardens and roads, boundary treatments, landscaping, etc. in order to ensure that the relevant policy and guidance can be satisfied and that the amenities of nearby residents are protected as a result in order to avoid unnecessary overlooking etc.
- 5.3.4 We must also bear in mind that loss of views is not a material planning consideration and therefore, no weight is given to the concerns highlighted regarding this element.
- 5.3.5 It is accepted that nearby residents will suffer from an element of disturbance during the construction phase; an attempt will be made to mitigate this by reaching an agreement on a phased development period and to submit a Construction Method Statement to be agreed upon regarding building methods and working times. This can be controlled by means of a condition.
- 5.3.6 It must be borne in mind that this site has been designated for residential development, and full consideration was given to the propriety of its inclusion during the public consultation phase that was held as part of the procedure of adopting the Unitary Plan. Despite the relatively open nature of the existing land, it is an urban area and is located within the boundaries of the only sub-regional centre designated in the GUDP and is near important employment centres such as Ysbyty Gwynedd, Bangor city centre, the substantial retail units in Caernarfon Road and the University.
- 5.3.7. It is therefore considered that the principle of the proposal is acceptable and complies with the relevant requirements of policy B23.

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

- 5.4.1 It is likely that highways matters including access, access road and an increase in traffic movements, is one of the most contentious issues seen in relation to this application, both in terms of the discussions held between the Council and the developer, as well as the concern expressed about this element by the public and others.

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

- 5.4.2 Penrhos Road is currently a very busy road due to its importance as one of the main roads leading into the city, as well as the normal and expected volume of traffic in a residential and built-up area, where schools and Ysbyty Gwynedd are also located. Similarly, Caernarfon Road, where it is proposed to gain access and egress to the site, is a busy road as it serves as one of the main roads into the city as well as the volume of traffic associated with the large shops nearby.
- 5.4.3 Therefore, it is unavoidable that any increase in terms of the use made of such a road must be considered carefully in terms of road safety and the further impact on the road network in the area. The development brief associated with the site states that this residential development depends on the provision of a new road link between Caernarfon Road and Penrhos Road. *The principle of developing this road has been approved in the past through planning permission. The road offers an opportunity to disperse the traffic that currently uses Penrhos Road and thus reduce local traffic problems.*
- 5.4.4 In terms of accessibility, it is felt that the site is appropriate in terms of its indicative location and layout; therefore, it is felt that the principle is acceptable in terms of the requirements of policy CH30. By imposing a formal condition, it is proposed to reach agreement on foot and cycle paths between the site in the direction of Penrhos Road and by doing so it is felt that the requirements of policy CH29 and CH31 would be satisfied.
- 5.4.5 There would be a need to ensure that there is a sufficient parking provision available for the units within the site. Once again, full consideration will be given to this aspect by submitting a further details application which will note the number of units and their size and this will influence the parking requirements. By ensuring that a sufficient parking provision is shown for the entire site, it is felt that the requirements of policy CH36 will be satisfied.
- 5.4.6 An existing right of way path that has been designated as a public footpath and an unclassified road runs along the southern boundary of the site and historical use of these paths means that individuals are entitled to continue using them, regardless of this development. In order to ensure that these paths are maintained, the Rights of Way Unit has verbally expressed that they will need to be protected and improved if required. It is expected that this will be confirmed by means of formal observations from the Unit and will suggest imposing formal conditions to protect these paths. By imposing a specific condition and standard advice, it is considered that we can ensure that the requirements of policy CH22 are satisfied.
- 5.4.7 The Council's Transportation Unit originally expressed considerable concern regarding the development and its impact on the local roads network and to the lack of a complete through road from the direction of Caernarfon Road to Penrhos Road, as has been noted in the Development Brief. Further lengthy discussions were held between the developer and the representatives of the Transportation Unit and additional information was submitted in response as a result of these discussions. Based on this additional information, as well as their own further investigations, the Transportation Unit now states:
- Additional information has been received on behalf of the applicant from the specialist company Turner Lowe Associates (dated 25.08.15), in the form of further formal assessments in relation to this application.
  - As this additional information appropriately shows that the development is unlikely to have a detrimental impact on the local roads network, the Highways Authority now confirms that its previous objection to the proposal is being withdrawn.
  - It is suggested that suitable conditions are imposed on the development including reaching agreement on foot and cycle paths to ensure that there are suitable direct links with Penrhos Road.

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

5.4.8 For clarity, here is a summary of these complex and complicated matters:

- The original transportation report, completed by Turner Lowe Associates (TLA) was submitted with the application (dated October 2013).
- The consultancy company Mott Macdonald (MM) was jointly appointed by Gwynedd Council and NMWTRA to review the report (as was done with Redrow's application).
- Originally, several issues were raised by MM in relation to the tests undertaken to complete the assessment.
- In response, TLA submitted a package of additional information noting what had been raised by MM and responding directly to the relevant matters. The Council conducted a formal traffic assessment from the figures and what had been recorded in terms of the nature and movement periods along Caernarfon Road.
- The proposal involves creating a new road from the direction of Caernarfon Road with accesses off two roundabouts into the site of the proposed development. It is not intended to continue with the through road so that it exits near the current access of Ysbyty Gwynedd, despite the fact that the Development Brief requests this. This is not requested anymore based on evidence submitted as well as matters relating to the viability of the proposed development.
- The final observations of the Transportation Unit were submitted regarding the issue, as follows: 'As this additional information appropriately shows that the development is unlikely to have a detrimental impact on the local roads network, the Highways Authority now confirms that its previous objection to the proposal is being withdrawn?'
- Therefore, it is believed that the applicant has submitted an additional assessment and traffic data which shows that the development is unlikely to have a detrimental effect on the local roads network any further than the natural addition to the increase in traffic levels forecasted for the next 15 years.

5.4.9 It is recommended that relevant conditions are imposed in relation to managing the development from a highways and rights of way aspect, and in doing so and maintaining any changes/improvements as the Highways Unit identify as being required, it can be expected that the development will satisfy the policy requirements of policy CH33 of the UDP.

## **5.5 Biodiversity/trees matters**

5.5.1 It is acknowledged that the site, despite an element of it being used as agricultural grazing land, includes signs of use by wildlife, and the Biodiversity Unit originally expressed concerns regarding this.

5.5.2 Nevertheless, it is also acknowledged that this is an outline application with all matters reserved (except for the access) and that the description refers to a development of up to 366 living units.

5.5.3 The final observations of the Biodiversity Unit were received noting that information needs to be submitted and agreed in the form of conditions regarding mitigation and improvement measures for badger, bat, bird and reptile habitats. There would also be a need to reach agreement on an appropriate lighting plan for the site and receive a report on invasive species.

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

By submitting this additional information and receiving approval to its contents, it is believed that considerations in relation to biodiversity matters regarding the development of the site will be acceptable, and thus, will satisfy the requirements of policies B20, B21 and B35. For the avoidance of doubt, it is explained here that this is an outline application with all matters (except the access), being reserved. The description of the application notes that **up to** 366 houses will be erected here, therefore, there is potential to reduce the number if needed in order to mitigate effectively against any impact on biodiversity or trees on the site. In this case, and based on the information/studies already received with the application, the form of this outline application means that appropriate conditions can be imposed in order to receive further information before a decision is made on any detailed application and thus, will ensure that biodiversity and tree matters are protected.

- 5.5.4 Similar observations were received in relation to matters involving trees and hedges. It can be seen that there are a number of trees within the site and on its periphery, along with established rows of notable hedges. It is likely that the hedges were established as a result of research undertaken by the university in the past.
- 5.5.5 This application has been submitted in outline form - the actual details of the development are to be agreed by means of a further application. The Trees Officer has confirmed that the final trees report can be agreed upon as a reserved matter and as the description of the application states that **up to** 366 houses will be built, this number can be reduced if needed in order to cope with the area's development constraints as a result of plotting tree roots within the site and on its periphery.
- 5.5.6 A request was received from a member of the public to place a Tree Preservation Order on two notable trees in the site. The application was considered and assessed (including undertaking an assessment of the trees on the site); however, it was not considered that it was appropriate to issue a formal order in this case. Approving this outline application would not mean that the trees would be felled of course – as is noted in the response of the Trees Officer – there would be a need to submit the details of tree preservation on the site for agreement as part of any details application.
- 5.5.7 An observation was also received regarding the impact of the development on preserved trees on land to the north-east of the site. These trees are on land outside the boundary of the application site, although some of the trees' branches overhang. It is likely that a suitable condition can be imposed to reach agreement on measures to protect the roots of these trees during any construction work in order to avoid having a detrimental impact on the health of these trees, and thus, ensuring that there will be no conflict with the requirements of policy B19.

## 5.6 Archaeological Matters

- 5.6.1 A formal archaeological evaluation of the land was undertaken, including opening a series of ditches throughout the site in order to discover archaeological remains before submitting the planning application. As a result of this work and the initial observations of the Archaeological Service, amendments and an update to this evaluation were received, including a scientific analysis, in order to determine the significance of the remains discovered as a result of the investigation work.
- 5.6.2 It is not believed that what was identified was of great significance, nevertheless, it is assumed that it would be possible to impose relevant conditions to ensure that a further analysis is undertaken on the site and that appropriate mitigation measures can be agreed upon if necessary. We are awaiting confirmation of this from the Archaeological Service, however, unfortunately this had not been received at the time when this report was written but following a verbal discussion, it is expected that observations will be submitted before a

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

decision is made on this application. From receiving this information, it is believed that it can be ensured that the requirements of policy B7 are being satisfied.

## 5.7 Relevant planning history

- 5.7.1 It can be seen in part 3 of this report that the planning history on this site relates to building a road from the direction of Caernarfon Road towards the main entrance into the Ysbyty Gwynedd site on Penrhos Road. The first application dates back almost 17 years and it has been renewed since then so that permission still exists for the proposal to this day.
- 5.7.2 The explanation within part 5.4 above notes that it is not intended within this application to insist that this link is undertaken as permitted the entire way. Should circumstances change, permission still exists for the through road; however, this is unlikely to happen as part of this application.

## 5.8 Flooding Issues

- 5.8.1 The site does not lie within any designated flood zone; nevertheless, a Flood Consequence Assessment was submitted in relation to the proposed development. Initial observations were submitted by Natural Resources Wales (NRW), expressing concern in relation to increasing the risk of flooding from this site following the development, in particular so within the Caernarfon Road area, namely the Afon Adda catchment area.
- 5.8.2 As a result of these concerns, a response to the main points raised by NRW was received from the developer's flood expert. As a result of receiving this information, NRW confirmed that it was satisfied that the flood risk associated with the development could be managed by imposing appropriate conditions. In addition, it is noted in the observations of the Flood Risk Management Unit that appropriate conditions could be imposed in order to protect this aspect also.
- 5.8.3 Therefore, it is believed that this aspect is now acceptable and thus that the requirements of policies B29 and B32 of the UDP are being satisfied.

## 5.9 Infrastructure matters

- 5.9.1 Welsh Water originally submitted its objection to the proposal due to concerns regarding the impact of connecting the new development to the local network and the lack of capacity within that system. Welsh Water conducted its own assessment of the system and found that it would be possible to cope with the additions to the local network.
- 5.9.2 The original objection was withdrawn and it is suggested that strict conditions are imposed to safeguard the network, the amenities of local residents and the environment. In doing so, it is believed that the requirements of policy CH18 will be met.
- 5.9.3 A formal risk assessment undertaken after a site inspection was submitted – no signs of pollution were found and therefore, it is believed that the requirements of policy B30 are being satisfied.

## 5.10 Educational / recreational matters

- 5.10.1 *Educational contribution* – The application site is located 50/50 within the catchment areas of Ysgol y Faenol, Ysgol Babanod Coed Mawr and Ysgol Glanadda. It is also located within the broader catchment area of Ysgol y Garnedd and Our Lady's School and within the catchment area of Ysgol Tryfan and Ysgol Friars secondary schools. Consideration must be given to the impact of this development on nearby schools rather than on the other schools

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

within the Bangor city area. It is not completely clear what the final number and size of units on the site will be (and whether or not there will be 1 bedroom flats for example), therefore, the total number of units was considered as part of the assessment.

- 5.10.2 By using the formula included in SPG ‘Housing Developments and Educational Provision’, it can be seen that it is likely that 146 primary school age pupils would derive from the proposed developments, along with 113 secondary school age pupils. The current situation in terms of numbers attending the local schools clearly shows that there is no room in some of the primary schools to accommodate additional pupils, but that there is some room in others. There is acceptable room in the secondary schools.
- 5.10.3 Consequently, and as explained in the SPG, the Authority is in a position where it can seek a financial contribution from the developer towards improving the area’s existing educational facilities. As there is some room in the schools in the catchment area, the contribution is assessed based on the difference between the numbers that are available and the number that is likely to derive from the development. The formula contained in the SPG acknowledges that a financial contribution of £907,018 will be required from the developer towards this.
- 5.10.4 By receiving a financial contribution towards improving the area’s educational facilities (with the exact details to be agreed with the Education Department), the requirements of policy CH37 can be satisfied and the timing of the contribution will be arranged and agreed upon within the 106 agreement drawn up to ensure this.
- 5.10.5 *Recreational areas* – in accordance with the requirements of policy CH43, consideration must be given to whether or not there is sufficient provision of recreational and open areas to satisfy the needs of the residents of the proposed development.
- 5.10.6 Three play areas are provided according to what is shown on the indicative plan submitted with this application. One area is shown within an extensive open area centrally within the site, whilst two other smaller areas are provided which are dispersed in other parts of the site. This would meet the need for children’s play areas as noted in the SPG ‘Housing Developments and Open Spaces of Recreational Value’.
- 5.10.7 The information accompanying the planning application notes that there will be 9,680m<sup>2</sup> of open spaces for children’s use included within the development. It is noted that this supply is sufficient to address the highest possible need that could derive from the development.
- 5.10.8 It is noted that a children’s play area (designated as a play area to be protected in the UDP), measuring approximately 690m<sup>2</sup> is also located about 200m away from the site.
- 5.10.9 Therefore, it appears that the proposed provision (in terms of surface area), is sufficient to meet the needs deriving from the proposal. It is believed that the location of these areas is suitable and acceptable in terms of meeting the need for children’s play areas and thus the proposal complies with the requirements of policy CH43.

## 5.11 Linguistic and Community Matters

- 5.11.1 This report was submitted as a formal assessment of the effect of the proposed development on the local community and the Welsh language. Although it is not usually required to request an assessment for a site that has been designated in the Unitary Plan for housing as the assessment was conducted whilst originally considering the site, it was considered, due to the size of the development and publishing the census result relatively recently, that it would be appropriate for the developers to submit a statement for formal assessment by the officers of the joint policy unit. See below a summary of the results of the assessment undertaken by the Joint Planning Policy Unit:

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

- The site is located within Dewi ward in the city; however, consideration should be given to the features of the nearby Pentir and Glyder wards also. A relatively low percentage of Welsh speakers are located in this area of Bangor, compared to Gwynedd as a whole.
- It is not believed that the scale of the proposed development is likely to cause a significant growth in the population that could have a detrimental impact on the Welsh language. Bangor has a high population, especially in terms of student population. As a result the size of the development and the subsequent growth in population is unlikely to have a significant impact on the Welsh Language. However, consideration should be given to the potential that the houses could be purchased by the non-Welsh speaking staff of Ysbyty Gwynedd or the University.
- The mixed type of housing likely to be on offer will be attractive to families with children. Whilst it is noted that the development could have a positive impact on the local primary school by increasing the number of pupils attending the school, it must be considered whether or not the development would place excessive pressure on the local schools. An increase in the number of pupils should have a positive impact on the Welsh language as they would be educated through the medium of Welsh. On the other hand, there is potential for the use made of the language in the playground to reduce as a result of the increase in the number of pupils with English being their first language.
- The proposal of providing an element of affordable housing (formally agreed by means of a 106 agreement), could be beneficial in terms of keeping the existing population in their communities and encouraging Welsh speakers to return to the area. This is significant when considering the affordability rates in Bangor. There will be a need to ensure that a sufficient proportion of the relevant units are affordable and attractive to local individuals who are in need of affordable housing in terms of their type and tenure initially and in the future, so that the influx of non-Welsh speakers does not have a negative impact on the viability of the language.
- Due to the size of the proposed development, consideration should be given to a phased development of the site in order to mitigate any negative impact on the Welsh language as a result of building houses on a scale / rate that is greater than the local need. It must be ensured that the units will be affordable enough to meet specific local needs. Consideration should be given to marketing the houses locally for a specific period, e.g. 3 months, before placing them up for sale on the open market.

5.11.2 It is acknowledged that concern has been expressed about this development and its cumulative impact with a separate development on nearby land. The GUDP has designated these lands for residential development since the plan was adopted in 2009. The Local Planning Authority has no control over the timing of planning applications being submitted or over when a developer would commence any development should permission be granted. Nevertheless, the Local Planning Authority is of the opinion that this factor must be considered in this case.

- The combination of this application with the nearby development represents a substantial development in the area with approximately 611 new houses.
- Nevertheless, both sites are included in the housing designations in the GUDP and therefore, both sites are important to meet local housing needs.
- The potential increase in incomers to the area which could impact the viability of the Welsh language should be weighed up against the positive impacts that could derive from the development; namely, opportunities for affordable housing, work during the construction phase, long-term economic benefits, etc.

PLANNING COMMITTEE	DATE: 04/04/2016
SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON, GWYNEDD

- On the whole it is considered that the nature of the city of Bangor, in terms of the size of the population, linguistic pattern, the variety of services and facilities available, student shift, etc., mean that the development should not have an excessive detrimental impact on the Welsh language. In order to ensure positive impacts on the Welsh language, it is suggested that specific mitigation measures are implemented such as a phased development, marketing houses locally for a specific period, Welsh signage, support to local skill training enterprises, support and finance for language induction courses and Welsh language lessons for staff.

5.11.3 Taking the above into account as well as the location of the site and the provision of affordable houses proposed, as confirmed by the Joint Planning Policy Unit, it is not considered that there would be a significant impact on the Welsh language or on the community, in line with the requirements of strategic policy 1 and policy A2 of the UDP.

## 5.12 Response to the public consultation

5.12.1 A number of observations / objections were received from individuals as well as a petition objecting to the proposal and a number of matters were raised associated with the proposed developments. These have been noted above. It is considered that these matters have been thoroughly considered in the abovementioned assessment and that no matter outweighs the relevant policy considerations and the fact that the site has been designated for housing the UDP when full consideration was given to the propriety of including it when the designation was made.

5.12.3 Consideration is not given to all the matters raised in the observations such as house prices etc. as they are not material planning matters.

## 6. Conclusions:

6.1 This site is located within the development boundaries of the sub-regional centre of the city of Bangor, and is designated specifically for a residential development. Therefore, it is considered that the principle of residential development on this site is acceptable and that the proposal is also acceptable based on the other material planning matters assessed and discussed in the assessment.

6.3 Therefore, it is believed that the application is acceptable and that it complies with the requirements of local and national policies and guidance as noted above, subject to relevant conditions and to the completion of a 106 agreement to ensure an educational contribution and affordable housing on the site.

## 7. Recommendation:

7.1 To delegate powers to the Senior Planning Manager to approve the application subject to signing a 106 agreement to include 30% of the proportion of the houses on site as affordable housing and receiving financial contributions towards improving local education facilities.

Conditions -

1. Time
2. Comply with plans
3. Materials / slates
4. Landscaping / reaching agreement on which hedges and trees are to be retained within the site.
5. To submit and agree on a building management plan
6. Phased development
7. Highways requirements



<b>PLANNING COMMITTEE</b>	<b>DATE: 04/04/2016</b>
<b>SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER</b>	<b>CAERNARFON, GWYNEDD</b>

8. Archaeological matters
9. Biodiversity matters
10. Trees
11. Drainage / sewerage / Welsh Water
12. Removal of permitted development rights from the affordable houses
13. Safeguarding / diversion of rights of way / assurance that pedestrian links are completed before houses are occupied
14. Receive confirmation and reach agreement on the location, type and tenure arrangements of the affordable houses.