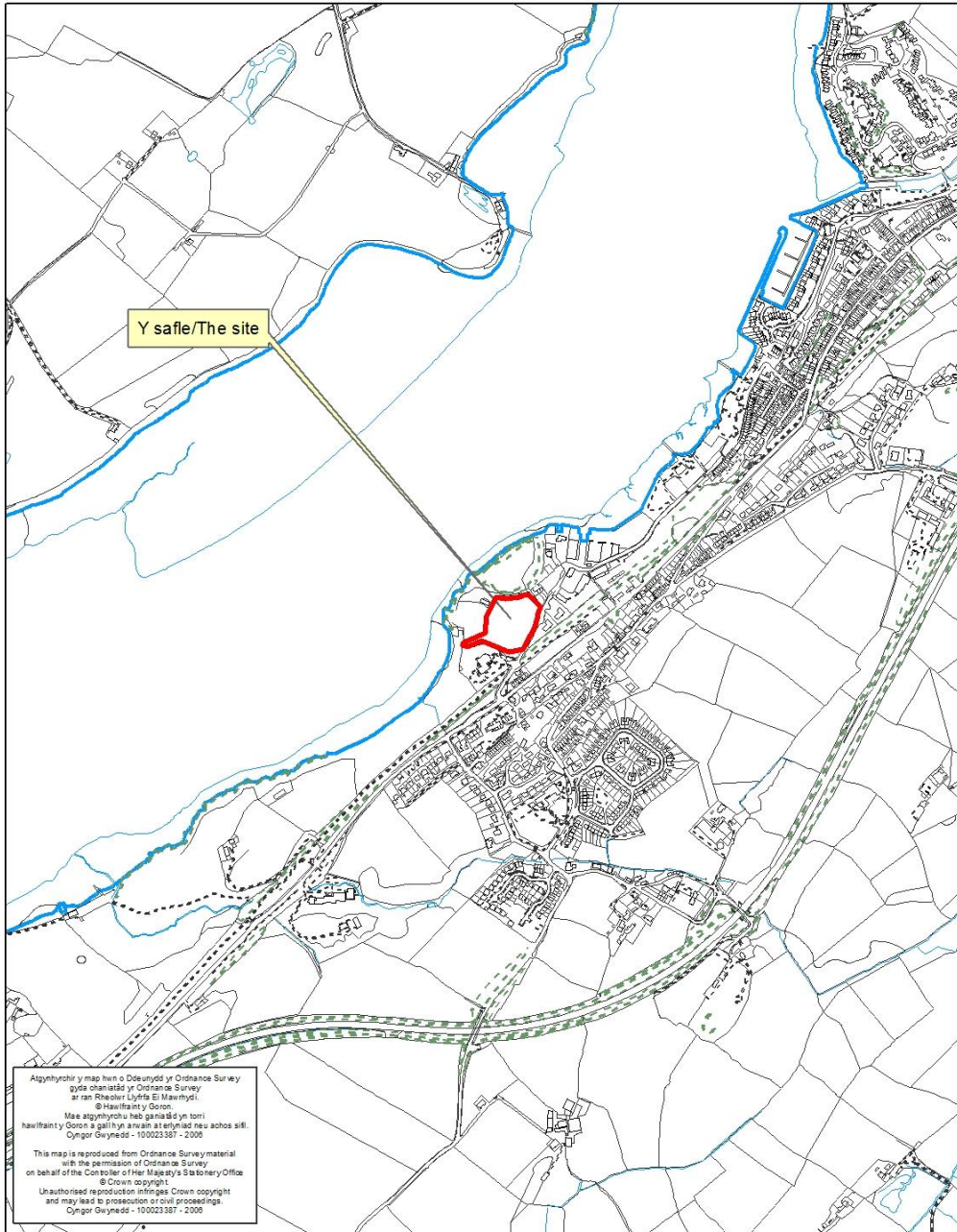


Number: 7



Rhif y Cais / Application Number : C16/0724/20/AM

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



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Application Number: C16/0724/20/AM
Date Registered: 17/06/2016
Application Type :: Outline
Community :: Y Felinheli
Ward: Y Felinheli

Proposal: OUTLINE APPLICATION WITH SOME RESERVED MATTERS FOR CONSTRUCTING 11 NEW DWELLINGS TOGETHER WITH THE CREATION OF A NEW VEHICULAR ACCESS AND ESTATE ROAD AND THE PROVISION OF PUBLIC OPEN LAND

Location: LAND NEAR HEALTH CENTRE, BEACH ROAD, FELINHELI, GWYNEDD LL56 4RX

Summary of the Recommendation: TO REFUSE

1. Description:

1.1 This is an outline application to construct 11 houses, create a vehicular access and estate road together with provision of public open land with some reserved matters to be included within a detailed application for reserved matters (should this outline application be approved). The only matter that forms part of this outline application is the proposed entrance and the reserved matters relate to landscaping, elevations, layout and scale. The plans and indicative information show 11 dwellings to include eight semi-detached two-storey houses and three detached two-storey houses.

1.2 The site is located opposite an unclassified county road (Beach Road) and measures 0.99ha. The topography in this part of the landscape means that the application site is in the form of a bowl shape with a prominent and steep slope running downwards from east to west and to the lowest part of the site. The site is currently used as an open meadow. Beach Road runs parallel to the north of the site and there are residential houses further along. To the east, there is a footpath that leads down to the Menai Strait and the Community Health Centre which is located in the corner of the field. To the south, there are established woodlands and agricultural land located beyond those. To the west of the site is Canolfan Dinas (a holiday bunkhouse), the Rowen Terrace and a scheduled monument, Dinas promontory fort, with the Menai Straits and Anglesey beyond. The entire site is located outside the development boundary of Felinheli as included in the Gwynedd Unitary Development Plan (GUDP). The site is also located within an area designated in the UDP as a Registered Historic Landscape..

2. Relevant Policies:

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

2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act; in making the

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recommendation the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed decision.

2.3 Gwynedd Unitary Development Plan 2009:

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 assessments of other impacts.

POLICY A2 – PROTECTING THE SOCIAL, LINGUISTIC AND CULTURAL FABRIC OF COMMUNITIES

Safeguard the social, linguistic or cultural cohesion of communities against significant harm due to the size, scale or location of proposals.

POLICY B7 – SITES OF ARCHAEOLOGICAL IMPORTANCE

Refuse proposals which will damage or destroy archaeological remains of national importance (whether scheduled 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 B12 – PROTECTING HISTORIC LANDSCAPES, PARKS AND GARDENS

Protect landscapes, parks and gardens of special historic interest in Wales from developments that would cause significant harm to their character, appearance or setting.

POLICY B19 – PROTECTED TREES, WOODLAND AND HEDGEROWS

Proposals which will lead to the loss or damage of a protected tree, woodland or hedgerow will only be permitted when the development's economic and/or social benefits outweigh any harm.

POLICY B20 – SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT

Refuse proposals that are likely to cause unacceptable disturbance or harm to protected species and their habitats unless they can conform to a series of criteria aimed at safeguarding the recognised features of the site.

POLICY B21 – WILDLIFE CORRIDORS, HABITAT LINKAGES AND STEPPING STONES

Safeguard the integrity of landscape features which are important for wild flora and fauna unless it can be shown that reasons for the development override the need to maintain 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 safeguarding 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 must conform to a series of criteria aiming to safeguard the recognised features and amenities of the local area

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POLICY B25 – BUILDING MATERIALS

Safeguard the visual character of the Plan area by ensuring that only natural Welsh slates or slates that are similar in terms of their appearance, colour and weathering properties are permitted, other than in circumstances in which the type of building or its particular setting, or the sustainability benefits, are such that another material would be appropriate. In respect of other parts of the building, development will be required to use high quality building materials that complement the character and appearance of the local area. Proposals that introduce substandard or intrusive materials will be refused.

POLICY B27 – LANDSCAPING PLANS

Ensure that permitted proposals incorporate high quality soft/hard landscaping which is appropriate to the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

POLICY C1 – LOCATING NEW DEVELOPMENT

Land within the development boundaries of towns and villages 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.

POLICY CH7 – AFFORDABLE HOUSING ON RURAL EXCEPTION SITES DIRECTLY ADJOINING THE BOUNDARIES OF VILLAGES AND LOCAL CENTRES

Permit affordable housing on rural sites directly adjoining the boundaries of Villages and Local Centres if they conform to criteria relating to local need, affordability and impact on the form of the settlement.

POLICY CH33 – SAFETY ON ROADS AND STREETS

Development proposals will be approved provided they can conform to 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, extensions to 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 the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

POLICY CH43 – PROVISION OF OPEN SPACES OF RECREATIONAL VALUE IN NEW HOUSING DEVELOPMENT

Expect that new housing developments of 10 or more dwellings, in areas where the existing open spaces provision cannot meet the needs of the development, provide suitable open spaces of recreational value as an integral part of the development.

Supplementary Planning Guidance (SPG): Building new Houses in the Countryside (2009)

SPG: Affordable Housing (2009).

SPG: Planning and the Welsh Language (2009).

SPG: Housing Developments and Educational Provision (2009)

Gwynedd Design Guidelines (2003).

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2.4 National Policies:

Planning Policy Wales, Edition 8 (2016), Chapter 3 – Determining and Enforcing Planning Decisions, Chapter 5 Protecting and Enhancing the Natural Heritage and the Coast, Chapter 6 Protecting the Historic Environment, Chapter 8 Transport and Chapter 9 Housing.

Technical Advice Note (TAN 2) - ‘Planning and Affordable Homes’, (2006).

TAN 5 Planning and Nature Conservation (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 12 Design (2014).

TAN 18 – Transport (2007)

The Welsh Office Circular 60/96 – Planning and the Historic Environment: Archaeology.

3. Relevant Planning History:

- 3.1 C15/0416/20/AM - Outline application with some reserved matters for constructing 14 new dwellings together with the creation of a new vehicular access and estate road, provision of allotments and associated access and parking. Refused 27/07/15

4. Consultations:

Community/Town Council: No response

Transportation Unit: I refer to the above application and I wish to express concern regarding the location of the access. It is intended to locate the vehicular access approximately 16 metres from the location of the surgery entrance, in a location where the use of one entrance could affect the visibility for the use of the other. This means that it would not be possible to protect the necessary visibility splays at all times.

In addition, it is recommended that the applicant submit a traffic impact assessment, as it is presumed that the proposal would increase the level of traffic along Beach Road significantly.

(A copy of the observations were sent to the Agent but no further information had been received at the time of writing the report)

Natural Resources Wales: Agree with the Council’s Biodiversity Unit that a protected species assessment was needed before deciding on the application.

Welsh Water: Not received

Public Protection Unit: Not received

Biodiversity Unit: Before determining the application the applicant would have to provide the following information:

- Habitats and vegetation survey part 1
- Plants, exotic and invasive species survey

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- Protected species survey (birds, reptiles, otters, badgers etc.).
- Hedges survey
- Ecological Impact Assessment which includes an assessment of the biodiversity value of the habitats and species and the effect the development could have on the biodiversity features of the site and nearby.

The development should retain the hedges around the site. The applicant should provide plans which show the original hedges being retained and protected.

Trees

The coppice adjacent to the proposed development site is subject to a Tree Preservation Order (TPO0096/A2 Coed Llanfair). There is a need to submit a tree survey and assessment which complies with the British Standards S5837

(Biodiversity observations were sent to the Agent but no further information has been received)

Anglesey County Council:

The decision is local to Gwynedd Council.

CADW (Monuments):

The applicant needs to submit an assessment of the impact of the development on the setting of the scheduled monument.

(Cadw observations were sent to the Agent but no further information has been received)

Gwynedd Archaeological Planning Service:

An archaeological assessment is needed prior to determining the application.

(A copy of the observations were sent to the Agent but no further information has been received)

Public Consultation:

The application was advertised in the press, a notice was placed on the site and nearby residents were notified. The advertising period has ended and a number of correspondences were received objecting on the following grounds:

- The site is outside the development boundary.
- There are plenty of new houses in Felinheli already.
- The roads are not suitable for more traffic.
- There are already surface water and flooding problems in the area.
- Problems with the existing sewage treatment system.
- Dangerous new entrance.
- Access Road is too narrow.
- Impact on wildlife site.
- Loss of habitat.
- Impact on archaeology.
- Loss of hedges and cloddiau
- Building new houses in the countryside without justification.
- Harmful impact on the setting of scheduled monument

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nearby.

- Detrimental effect on the area's amenities.
- Who will maintain the open land?
- Harmful impact on the Welsh language.
- The development would be an incongruous feature.

5. Assessment of the relevant planning considerations:

The principle of the development

- 5.1 This site is located outside the Felinheli development boundary, as noted in the Gwynedd Unitary Development Plan (GUDP), therefore, this site is defined as one that is located in open countryside; however, the site abuts the development boundary.
- 5.2 Policy C1 notes that “land within town and village boundaries and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in open countryside will be refused with the exception of a development which is permitted under another policy within the Plan.”
- 5.3 In some cases it is possible to release land in locations where housing would not usually be supported. Policy CH7 approves proposals for affordable homes on rural exception sites directly adjoining the boundaries of villages or centres. The site abuts the development boundary which runs along Beach Road and from this perspective; the site could be a rural exception site. Nevertheless, policy CH7 only allows developments for affordable housing alone where the need has been proven. The Design and Access Statement refers to the need for affordable housing in the area but the proposal only offers three affordable houses, namely 30%; therefore the other eight houses would be open market houses. To this end, it is considered that the proposal is contrary to policy CH7 as there is no intention to provide affordable housing alone on the site.
- 5.4 The Design and Access Statement argues that the application should be supported on grounds that the Council does not have a five year supply of land for housing in accordance with the Land Availability Joint Study for Housing (JHLAS) 2015. Whilst noting that the Gwynedd Planning Authority does not have a five year supply of land for housing (in accordance with the JHLAS 2015 report), it is not believed that this justifies a development that proposes the development of open market houses outside the development boundary contrary to the GUDP policies.
- 5.5 Policy CH7 can release land outside the development boundaries for affordable housing and such development can contribute in a positive way to the supply of land for housing. Consequently, it is not considered that the JHLAS statistics justify releasing land outside the development boundary for open market housing. The Design and Access Statement also shows a significantly greater need for affordable housing than that proposed and no logic as to why it is not possible to propose a scheme with 100% affordable housing.
- 5.6 Policy CH7 also requires such developments to form a reasonable extension to the village. The boundary between the built section of the village and the open green section has been clearly physically defined by Beach Road and an established *clawdd* and any development outside this delineation would form an unacceptable and unreasonable extension to open countryside creating a fragmented development pattern (despite the presence of the Health Centre). Therefore, the site is not

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considered suitable as a rural exception site and it is considered contrary to policy CH7. Consequently, the proposal is also contrary to policy C1 as there is no other policy within the Gwynedd Unitary Development Plan which allows open market housing outside the development boundaries. Therefore, it is not considered that the development to erect houses on this site is acceptable in principle.

Visual amenities

- 5.7 The site of this application is an open green site located on the built peripheries of the village and it contributes significantly to the rural character of this part of the village. There are prominent and important views in to, out of and across the site. The new community health centre is located on the highest part of the field making it crucial to safeguard the remainder of the field which has an open character especially given the proximity to a nearby monument of national importance and the need to protect that monument as well as its setting. It is recognised that this plan would likely have less of an impact on the landscape than the previously refused application by retaining the *clawdd* along Beach Road and retaining more open land. Despite this, based on the value and character of this section of open land, it is believed that developing this land for housing and associated facilities would have a detrimental impact on the character and the visual amenities of the area.
- 5.8 In dealing with such applications, it is the duty of local planning authorities to take into consideration the importance of ‘safeguarding areas from unnecessary development that have an impact on the beauty of the countryside and houses located in remote locations can impact upon the landscape’. In this case, it is believed that the site is not ideal for a residential development on the grounds of its visual impact on the amenities of this area and that it is contrary to the requirements of Policy B23, CH7 and C1 of the GUDP.

General and residential amenities

- 5.9 A number of residential dwellings are located near the site along with the community health centre. The proposal, by approving it in principle, would involve erecting 11 new houses together with the provision of an open, green site. Given the existing land uses, which are a mix of residential and business uses, it is not believed that the proposal would have a detrimental impact on the general and residential amenities of neighbouring residents on grounds of disturbance and noise emanating from the development in the form of all the comings and goings attributed to domestic life.
- 5.10 The response to the public consultation period has highlighted concern regarding the volume of traffic travelling up and down the narrow Beach Road which is adjacent to the site. Though the observations are acknowledged, due to how busy the existing roads are and land use in the vicinity, it is not considered that 11 new houses would have a substantial detrimental effect in terms of the residential amenities of neighbouring houses (road safety issues are dealt with separately below). To this end, it is not considered that the proposal is contrary to the requirements of Policy B23 of the GUDP.

Transport and access matters

- 5.11 The proposal involves adapting the existing agricultural access to the field in order to serve the houses together with creating a footpath near the Rowen houses. The Transportation Unit has recommended that the applicant submit a Traffic Impact

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Assessment, because the proposal would add significantly to the level of traffic along Beach Road. Also, the Unit has raised concerns regarding the location of the proposed access due to the presence of the surgery access nearby and the concern that the use of one entrance could affect the visibility for the use of the other. Consequently, it is not believed that it would be possible to protect the necessary visibility splays at all times. To this end, it is therefore believed that the information and evidence submitted by the applicant is insufficient in confirming that the proposal is acceptable on grounds of road safety and given this, the proposal is contrary to the requirements of Policies A1 and CH33 of the GUDP.

- 5.12 However, it is believed that the indicative plans show that the site can provide adequate parking facilities within the site which satisfy the requirements of Policy CH36 of the GUDP.

Biodiversity matters

- 5.13 The application site is located on land that is surrounded by indigenous *cloddiau* and hedges and the coppice to the north and north-west have been protected by a Tree Preservation Order. Policies B19, B20 and B21 are therefore relevant to this application. The objective of these policies is to move towards an increase rather than a reduction in nature conservation and to prevent developments which will have a detrimental effect on protected species and their habitats.
- 5.14 The Biodiversity Unit's observations state that this application cannot be decided until several assessments are received, including a protected species assessment, a trees assessment, a part 1 habitats and vegetation survey, an exotic and invasive plants survey, a hedges survey and an ecological impact assessment. A copy of the observations was sent to the agent but no further information or assessments have been received to support the application.
- 5.15 Without these assessments and information, the Local Planning Authority cannot reasonably assess the implications of the development in its entirety and whether there would be any environmental and ecological effects and whether or not the effects would be acceptable. Policy A1 states clearly that proposals should be refused unless sufficient information is provided with the planning application concerning any significant likely environmental or other impacts. The national policies and advice also reflect this. To this end, it is believed that the proposal does not comply with the requirements of Policy A1 or Policy B19, B20 and B21 of the GUDP or TAN 5 Planning and Nature Conservation and Planning Policy Wales.

Conservation and Archaeology Matters

- 5.16 The application site lies within the setting of the scheduled monument of Dinas promontory fort (Number CN047) located to the west of the site itself. Therefore, policy B7 is relevant, which states that proposals which will damage or destroy archaeological remains which are of national importance (whether they are registered or not) or their setting should be refused. The development will be in a very prominent site opposite the monument and consequently will have a significant impact on the setting of this nationally important monument, despite the vegetation that surrounds it.
- 5.17 CADW's observations raise concerns regarding the lack of an appropriate assessment in the application and requests an assessment of the impact of the development on the setting of the scheduled monument. The observations of the Gwynedd Archaeological

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Planning Service reflect this but also request an archaeological assessment prior to determining the application. Therefore, it is deemed that the proposal is contrary to the requirements of Policy A1 and B7 of the GUDP and Welsh Office Circular 60/96 as there is no sufficient information to assess the impact of the development on the setting of the nearby scheduled ancient monument and the impact of the development on any archaeological remains on the site.

Linguistic matters

- 5.18 Policy A2 of the GUDP states that proposals which would cause significant harm to the social, linguistic or cultural cohesion of communities, due to their size, scale or location, will be refused. In accordance with the Supplementary Planning Guidance: Planning and the Welsh Language a Community and Linguistic Impact Assessment was submitted with the application which included specific information regarding the area and local population and the development's impact on relevant matters.
- 5.19 The assessment acknowledges the importance of the Welsh language in Felinheli and the consideration that should be given to all relevant issues. It is not believed that the scale of the development is likely to cause significant growth in the population that could have a detrimental impact on the Welsh language. The proposal of securing a proportion of affordable housing (a 30% contribution) is beneficial in terms keeping the current population in their communities and encouraging Welsh people to return to the area and there will be a need to ensure that these houses are available to local people now and in the future. On the whole, it is not considered that the proposal is contrary to policy A2.

Educational matters.

- 5.20 Although it is not believed that this specific development alone would have a detrimental impact on the primary school's capacity, other residential developments that have recently received permission in the village (Ger y Nant and Half Way House) must also be considered. Given the school's current capacity compared with the capacity projections for September 2016, it is anticipated that the local school will not have sufficient capacity to accommodate the accrued impact of these housing developments; therefore it is possible that the applicant will need to make a financial contribution towards local education facilities, should the application be approved. This is in accordance with the requirements of SPG: Housing Developments and Educational Provision (2009), which offers guidance to applicants on residential developments along with the cases where the Authority will seek a financial contribution towards local educational facilities.
- 5.21 However, due to the fundamental policy objection to the application, there was no further discussion with the applicant on the need for a financial contribution as it is not likely that it would overcome the fundamental objection relating to development on this section of land outside the development boundary.

Recreational areas

- 5.22 In line with the contents of Policy CH43, it is important to consider whether an open space needs to be provided as part of the proposal to meet the needs of the development's residents. The Supplementary Planning Guidance (SPG) 'Housing Developments and Open Spaces of Recreational Value' is also relevant.

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- 5.23 The proposal shows a significant site allocated specifically for use as an open recreational space. The site is also within walking distance of the playing fields in Felinheli. Therefore, it appears that the proposed provision (in terms of surface area) is sufficient to meet the needs deriving from the number of houses. The proposal therefore complies with the requirements of policy CH43 subject to conditions and based on the evidence available.

Infrastructure matters

- 5.24 Policy CH18 requires developments to ensure that appropriate arrangements are made in order to provide infrastructure which is necessary for the development, namely power and water supply, means of disposing of water and sewage, means of disposing of surface water and other essential services. Policy B32 also ensures that developments will not add to surface water in a harmful way to other rivers and water courses. In response to the consultations, Natural Resources Wales had no objection to the proposal and no response had been received from Welsh Water. Despite the objections received from the public regarding surface water and problems with the current sewage treatment system, it is possible to agree on the details by means of a condition in order to ensure that the development does not have a harmful effect on the environment. It is therefore considered that the proposal complies with policies CH18 and B32.

6. Conclusions:

- 6.1 Taking the above assessment into consideration, together with the objections received, it is believed that the proposal is unacceptable based on the principle of providing open market housing outside the development boundary and a lack of information in order to assess the environmental effect of the development on the scheduled monument setting, archaeological remains, safety and effect on traffic, trees, effect on protected species and habitats.

7. Recommendation:

7.1 To refuse – reasons:–

1. The proposal is unacceptable in principle as it is not intended to provide affordable housing alone on the site, contrary to policy CH7. Nor is it considered that the proposal forms a reasonable extension to the village due to its location and the visual effect, contrary to the requirements of policy CH7 and B23. The proposal is also contrary to policy C1 as there is no other policy within the Gwynedd Unitary Development Plan which allows open market housing outside the development boundaries.
2. The proposal is contrary to the requirements of Policy A1 and B7 of the Gwynedd Unitary Development Plan and Welsh Office Circular 60/96 as there is no sufficient information to assess the impact of the development on the setting of the nearby scheduled ancient monument known as Dinas promontory fort and the impact of the development on any archaeological remains on the site.
3. The proposal is contrary to the requirements of Policies A1 and B19, B20 and B21 of the Gwynedd Unitary Development Plan, as insufficient information has been

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submitted with the application which would enable the Local Planning Authority to assess in detail the environmental and ecological impacts of the development.

4. The proposal is contrary to the requirements of Policies A1 and CH33 of the Gwynedd Unitary Development Plan as the proposed entrance cannot ensure sufficient visibility all the time and as there is insufficient information based on a traffic assessment submitted with the application which shows that the local roads network is able to cope with the increase in traffic that will derive from the development.