

PLANNING COMMITTEE	DATE: 20/05/2024
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

Number: 1

Application Number: C23/0938/41/LL

Date Registered: 12/03/2024

Application Type: Full

Community: Llanystumdwy

Ward: Llanystumdwy

Proposal: Revised layout for the erection of new dwelling, including parking and sewerage treatment plant

Location: Capel Rhoslan, Rhoslan, Cricieth, Gwynedd, LL52 0NW

Summary of the Recommendation: TO REFUSE

PLANNING COMMITTEE	DATE: 20/05/2024
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

1. Description:

- 1.1 This application is a full application for the erection of a new single-storey dwelling on a parcel of land near Capel Rhoslan. The proposal would include creating a vehicular access and parking provision as well as the installation of a private sewerage treatment system. The house has been designed with a pitch roof and contains a kitchen/living room, bathroom and three bedrooms. The dwelling would be finished with a roof and walls of black coloured corrugated sheets. It is intended to install solar panels in the slope of the south-western elevation of the roof.
- 1.2 The site is located in a rural location on a parcel of triangular land associated with Capel Rhoslan, which has been converted into a house. The site is served by a second-class county road and a track on either side to the plot, which serves Public Footpath Number 36 Rhoslan. There are some scattered dwellings in the vicinity. The site is within a 500-metre zone of a Registered Ancient Monument, Cefn-Isaf Burial Chamber and to the north there is an area of land identified as a Local Wildlife Site.
- 1.3 Plans, a Preliminary Ecological Assessment Report and a Design and Access Statement (DAS) were submitted with the application. It is noted in the DAS submission that the applicant is completing an engineering apprenticeship in the army and wishes to have a house for himself and his family.
- 1.4 The application is submitted to the Committee at the request of the local member.

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 Local Development Plan. Although the Gwynedd and Ynys Môn Joint Local Development Plan (LDP) pre-dates the latest version of Planning Policy Wales (PPW), it is considered that the policies that are relevant to this application in the Joint LDP remain consistent with PPW.
- 2.2 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In drawing up the following recommendation, the Council has sought to ensure that the needs of the present day are met without endangering the ability of future generations to meet their needs also.
- 2.3 **The Anglesey and Gwynedd Joint Local Development Plan 2011-2026 adopted on 31 July 2017**

PS 1: The Welsh language and culture
 ISA 1: Infrastructure Provision
 TRA 2: Parking standards
 TRA 4: Managing transport impacts
 PS 5: Sustainable development
 PS 6: Alleviating and adapting to the effects of climate change
 PCYFF 1: Development Boundaries
 PCYFF 2: Development Criteria
 PCYFF 3: Design and place shaping
 PCYFF 4: Design and landscaping
 PS17: Settlement Strategy
 TAI 6: Housing Clusters

TAI 15: Affordable housing threshold and distribution
 TAI 16: Exception Sites
 PS 19: Protect and/or enhance the natural environment
 AMG 5: Local Biodiversity Protection
 PS 20: Protecting and where appropriate enhancing heritage assets
 AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens.

Supplementary Planning Guidance (SPG):
 SPG: Maintaining and Creating Distinctive and Sustainable Communities
 SPG: Affordable Housing

2.4 **National Policies:**

Future Wales: The National Plan 2040
 Planning Policy Wales (Edition 12 – February 2024)
 Technical Advice Note 5: Planning and Nature Conservation
 Technical Advice Note 6: Planning for sustainable rural communities
 Technical Advice Note 12: Design
 Technical Advice Note 18: Transportation
 Technical Advice Note 20: Planning and the Welsh language

Practical Advice of TAN 6 Rural Enterprise Housing

3 **Relevant Planning History:**

C07D/0717/41/LL – Change of use and conversion of a chapel into a dwelling house and installation of new septic tank – Approved 6 August 2009
 C23/0603/41/LL – Erection of a single-storey dwelling, creation of access and parking provision and installation of a private sewerage treatment system – Refused 25 September 2023

4. **Consultations:**

Community/Town Council: Not received.

Transportation: I have no objection to the application, but I would ask for the following condition to be attached to any planning consent granted:
 The applicant must take every precaution to prevent surface water from the curtilage of the site from spilling onto the highway.

Welsh Water: Not received.

Water and Environment Unit YGC: **Flood Risk and Land Drainage**
 INFORMATIVE: The site lies within zone A (Development advice maps accompanying TAN15: Development and Flood Risk) which is usually considered to be at a very low risk of flooding, if any. However, it is shown that the site is at some risk of flooding on the latest surface water flooding maps.

The developer should be aware of the surface water flood risk and should take all necessary precautions to protect the development from the impacts of flooding in the future. This should include raising the floor levels adequately and include flood-proof fabrics and fittings outside the proposed development.

PLANNING COMMITTEE	DATE: 20/05/2024
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

SuDS Approval Body Comments

Since 7 January 2019, sustainable drainage systems (SuDS) are needed to control surface water for every new development of more than 1 house or where the construction area with drainage obligations is 100m² or greater. Drainage systems must be designed and constructed in accordance with the minimum standards for sustainable drainage as published by Welsh Ministers.

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

Due to the size and nature of the development, it is likely that an application will need to be provided to the SuDS Approval Body for approval before construction work commences. No details regarding surface water drainage have been submitted and until an application is made to the SuDS Approval Body, there is no assurance that the site plan would enable compliance with the full suite of national SuDS standards. A consultation with the SAB is recommended.

<https://www.gwynedd.llyw.cymru/cy/Trigolion/Cynllunio-a-rheolaeth-adeiladu/Cynllunio/System-Draenio-Cynaliadwy.aspx>

Biodiversity Unit:

Observations 2 April 2024

The two photos of the above site show that the site has been cleared (trees, bushes, natural vegetation) since 2009. By the ecological report from Cambrian Ecology, the land shows grass as a lawn without biodiversity interests. The location is near the Ty'n Rhos 722 Wildlife Site, but it is unlikely to affect the Wildlife Site, except for the loss of trees that formed part of the nature corridor.

The plan is not good enough. The plan has not included enough measures to enhance nature. The plans for the development should include a natural hedge around the site, 2 metres wide, which includes 9 trees per square metre. Trees (hazel, holly, oak, alder, blackthorn, hawthorn, elder).

In 2007, a planning application was submitted to convert the chapel into a residential house. This application had provided a bat report (Alison Johnston 2008). The permission included a condition to follow the recommendations in the bat report. Has the Chapel completed the conversion and has the chapel included the measures for bats and barn owls?

Observations 31 January 2024

The PEA and impact assessment has been produced to a good standard. The impact to biodiversity as a result of this development will be negligible. The developer should produce a Green Infrastructure Statement which evidences how the stepwise approach has been applied and what

PLANNING COMMITTEE	DATE: 20/05/2024
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

commitments the developer is making to ensure a net benefit for biodiversity (NBB) is attained. All mitigation and enhancement should also be included in the design drawings. – the ecologist has provided guidance in their report and details what actions can be taken to avoid and minimise the impact of the development to biodiversity (as per the first two steps under stepwise). As no impact is predicted, the applicant does not need to address the mitigate / compensate steps. The ecologist has also provided recommendations of reasonable enhancements to attain NBB (sec. 10.2).

Observations 18 December 2023

No ecological information has been provided. A PEA should be submitted which assesses the impact of this development on biodiversity and describes how this development will attain biodiversity net benefit.

Cadw:	Not received.
Public Protection:	Not received.
Natural Resources Wales:	Thank you for consulting with Natural Resources Wales regarding the above application. We have reviewed the planning application submitted to us, and from the information provided, we are not of the opinion that the proposed development impacts any matters listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018).
Rights of Way Unit:	Public footpath number 36 Llanystumdwy must be protected during and after this development.
Public Consultation:	<p>A notice was posted on the site and neighbouring residents/nearby properties were informed. A response was received, voicing concerns on the following grounds:</p> <ul style="list-style-type: none"> • An over-development of the area which is outside the village boundary. • The building materials are not harmonious with those used in the nearby existing dwelling houses. • Matters involving the proposed treatment tank and its location. • Matters involving the conversion of the former chapel into a dwelling house, e.g. reducing the curtilage. • A right of way across a drive is in the ownership of a nearby property for the converted chapel only and it does not include a right of way for the proposed dwelling. • An easement was provided when the chapel was converted in order to provide a new water supply across a 10-metre-wide drive that is in the ownership of a nearby property and this easement is for the conversion of the chapel only and not for any utilities to the proposed dwelling. • The application notes that the site benefits from mains water but this is not a specific supply but it

shared with the chapel and therefore does not comply with building regulations.

- The public footpath is not shown on the plans.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 No development boundary has been earmarked for the village of Rhoslan, but it has been identified as a Cluster village under Policy TAI 6 of the Gwynedd and Anglesey Joint Local Development Plan (LDP). To comply with the requirements of policy TAI 6, development plots would be expected to be an infill site between buildings coloured red on the Inset Map (see map below), or immediately adjacent to the curtilage of a coloured building. The site in question is located approximately 250 metres away from the nearest coloured building in the Rhoslan Cluster, which is in the central nucleus of the village. The following map shows the location of this planning application in blue, in the context of the cluster to the south of the site on the Map. Therefore, the proposal does not meet the basic location requirements of Policy TAI 6, and is therefore contrary to policy.



- 5.2 Due to the distance of the site from the nucleus of the village, the site must therefore be considered as open countryside in relation to the LDP. Policy PCYFF 1 (Development Boundaries) states that proposals outside development boundaries will be refused unless they are in accordance with specific policies in the Plan or national planning policies or that the proposal demonstrates that its location in the countryside is essential.
- 5.3 As a result of the need to preserve and protect the countryside, very special justification is needed to approve the construction of new houses there. Therefore, new dwellings in the countryside will only be approved in exceptional circumstances. For the purposes of the LDP, those exceptional circumstances where new houses in the countryside can be approved are included in policy PS17 Settlement Strategy, which confirms that only housing developments that comply with Planning

PLANNING COMMITTEE	DATE: 20/05/2024
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

Policy Wales and Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (as well its accompanying Practical Guidance document), will be approved in open countryside.

- 5.4 Paragraph 4.3.1 of TAN 6 notes that one of the few circumstances in which a new isolated residential development in the open countryside can be justified is when accommodation is required to enable a rural enterprise worker to live at, or close to, his workplace. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. TAN 6 also notes that Local Planning Authorities should carefully assess applications for planning permission for new rural enterprise dwellings to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence.
- 5.5 The information in the submission of the Design and Access Statement notes that the applicant currently works in the army in Portsmouth. It also highlights the challenge of buying a house in the area. He wishes to build a house, near his parents who reside at Capel Rhoslan, for him and his family. Whilst it appears that the applicant is a local person, born and raised in the area, there is no evidence that a current need for a house exists, or an affordable need. But as referred to above, the site is not suitable as a rural exception site due to its location away from the cluster. There is no agricultural holding on the land or any agricultural justification or rural enterprise proven here.
- 5.6 The principle of erecting a new dwelling on the application site, in open countryside, therefore does not comply with the requirements of policies PCYFF 1 and PS17 of the LDP, as well as paragraphs 4.2.37 – 38 of Planning Policy Wales and part 4.3.1 of TAN 6: Planning for Sustainable Rural Communities, which requires exceptional justification to approve new housing in open countryside.

Visual amenities

- 5.7 Policy PCYFF 3 of the LDP is relevant to this application and relates to the design, finishes and visual amenities. The policy notes that it will be expected for proposals to show a high-quality design which gives full consideration to their context in the natural, historical and built environment. New developments are expected to add to, and enhance, the character and appearance of the site, respect the site and its vicinity in terms of its place in the local landscape and use of appropriate materials.
- 5.8 Since refusing the previous application, C23/0603/41/LL, the design has been amended. In application C23/0603/41/LL, the house was a flat-roofed single-storey house with an exterior finish of black bricks, timber and render. Now, the proposal is for a single-storey, pitch roof dwelling, sitting centrally within the plot, with an exterior finish of black corrugated sheets. The content of the Design and Access Statement is noted in terms of the proposal imitating the exterior of other traditional agricultural buildings in the vicinity. However, it is not considered that the design for the house imitates the traditional dwelling houses seen in the local area. It is not considered that the proposal would respect its context near the traditional Chapel and Chapel House building in the closest vicinity to the application site. Approving the application would result in a new development on green land in open countryside, which would inevitably lead to an urban spread to the countryside, in a place that is visible from the road and nearby public footpaths. It is considered, therefore, that the proposal is contrary to the requirements of Policy PCYFF 3, relating to protecting the area's visual amenities.
- 5.9 The site is located within a 500-metre zone to the scheduled monument of Cefn-Isaf Burial Chamber. The scheduled monument is approximately 460 metres to the south-east of the site. Considering the proposal in question, its location and distance from the scheduled monument, it is not considered that the proposal would have a detrimental impact on how the monument would be

PLANNING COMMITTEE	DATE: 20/05/2024
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

experienced, understood or appreciated. Therefore, it is considered that the proposal is acceptable in terms of Policy PS 20 and AT 1 of the LDP.

Residential amenities

- 5.10 There are dispersed dwelling houses in the vicinity of the site, but the nearest houses are Tŷ Capel Rhoslan and Capel Rhoslan to the north-west, which has been converted into a house and has a connection to the land in question. Due to the single-storey design, the distance and element of separation between the proposed house and nearest house, it is not believed that there would be any significant direct harmful impacts on the amenities and privacy of nearby residents. It is noted that a letter from the neighbour notes concerns and issues relating to rights of way and an easement but these matters are not planning considerations and are rather matters between the applicant and the owner of the nearby land. It is considered that the proposal is acceptable in terms of Policy PCYFF 2 of the LDP in terms of its impact on the amenities of nearby residents.

Transport and access matters

- 5.11 The site is served by a second-class county road, namely the B4411, with a vehicular access off it and a track serving 4 properties. This track also serves public footpath number 36 Llanystumdwy. It is proposed to use the existing Capel Rhoslan track to serve the house with a vehicular access and parking and turning provision within the plot. The Transportation Unit has no objection to the proposal, but it is noted that they would wish to see a condition to prevent surface water. It is considered that the vehicular access is safe as it is off a track with sufficient space for two cars to park in the curtilage. Neither does the proposal disturb the course of two public footpaths which run on either side of the plot. Therefore, it is considered that the proposal is acceptable from the perspective of compliance with policies TRA 2 and TRA 4 roads and parking in the LDP.

Drainage matters

- 5.12 A response was received from the neighbour, expressing concerns about the water drainage arrangements on the site, noting that it would be located within 10 metres of an existing long-established watercourse and that it would discharge water into a problematic culvert. In an e-mail, the applicant noted that the existing owners of the Chapel had the required authority approval to create two 'outlet' drains for a water course, one to drain from the Chapel and the second from a pool, located on the application site; this has been drained and filled, and the land level has been raised (around half-a-metre above the nearby levels) to mitigate against any potential flooding. The proposal is to connect surface water drainage from the new dwelling and paved areas directly around the building as well as the foul drainage through a Bio Pure 2 type treatment tank site into this 'outlet', and it is estimated that this is likely to reduce how much will be discharged into this outlet. Whilst the location of the proposed treatment tank was noted on the plans, detailed plans for the drainage matters were not submitted, and neither were full details of the proposed treatment tank. Therefore, at present, insufficient information has been received on the sewage disposal and surface water treatment method to assess these matters in full against the LDP's policies. Therefore, as things stand, the proposal is contrary to policy PCYFF 2 and PS 6 of the LDP as there is a need to know that the land is suitable for the private system before the application can be approved in order to protect the environment.

Biodiversity matters

- 5.13 As a result of the original observations of the Biodiversity Unit, a Preliminary Ecological Assessment Report was received, which also incorporates the Green Infrastructure Statement part.
- 5.14 Observations were received from the Biodiversity Unit on 31 January 2024 confirming that the Preliminary Ecological Assessment had been carried out to a good standard and that the impact on biodiversity as a result of this development would be negligible. The observations also refer to the fact that all mitigation and enhancement measures should be included in the design drawings.

PLANNING COMMITTEE	DATE: 20/05/2024
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

It was noted in the observations of the Biodiversity Unit that the ecologist had provided guidance in their report and detailed what steps could be taken to avoid and reduce the impact of the development on biodiversity, and as no impact is anticipated, the applicant does not need to address the mitigation / compensation steps of preparing a Green Infrastructure Statement. The biodiversity enhancements included in the Preliminary Ecological Assessment Report include the installation of bat tubes, installation of bee bricks and planting of native trees. A plan was received from the applicant showing the location of the bat tubes and bee bricks on the proposed house. No details of the location of the trees have been submitted.

- 5.15 The latest observations of the Biodiversity Unit dated 2 April 2024 are noted, i.e. that the plan has not included sufficient measures to enhance nature and that the development should include a natural hedge around the site and include 9 trees for every square metre. However, given the previous observations dated 31 January 2024, it is not considered that these observations are reasonable considering that the previous observations had accepted the biodiversity enhancements. If it is decided to approve the application, it would be possible to impose a condition that the development is made in accordance with the content of the Preliminary Ecological Assessment. It would also be possible to include a condition to agree to the details of the location of the native trees to be planted as biodiversity enhancements. It is considered that in doing so, that the proposal is acceptable from the perspective of policy PS 19, AMG 5 and Planning Policy Wales.
- 5.16 In their observations dated 2 April 2024, the Biodiversity Unit has raised matters relating to converting the former chapel into a house. However, it is not considered that these matters are relevant to this application.

6. Conclusions:

Having weighed up the proposal against the relevant policies and after considering the response to the consultations and objections received, it is concluded that the proposal is essentially contrary to many local and national policies. Based on the above assessment, there is no option but to refuse the application.

7. Recommendation:

To Refuse

1. There is no proven need for the erection of a new dwelling in the open countryside and therefore the proposal does not comply with the requirements of policies PCYFF 1 and PS17 of the Gwynedd and Anglesey Joint Local Development Plan 2017 together with paragraphs 4.2.36 - 37 of Planning Policy Wales and part 4.3 of Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities which ensures that new housing in the open countryside can only be approved in exceptional and specific circumstances.
2. This development would be detrimental to the landscape causing urban encroachment into a greenfield site in open countryside. It is not considered that the proposal would complement or enhance the character and appearance of the site and would not integrate with its surroundings. The proposal is therefore contrary to the requirements of Policy PCYFF 3 of the Gwynedd and Anglesey Joint Local Development Plan
3. Full details of the sewage treatment plant and means of drainage have not been submitted as part of the application to fully assess their impact against the requirements of policies PCYFF 2 and PS 6 of the Anglesey and Gwynedd Joint Local Development Plan 2017.