

<b>PLANNING COMMITTEE</b>	<b>DATE: 09/09/2024</b>
<b>REPORT OF THE ASSISTANT HEAD OF DEPARTMENT</b>	

**Number: 1**

**Application Number: C24/0363/17/LL**

**Date Registered: 10/05/2024**

**Application Type: Full**

**Community: Llandwrog**

**Ward: Tryfan**

**Proposal: Construction of affordable dwelling together with creating a new access to the county road.**

**Location: Land near Bryn Llifon, Carmel, LL54 7RW**

**Summary of the Recommendation: TO REFUSE**

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## 1. Description:

- 1.1. The application involves constructing an affordable single-storey house on a site that is outside, but abutting, the village boundary and the site of the application is not within any special land designation. The site is serviced by a third-class road which leads from the village and passes the site towards the village of Y Fron to the east. The section of the county road near the site is narrow, on a steep hill and is also within a 20 mph speed zone. The site is on a part of an open field facing private sheds that are within the village boundary. The boundary between the site and the sheds creates a natural and reasonable built boundary for the village.
- 1.2. The house would measure approximately 89 square metres with a 20 square metre garage and would contain a living/dining room, two bedrooms, an office and a garage. It is also proposed to create a curtilage and entrance and an access road from the third class highway to the north. The proposal would require significant excavation work and demolishing a stone boundary wall near the road to create the access, the access road and a level surface for the house. The site and location plan indicates a section of grassland between the county road and the applicant's land. The plans show that the floor level of the proposed house would be 4 metres higher than the road level and would therefore be higher than houses in the site's vicinity.
- 1.3. The original application included connecting the proposed house to the private sewer, but an amended plan was subsequently received (3057-22-P3e) indicating a proposal to install a public sewer in the county road.
- 1.4. The application is submitted to the Planning Committee at the Local Member's request.
- 1.5. A letter from Tai Teg, a Valuation Report, a Design and Access Statement and Details of Building Materials along with a Grassland Fungi Report were submitted with the application.

## 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.
- 2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the 7 well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017**
  - ISA 1: Infrastructure provision
  - PCYFF 1: Development Boundaries
  - PCYFF 2: Development criteria
  - PCYFF 3: Design and place shaping

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PCYFF 4: Design and landscaping

PS 5: Sustainable development

AMG 3: Protecting and improving features and qualities that are unique to the character of the local landscape

AMG 5: Local Biodiversity Conservation

PS 19: Conserving and where appropriate enhancing the natural environment

PS 1: The Welsh Language and Culture

PS 4: Sustainable transport, development and accessibility

TRA 2: Parking standards

TRA 4: Managing transport impacts

PS 17: Settlement strategy

TAI 8: An appropriate mix of housing

PS 18 and TAI 15: Affordable housing

TAI 16: Exception Sites

Supplementary Planning Guidance – Affordable Housing (April 2019)

Supplementary Planning Guidance – Planning Obligations

## 2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 12 - February 2024)

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

Technical Advice Note 12: Design

Technical Advice Note 18: Transportation

Technical Advice Note 2: Planning and Affordable Housing

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

- 3.1 C23/0319/17/LL - Construction of affordable dwelling with package treatment plant together with a new vehicular access onto the public highway - Refused - 04-01-2024. There is no significant change to the current application since this refusal.

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#### 4. Consultations:

Community/Town Council: Following a meeting of the Council held on 17 June 2024 it was resolved to support the application.

Transportation Unit: I refer to the above application and I wish to state that I have no objection. I request that the following be included with any permission given:

Condition: The access must be planned and constructed in full compliance with the submitted plan and the first 6m of the access must be surfaced with a bound material.

Condition: The applicant must take every precaution to prevent surface water from the curtilage of the site from flowing onto the highway.

Natural Resources Wales: 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). Therefore, we have no observations to make on the proposed development.

Please note that our decision not to make observations does not mean that there is not a possibility for the proposed development to affect other interests, including environmental interests of local importance.

The applicants should be notified that they, along with the planning permission, are responsible for ensuring that they obtain all the permits/permissions applicable to their development.

I hope that the above observations are of assistance; however, if you have any enquiries, you are welcome to contact me.

Welsh Water: Having reviewed the amended site plan submitted in support of the application, we note it is proposed to communicate foul flows with the public sewerage system and discharge surface water runoff into a soakaway system. The site lies within the catchment of Llanfaglan WwTW which has a phosphate permit. The WwTW is currently compliant with the existing phosphorous consent limit of 1mg/l, and we can confirm there is capacity at the WwTW to accommodate foul only flows from the proposed dwelling. This matter will need to be considered further by the local planning authority.

In light of the above and for the avoidance of doubt, we would kindly request that if you are minded to grant Planning Consent for the

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above development that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Welsh Water's assets.

Condition

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Biodiversity Unit

I have read the letter from Dŵr Cymru regarding foul drainage/sewage and the site would drain to Llanfaglan WwTW. Dŵr Cymru have confirmed that they have the capacity to treat sewage from this development within their phosphate limit of their Environmental Permit.

However, it has now been brought to my attention that storm release and Passed Forward Flows occur at WwTW and that these untreated sewage releases impact the water quality of the rivers for human health and nature. I would like more information regarding non-compliant sewage releases from Llanfaglan WwTW.

I am pleased to see the plans include tree planting, however I recommend that also native hedge is planted along all boundaries of the development.

Further comment - Mitigation measures in relation to the Bryn Tirion Wildlife Site, some of which were recommended in the botanical survey report have been included in Section 8.1.

Further to my comments via email on the 28<sup>th</sup> of May 2024, I have obtained the information about storm flows and pass forward flows, these are when untreated sewage is released to the river when there is too much fluid for the sewage works to cope with during heavy rain. The information I have received from Dŵr Cymru shows that been 15minute storm flow release at 49 l/s.

The applicant has provided an amended plan (on 10 June via email) showing the provision of native hedges. These plans are acceptable. I have no objection to this application.

It is unlikely that this proposal will have a significant effect on the River Gwyrfai SAC.

CADW

This advice is given in response to a planning application for the erection of an affordable dwelling on land adjacent to Bryn Llifon, Carmel.

The application area is located some 170m northwest of the boundary of the Nantlle Valley Slate Quarry Landscape section of The Slate

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### Landscape of Northwest Wales World Heritage Site.

The proposed development will see the erection of a single storey “L” shaped dwelling with part rendered, part stone walls with a pitched slate roof. In views from the World Heritage Site it will be partly screened by topography and it will be seen with the houses of Carmel immediately behind it. As such whilst there may be a very slight visual change in the view from the monument this will not have any effect on the way that it is experienced, understood and appreciated. Consequently, the proposed development will not have an impact on the outstanding universal value of the World Heritage Site.

Public Consultation: A notice was posted on the site and nearby residents were notified. The notification period came to an end and correspondence was received supporting the application on the grounds of approving an affordable home for two local members.

## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 Carmel has been identified as a Local Village under policy TAI 4 of the Joint LDP. The indicative supply level of housing for Carmel over the Plan period, as noted in Appendix 5 of the Joint Local Development Plan, is 12 units (including a 10% 'slippage allowance', which means that the method of calculating the figure has taken into account potential unforeseen circumstances which could influence the provision of housing, e.g. land ownership matters, infrastructure restrictions, etc.). Between 2011 and 2023, a total of 2 units have been completed in Carmel. The windfall land bank, i.e. sites with extant planning permission on sites not designated for housing, stood at 0 (zero) units as of April 2023 (disregarding units identified in the JLDP as unlikely to be completed). This means that there is currently capacity in Carmel for this development.
- 5.2 This site is located outside but immediately adjacent to the development boundary of Carmel as indicated in the Anglesey and Gwynedd Joint Local Development Plan. The site is therefore in open countryside and has not been designated for any specific land use. Policy PCYFF 1 (Development boundaries), states as follows:
- “Proposals will be approved within development boundaries in accordance with the other policies and proposals in the Plan, national planning policies and other material planning considerations”. Outside the development boundaries, proposals will be refused unless they are in accordance with specific policies in this Plan or national planning policies or that the proposal shows that its location in the countryside is essential.”*
- 5.3 The affordable need for the house along with the site's suitability must therefore comply with the objectives of Policy TAI 16, Rural Exemption Sites, which states:

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*"If it can be shown that there is a proven local need for affordable housing (as defined in the Glossary) that cannot be delivered within a reasonable timescale on a market site within a development boundary that includes a requirement for affordable housing, as an exception, proposals for 100% affordable housing plans immediately adjacent to development boundaries that form a logical extension to the settlement will be granted. Proposals must be for small developments, which are proportionate to the size of the settlement, unless it can be clearly demonstrated that there is a demonstrable requirement for a larger site, with priority, where it is appropriate, given to previously developed land."*

- 5.4 A 'surrounding rural area' is defined for applications within Local, Coastal or Rural Villages or Clusters as follows: *'surrounding rural area', which is a distance of 6km from the site of the application and the extent of any Community Council area bisected by the 6km distance, but excluding properties within the development boundary of any settlement other than the settlement within which the application is located.* (Para 8.1.3 Affordable Housing SPG). The occupants of the unit will therefore need a 5-year connection with the village of Carmel or this surrounding rural area.
- 5.5 The policy also requires the need to demonstrate that affordable housing cannot reasonably be delivered within a reasonable timescale on a market site within the development boundary that includes a requirement for affordable housing and this includes any houses that are for sale within the boundary that would be considered affordable. We note that a letter from Tai Teg confirms that the occupants are eligible to be considered for an affordable house and they are not able to purchase a property on the open market in the Carmel area. Also, when looking at the housing and land bank figures in paragraph 5.1, along with the fact that no housing sites have been earmarked in Carmel, it is reasonable to conclude that houses are not likely to come forward within the development boundary within a reasonable amount of time.
- 5.6 An open market valuation was submitted as part of the application, and it states that the value of the proposed house was established in accordance with the Royal Institution of Chartered Surveyors Valuation - Global Standards" (red book appraisal) to enable the Council to set a relevant discount level to ensure that the house is affordable. The valuation shows that a discount of 40% would be needed should the application be approved to ensure that the dwelling is affordable now and in the future.
- 5.7 Paragraph 3.4 and appendix 5 of the Affordable Housing SPG highlight considerations relating to the size of the affordable unit. The application is for a proposed single-storey dwelling for a two bedroom property with a floor surface area of approximately 89m<sup>2</sup>. The SPG notes the total floor surface area for a two-bedroom, three person bungalow as 58m<sup>2</sup>. Although the plans show there are two bedrooms, it also includes space for a home office that could also be used as a bedroom should the need arise. In truth, the proposal is for a three-bedroom house. The SPG does not note the maximum size for a three-bedroom bungalow of this size but it does note the maximum for a three bedroom two-storey house as 88m<sup>2</sup>, namely 1m<sup>2</sup> less than the proposal.
- 5.8 Paragraph 3.4.4 of the SPG states that intermediate dwellings may have one bedroom in addition to the existing need. Based on the Tai Teg assessment, the applicants are a couple with no children, and they are currently only eligible for a two-bedroom house. Nevertheless, information was submitted by the agent stating that the applicants are a young couple who intend to have a family in the near future and this home will enable them to stay in Carmel and support the local school and the Welsh community there. In light of this, it is considered reasonable to support a house of this size as it will ensure that the dwelling will meet the needs of the applicants now and

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in the future. Given this and the fact that the need has been proven, it is possible to set a discount on the value of the house to ensure affordability and the fact that the dwelling is not substantially bigger than a two-storey three-bedroom house, it is not considered reasonable to refuse the application on grounds of the size of the house.

- 5.9 The information received as part of the application has been assessed and it appears that the principle for the affordable house is acceptable, and it is not substantially contrary to policies TAI 15, TAI 16 or the Affordable Housing SPG. Nevertheless, note that Policy TAI 16 also considers the suitability of the site and these matters are discussed later in the report.

### **Visual amenities**

- 5.10 Policy TAI 16 asks that proposals form a reasonable extension to the settlement. Policy PCYFF 3 states that proposals will be approved, including extensions and changes to existing buildings and structures, if they comply with a number of criteria including that the proposal adds to or improves the character or appearance of the site, the building or the area in terms of setting, appearance, scale, mass, the height and elevation treatment; that it respects the context of the site and its place in the local landscape; that it uses materials that are appropriate to their surroundings and incorporates soft landscaping; that it improves a safe and integrated transport and communications network; that it limits the risk and danger of flood water run-off and prevents pollution; that it achieves an inclusive design that allows access for all and helps to create healthy and vibrant environments taking into account the health and well-being of future users.
- 5.11 In terms of the design of the house, the design and materials are quite standard and appear to be acceptable. Nevertheless, the proposal needs to be a reasonable extension to the settlement therefore the location of the dwelling must be considered.
- 5.12 Although the site abuts the development boundary, the proposal involves erecting a new house in an open field which is located down a new access track, 40m from the highway. The boundary of the Bryn Llifon property (which is next to the new access) creates a natural boundary for the village and that property is close to and faces the highway. As it is proposed to locate the house away from the highway and far behind the Bryn Llifon development line, it does not follow the natural development pattern of the village and therefore it is not considered that the proposal forms a reasonable extension to the settlement in terms of the plot with Bryn Llifon.
- 5.13 Although the plot is located to the rear of Mount Pleasant Terrace, the terrace is located away from the site and they are separated by an access track and garden areas with a number of garden buildings such as sheds and garages. Consequently, it is considered that the plot is separate to the built form to the west and when the site would be visible from the proposed access, it is not considered that the dwelling would be seen in the same context as the terraced houses. This also shows that the site is not a reasonable extension to the settlement.
- 5.14 Bryn Llifon is only slightly higher than the level of the highway, but the proposal involves excavating the field to create a level site that would be 4 metres higher than the nearby county road. The work would also involve excavating to create an access with visibility splays along the county road and create an access road. It is considered that this work would highlight the site in the street-scene and would be contrary to the relatively simple residential developments, access tracks and agricultural accesses seen in the vicinity that mainly follow the land's natural levels without needing too much engineering work. It is acknowledged there is an intention to plant and landscape the site but given the extent of the excavation work, it is not considered that the landscaping is sufficient to mitigate the impact of the proposal.



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- 5.15 As a result of the above, it is not considered that the proposal is a reasonable extension of the settlement as it would stand out as a discordant feature that would have a damaging impact on the landscape. It is therefore considered that the proposal is contrary to policy TAI 16, PCYFF 4 and PCYFF 3 of the LDP.

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

- 5.16 The application was advertised on the site and nearby residents were notified and correspondence was received in support of the proposal.
- 5.17 The site is in a field to the east of the houses in the village. The nearest house is approximately 24 metres to the north and the rear of a terrace of houses approximately 50 metres to the west. The floor level of the new house would be substantially higher than the floor level of the terraced houses to the west.
- 5.18 The proposal is in a field with its front elevation (northern) overlooking a field and a new access road, the windows of the western elevation would look over the nearby sheds and gardens of terraced houses, the windows and bi-folding doors on the southern aspect would look over an open field and one window in the eastern aspect would look towards a *clawdd* and elevated land. Nevertheless, there is already inter-visibility in any village and the distance between the proposal and the terraced houses reduces any impact from overlooking. In relation to Bryn Llifon, the proposal would look beyond that property. In those circumstances, it is not considered that the proposal would have a substantial negative impact on nearby residential amenities.
- 5.19 It must be acknowledged that the access road to the site would have an impact on the residential amenities of Bryn Llifon as the proposal would change the current situation. Currently, the rear wall of the house nearly touches the boundary of the field where the access road to the proposed plot is located. Although unlikely that any loss of privacy issues would arise here as the windows are on the first floor; the proposal is likely to create an element of noise and disturbance as a result of vehicles and people going back and forth to the dwelling. It appears that the applicant recognises these concerns as the plan demonstrates a native tree planting scheme between the access road and the rear of the existing house.
- 5.20 Nevertheless, given that this proposal is only on a small scale, for a single dwelling only, it is not considered that the level of traffic and disturbance would be significant and it would not have a substantial damaging detrimental impact on the amenities of Bryn Llifon. Because of this, it is not considered that the application is substantially contrary to policy PCYFF 2 of the LDP.

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

- 5.21 The proposal involves constructing a new house, entrance and access road. The access would open to a class 3 county road that runs through the village of Carmel, past the site and onwards up the hill to the direction of the village of Y Fron to the east. Cross-section plans were submitted with the application showing the access, and the excavation work. A site plan received from the applicant shows that it would be possible to develop visibility splays, 70 by 2.4 metres, to the west and east. Nevertheless, the site plan shows that the green verge between the field boundary which is in the applicant's ownership and the county road is not within the control of the applicant and therefore there would be a need to include a Grampian condition (condition to ensure that the access is constructed in accordance with pre-commencement plans for the rest of the proposal) on any permission to ensure the implementation of any right in accordance with the plans. The access is located within a 20 mph zone and it is considered that the proposed visibility splays are

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acceptable. Observations were received from the Transportation Unit stating no objection and recommending conditions, should the application be approved. In those circumstances, it is not considered that the proposal would be substantially contrary to Policies TRA 2 or 4 of the LDP.

### **Biodiversity matters**

- 5.22 Since February 2024, Planning Policy Wales expects every application to be supported by a green infrastructure statement utilising the phased approach. Although no green infrastructure statement was submitted, it is considered that it would be possible to include conditions on any planning permission to ensure biodiversity enhancements for the site and we note that it is proposed to plant trees and landscape the site. A fungi report was submitted in light of the previous observations of the Council's Biodiversity Unit and in light of this and by imposing appropriate planning conditions, it had no objection to the proposal. With the inclusion of appropriate conditions, we consider the proposal to be acceptable in terms of the requirements of Policy AMG 5 of the LDP and Planning Policy Wales.

### **Infrastructure Matters**

- 5.23 The application was originally submitted with a statement confirming a connection to a private sewer, the Planning Service received an amended plan at a later date with a proposal to connect the new dwelling to the public sewer in the county road. The Planning Service re-consulted on the matter an NRW submitted observations confirming it has no objection, and there was no objection from Wales Water other than noting that the proposal falls within the Llanfaglan sewage treatment site catchment.
- 5.24 The foul water of this development would discharge to the Llanfaglan sewerage system with a permit to discharge into afon Gwyrfai which has been designated as a Special Area of Conservation (SAC). The Authority as the competent authority under the Habitats Regulations has complied with its duty to consider the impact on the SAC and has concluded, given the observations of NRW and Welsh Water, that the proposal is unlikely to have a significant impact on the SAC. Consequently, there is no need for a further assessment under the Habitats Regulations. It is therefore considered that the proposal satisfies policies PCYFF 2, PS 6 and ISA 1.

### **The Welsh Language**

- 5.25 In accordance with the Planning (Wales) Act 2015, it is a duty when making a decision on a planning application to consider the Welsh language, where it is relevant to that application. This is reiterated further in para 3.28 of Planning Policy Wales (Edition 11, 2019), along with Technical Advice Note 20. The Supplementary Planning Guidance (SPG) 'Maintaining and Creating Distinctive and Sustainable Communities' (adopted July 2019), provides further guidance on how it is expected for Welsh language considerations to be incorporated in each relevant development. The proposal does not reach the thresholds to submit a Welsh Language Statement or a Report on a Welsh Language Impact Assessment; however, the guidance included within Appendix 5 notes that every retail, commercial or industrial development where there is no need to submit a Welsh Language Impact Statement/Assessment should show how consideration has been given to the language.
- 5.26 Although the application has not shown any consideration to the language, given that this proposal is for an affordable dwelling, where the occupancy is restricted to local people only, it is not considered that the proposal would be damaging to the Language. It is also possible to impose

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conditions should the application be approved to secure a Welsh name for the dwelling. Therefore, it is not considered that the proposal is entirely contrary to Policy PS 1.

**6. Conclusions:**

- 6.1 Having given full consideration to the above matters, it is not considered that the application could be supported due to the location of the plot on a site that is outside the village development boundary and it is not considered that it would create a reasonable extension to the village boundary and would stand out as an discordant feature thus having a negative impact on the local landscape.

**7. Recommendation:**

To Refuse – reasons

1. The proposal is not considered a logical extension to the settlement because of its location and elevation in relation to existing boundaries and surrounding dwellings. It is not considered that the proposal would satisfactorily integrate with the surrounding landscape due to its elevated location up on a slope and the visual impact resulting from the proposal means that it is an inappropriate and discordant development in the open countryside. The development is, therefore, contrary to the requirements of policy TAI 16, PCYFF 3 and PCYFF 4 of the Anglesey and Gwynedd Joint Local Development Plan,