

PLANNING COMMITTEE	DATE: 21/10/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

REPORT TO THE PLANNING COMMITTEE

REFERRED TO A COOLING-OFF PERIOD

DATE OF THE PLANNING COMMITTEE: 21.10.23

DESCRIPTION AND LOCATION OF APPLICATION: C24/0205/32/LL - Full application to construct 18 affordable houses with associated developments on Land near Cae Capel, Botwnnog, Pwllheli, LL53 8RE.

REPORT BY: Assistant Head, Environment Department

RECOMMENDATION: To approve the application in accordance with the following conditions:

1. Time
2. Development to comply with the approved plans
3. Must submit and agree on a programme for providing affordable housing
4. Must agree on external materials including the roofing slates
5. Removal of permitted development rights
6. Welsh Water Condition
7. Highways Conditions
8. Biodiversity conditions
9. A need to submit a Construction Management Plan prior to the commencement of the development work
10. There must be a Welsh name for the housing estate and individual houses
11. Restrict the use to C3 use class only
12. Archaeology conditions
13. Condition to agree on equipment for the playing field
14. Landscaping to be completed
15. Natural Resources Wales conditions

1. PURPOSE

1.1 The decision on the application was deferred at the Planning Committee on 09/09/2024, in accordance with the instruction of the Assistant Head, Environment Department, as there was a significant risk to the Council in respect of the Planning Committee's intention to refuse the application contrary to officers' recommendation. The committee's reasons for refusing the application related to:

- Detrimental impact on the Welsh language
- The lack of need within the Botwnnog ward for affordable housing

1.2 The matter was referred to a cooling-off period in accordance with the Committee's standing orders. The purpose of reporting back to the Committee is to highlight planning policy issues,

the potential risks and options for the Committee before it reaches a final decision on the application.

2. DESCRIPTION AND BACKGROUND

- 2.1 This is a full application for planning permission to erect 18 affordable houses with associated work and developments on a 0.66ha site which has been designated specifically for the construction of houses within the development boundary of Botwnnog Service Village as defined by the Anglesey and Gwynedd Joint Local Development Plan (Site T61).
- 2.2 The application was submitted before the Planning Committee on 09/09/2024 and prior to that, a site visit was held on 16/07/24. The report submitted to the Committee on 09/09/2024 is included as Appendix 1.
- 2.3 Since the decision on the application was deferred at the previous committee, further information and responses were submitted by the agent regarding the matters raised. These observations included:
- Observations highlighting that there is no need to prove a local need restricted solely to the Botwnnog ward, for this type of development, due to the settlement's status in the LDP.
 - The figures of need by the Housing Strategic Unit are much more recent than those of the rural housing enabler, published in 2022.
 - The LDP policies demand that the settlement responds to a need that extends beyond the village itself.
 - That the size of the proposal is in line with the size of the settlement and policy expectation as a service village.
 - That such plans are key to support the language as it responds to the housing crisis and allows local people to remain in their communities.
 - Evidence was submitted by the ADRA housing association, outlining the chosen language of the main tenant and joint tenants within Adra's recent new housing developments, and the figures show an improvement on most sites and no significant impact.
 - It was highlighted that the housing mix reflected the demand by providing a mix of different houses.
 - ADRA's willingness to adopt a local allocations policy and that this could be agreed by means of a condition discharge application.
 - Members did not present any details when disagreeing with the officers' professional opinion, which places the Planning Authority in a difficult position to be able to defend itself in an appeal and against a request for costs.
 - Information about a decision in a recent appeal decision on Ynys Môn when the application for development was refused, against the officers' recommendation, and subsequently approved on appeal with costs awarded against the Council on the grounds of unreasonable conduct.

3. POLICY CONTEXT

- 3.1 The adopted Development Plan is the Gwynedd and Anglesey Joint Local Development Plan. Paragraph 1.22 of Planning Policy Wales (Edition 12, February 2024) states clearly that: *Up-to-date development plans are the basis of the planning system and set the context for rational and consistent decision making. Plans at all levels of the development plan hierarchy must be prepared in accordance with national planning policies. Planning applications must be*

determined in accordance with the adopted plan, unless material considerations indicate otherwise."

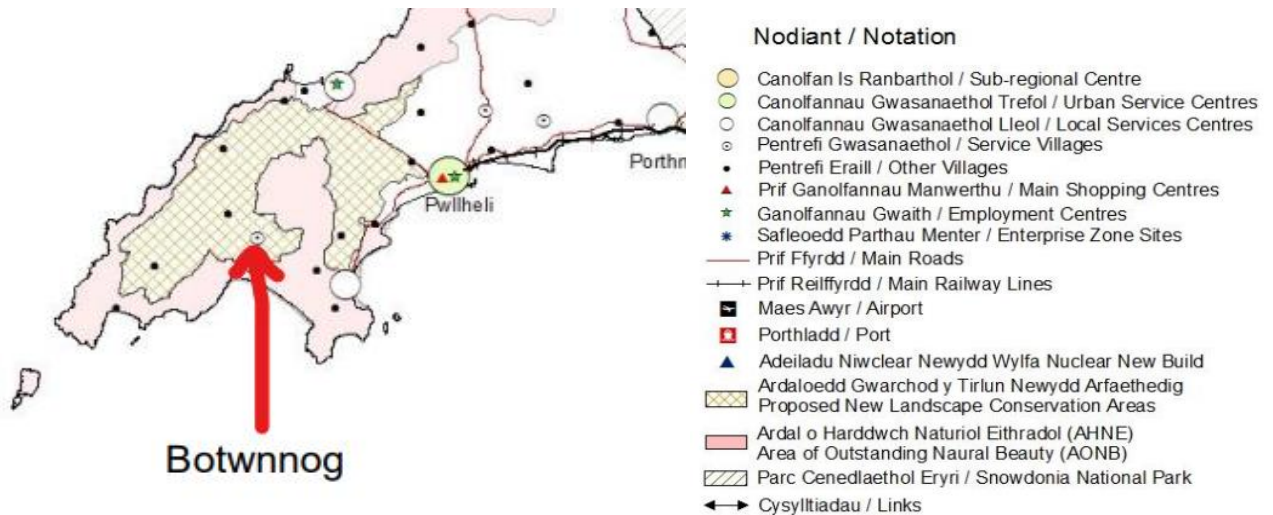
A full list of the planning policies relevant to the application are included in the report submitted to the Planning Committee on 09/09/2024. This report focuses mainly on the planning policies of relevance to the reasons given by the Planning Committee for refusing the application, namely the harmful impact on the Welsh language and the lack of need.

Joint Local Development Plan Strategy

- 3.2 The LDP strategy responds to a need that is clearly evidenced to make provision for new homes and jobs, as well as protect the unique social, cultural and environmental character of the area. It provides for land uses that are needed for a specific period of time, and facilitates alternative legacy uses that comply with policy in the long-term.
- 3.3 The strategy acknowledges that the Welsh language is a part of the social and cultural fabric of Wales and that it is necessary for the Plan to include a specific policy to stipulate those circumstances where the Council will need to consider a development's impact on the Welsh language and culture. The adopted policies facilitate the type of development which can contribute towards the creation of the correct circumstances to contribute to and create Welsh-speaking communities, e.g., housing mix (occupancy and type), employment opportunities, services and community facilities.
- 3.4 The strategy aims towards distributing the development equally around the Plan area when focussing on those areas that provide the best opportunities to achieve sustainable development. In this way, the strategy proposes:

"...appropriately sized development in Villages, focussing on the Service Villages shown on Diagrammatic Map 8 and 9, which has better access to services and public transport;"

- 3.5 The strategy acknowledges Botwnnog as a Service Village and as can be seen clearly in the map below, Botwnnog is the only Service Village in Pen Llŷn and it serves a vast rural area. The agent's comments note that the village of Botwnnog is an important settlement as it provides a primary school, secondary school, medical centre and community centre, and therefore conveys its status in the settlement hierarchy within the LDP.



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- 3.6 Paragraph 6.4.7 of the LDP acknowledges that Strategic Policy PS 17 sets the general method for locating and distributing developments in the Plan area. The spatial strategy of the Plan, as outlined in Chapter 5, is essential in terms of directing growth in the Plan area over the Plan period. Strategic Policy PS 17 outlines the general method in terms of locating and distributing housing developments within the Plan area. It defines the role of towns and villages and describes the type of houses that can be approved in the countryside.
- 3.7 Paragraph 6.4.10 explains that the favoured option acknowledges that smaller Centres (i.e. the Local Service Centres) and Service Villages such as Botwnnog, if they are to remain sustainable, have the opportunity to accept new development, where appropriate. It acknowledges that Service Villages provide a higher level of facilities and services than the more remote Villages and in general, they have more sustainable access and a better functional link to larger Centres. With this in mind, Service Villages are expected to accept an element of the growth that would normally be directed to a higher tier settlement. It is important that their current role and the level of facilities and services are protected, wherever possible.

Main detailed policies within the LDP

- 3.8 **Strategic Policy PS 1: The Welsh Language and Culture** - The policy asks for the Council to promote and support the use of the Welsh language in the Plan area. The Plan's key objectives demonstrate a commitment to the promotion of balanced, sustainable and distinctive communities. This means that the Plan includes policy tools to allow local communities to change and grow sustainably and to address the needs of all members of society.
- 3.9 The policy sets out the circumstances where a Welsh language impact assessment or Welsh language statement is expected. A Welsh Language Statement was submitted as part of the application, although there was no policy requirement for this to be done. The policy only refuses proposals that would cause substantial harm to the linguistic character and balance of a community which cannot be avoided or mitigated satisfactorily by using an appropriate planning mechanism. The report to committee on 09/09/24 explains that no evidence has been submitted to show that the proposal would have a significant impact on the language. Also, additional evidence was received from ADRA since the committee, showing that similar developments, on the whole, had a positive impact on the language.
- 3.10 During a recent appeal in Ynys Môn (bearing in mind that the decision was made on the grounds of the same LDP and SPG), the inspector said, "*The Council's 'Maintaining and Creating Distinctive and Sustainable Communities' (July 2019) SPG acknowledges that the land use planning system cannot anticipate or control the personal characteristics of new house owners. This includes the ability to speak Welsh and the degree to which the language is transferred through the family. Nevertheless, providing adequate local housing at an appropriate scale and size, and for a mix of households, is an important factor in terms of the viability of the language, e.g., when retaining individuals who use the language...*"
- 3.11 The SPG also acknowledges that a sufficient number of local houses for a mix of households is more likely to mean a viable use of facilities and services in the settlement or in a nearby settlement, which can be important places for the Welsh language. Communities need residents from different backgrounds, ages, and who live in different types of houses, if they are to be places where people desire to live in the long-term. On the contrary, not doing so could lead to a community in which the population declines in the long-term, and one that could lose its unique local nature and its connections to cultural heritage.
- 3.12 Policy PS1 also asks for a bilingual Signage Scheme to deal with all operational signage in the public domain included in a planning application by public bodies and commercial and business companies and sets an expectation that Welsh names will be used for new developments, and house and street names. Conditions can be imposed to meet these requirements.

- 3.13 **Policy Tai 3: Housing in Service Villages** - The policy expects that 40 new houses are provided in Botwnnog over the plan period by means of designated sites and windfall sites. The application site is designated specifically for 21 new houses. Only 5 dwellings have been built to date and there are no other sites with planning permission to construct new houses within the village. This means that there is capacity within the indicative supply for the Botwnnog settlement and the proposal satisfies policy Tai 3.
- 3.14 When noting that the site is earmarked and that there is capacity within the housing indicative supply, there is no policy requirement for the developer to prove the need for the houses and consequently the proposal in terms of its principle, is completely in line with policy.
- 3.15 **TAI 8: An appropriate mix of housing** - The policy requires that proposals provide as many affordable houses as possible across the plan area, in accordance with Strategic Policy PS 18 and by proposing a plan which provides 100% affordable housing, the proposal is completely in accordance with criterion one of the policy, and consequently, it responds to the lack of balance in the local housing markets.
- By proposing the development on a site within the Development boundary and which is also earmarked for housing, the proposal ensures sustainable land use, and ensures an appropriate density of development which is in keeping with local amenities which are also in accordance with Policy PCYFF 3. The plan is of a high standard of design and it will improve the quality and suitability of the existing housing stock by contributing to a sustainable and inclusive community.
- 3.16 The evidence received shows clearly that the correct mix of housing unit types and occupancy is being proposed, which meets the needs of the existing communities of the plan area, as well as the communities of the future. The provision includes 4 bungalows, 6 x 2 bedroom houses and 8 x 3 bedroom houses with the proposed mix of the types of occupancy shown below:
- 12 x Social Rent Units, with 4 of them for people aged over 55 years old only;
 - 3 x Intermediate Rent Units;
 - 3 x Intermediate Rent Units (with an option in the future to buy through Rent First).
- 3.17 **Strategic Policy PS 18: Affordable Housing** - Development opportunities have been identified to provide a minimum target of 1,572 new affordable houses. This scheme proposes 100% affordable housing and therefore offers a positive contribution to the number of affordable housing needed in the County.
- 3.18 **Policy Tai 15: Affordable Housing Threshold and Distribution** - Within the development boundary of Botwnnog, two or more affordable housing units is the minimum threshold within the policy and a contribution of 10% affordable housing is expected, but the policy does not prohibit a higher provision. The proposal to provide 100% affordable units is in line with the objectives of policy TAI 8 and the Housing Strategic Unit has confirmed that there is clear evidence of the need.
- 3.19 The status of Botwnnog in the LDP means that new houses to serve Gwynedd as a whole are expected for this site. As has already been noted above by the Housing Strategic Unit, 2374 applicants are on the Housing Options register for social Property, and 882 applicants have been registered with Tai Teg for an Intermediate property in Gwynedd. Although some applicants can appear on both registers, the figures prove the undisputed need for affordable housing in the Gwynedd planning area.
- 3.20 In addition, the Council's Housing Strategic Unit confirms that there is a high need within the Botwnnog Community Council area, with 34 families on the social housing register and 14 on the Tai Teg register. This shows a clear need for housing, which is more in number than could

be met through this development, and therefore that there is a clear justification for the plan based on local need. It is also noted that the current information shows that the number registered for a social property in Pen Llŷn stands at 615.

- 3.21 In a recent appeal decision in Ynys Môn, the planning inspector acknowledged that the Council's housing register and Tai Teg register included people who were eligible for an affordable house under TAN 2, and that both registers were established and acknowledged sources of evidence which steer the LDP policies and planning applications. Also, in accordance with the advice in the Council's Supplementary Planning Guidance (SPG): Affordable Housing, the registers are fundamental sources to identify local needs. When making a decision, the inspector stated, "*I have not seen any substantial evidence to object of the use of the registers as reliable sources...in summary, the local need for affordable housing has been proven.*"
- 3.22 Considering that the information that forms part of the registers is current information and a reliable source of data, I advise that the committee places more weight on this evidence in relation to the need, instead of the information which is now dated and looks at an area that is much too restricted than what is demanded in the policies.

4 RISKS OF REFUSING THE APPLICATION FOR THE COUNCIL

- 4.1 Refusing the application would create inconsistency in terms of implementing the Council's adopted planning policies in reaching decisions on housing development applications, specifically for residential developments in the Local Development Plan.
- 4.2 As has been outlined above, refusing this application would undermine policies on a national and local level. The site is located within the Botwnnog development boundary, as identified in the Anglesey and Gwynedd Joint Local Development Plan. It has been designated specifically for residential development. There is a strong presumption in favour of erecting houses on designated sites where there is no strong and reliable justification to refuse. As the above assessment shows together with the assessment in the Committee report of 9 September 2024, officers are not convinced that sufficient evidence has been shown to refuse the proposal as it is in accordance with the requirements of local and national planning policies.
- 4.3 Should the application be approved, there would be a risk of an appeal being lodged against the Council's decision. In order to defend the appeal, reasonable planning grounds would be required to make a decision that is contrary to the professional advice of Council officers, along with relevant evidence to support the decision. Although the planning committee gave valid planning reasons for refusing the application, the evidence in favour of the application is robust and outweighs the concerns of members and to date, there is no relevant and robust evidence to support the decision to refuse the application. If the reasons for refusing the application cannot be evidenced, it is very likely that costs will be awarded against the Council on appeal.
- 4.4 In a similar appeal decision in Ynys Môn, the Council had to pay the applicant £16,235 because of the unreasonable conduct which had led to unnecessary and wasteful costs to the applicant. I note that this figure does not include the costs for the Council in terms of staff resources to administer and defend the appeal, therefore it is likely that the actual cost to the Council was substantially more.
- 4.5 Refusing plans which comply with planning policy can create uncertainty for potential developers, which could mean that Gwynedd is a less favourable area to invest in. Potentially, the impact of that could mean that Gwynedd misses out on investment opportunities to meet the housing needs of the County's residents.

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4.6 There is a risk for the application to be called in by the Welsh Government for a decision. As well as the risk of individual applications being called in, the Welsh Government has powers to intervene formally in the way the Council provides the Planning Service and determines applications. This would ultimately be the greatest risk to the Council.

5. OPTIONS FOR THE COMMITTEE

5.1 The options available to the Committee in determining the application are noted below with the options increasing in terms of risk to the Council as you proceed down the list:

a) Approve the application in line with the recommendation - The above assessment and the committee report dated 09/09/2024 in Appendix 1, assesses the merits of the application against the requirements of the relevant policies and guidance and concludes, based on evidence, that the proposal complies with policies in the Anglesey and Gwynedd Joint Local Development Plan, as well as the guidance in the Supplementary Planning Guidance and Technical Advice Notes. This is the only possible resolution without any risks to the Council.

b) Refuse for reasons relating to:

- The detrimental impact on the Welsh language
- The lack of need within the Botwnnog ward for affordable housing

This is the greatest risk to the Council as it would refuse an application for new houses on a site which is designated specifically for the construction of housing in the LDP without robust evidence. This would completely undermine local and national policies and guidance as well as the Council's credibility. As highlighted above, there would be a substantial risk of costs being awarded in appeal should the application be refused without evidence and reasonable grounds for doing so. Once more it is noted that the Welsh Government has powers to intervene formally in the way the Council provides the Planning Service.

6. CONCLUSION

6.1 In order to ensure that the Council avoids the risks outlined above and as the application's merits have been assessed thoroughly by Council officers, based on the evidence, it is believed that the proposal complies with the requirements of the adopted policies of the Anglesey and Gwynedd Joint Local Development Plan, local and national guidance and national planning policies. Therefore, it is recommended that the application is approved as submitted in accordance with the reasons submitted to Committee on 9 September 2024 and reproduced below to avoid any doubt.

7. RECOMMENDATION:

7.1 To approve the application with the following conditions:

1. Time
2. Development to comply with the approved plans
3. Must submit and agree on a programme for providing affordable housing
4. Must agree on external materials including the roofing slates
5. Removal of permitted development rights
6. Welsh Water Condition
7. Highways Conditions
8. Biodiversity Conditions
9. A need to submit a Construction Management Plan prior to the commencement of the development work
10. There must be a Welsh name for the housing estate and individual houses
11. Restrict the use to C3 use class only
12. Archaeology conditions

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13. Condition to agree on equipment for the playing field
14. Landscaping to be completed
15. Natural Resources Wales conditions

Appendix 1: Report to the Planning Committee

Number: 4

Application Number: C24/0205/32/LL

Date Registered: 19/03/2024

Application Type: Full

Community: Botwnnog

Ward: Pen draw Llŷn

Proposal: Full application to construct 18 affordable housing with associated developments.

Location: Land Near Cae Capel, Botwnnog, Pwllheli, LL53 8RE

Summary of the Recommendation: APPROVE WITH CONDITIONS

1. Description:

- 1.1. This is a full application to erect 18 affordable homes with associated work and developments on a 0.66ha site designated specifically to build houses within the development boundary of Botwnnog Service Village as defined by the Anglesey and Gwynedd Joint Local Development Plan (Site T61).
- 1.2. The proposal involves constructing the houses and providing a new access off the class 2 B4413 road, creation of an internal estate road as well as walking paths, creation of landscaped areas, creation of open play areas, erection of boundary walls and fences and associated drainage work including a sustainable surface water drainage area. Specifically, the proposal includes the following housing mix:
- 4 two-bedroom bungalows
 - 6 two-bedroom dormer bungalows
 - 8 three-bedroom dormer bungalows
- The mix in terms of occupancy would be as follows:
- 4 two-bedroom bungalows - affordable social rent housing for people aged over 55 years of age
 - 6 two-bedroom dormer bungalows - social rent housing and intermediate rent housing
 - 8 three-bedroom dormer bungalows - social rent housing, intermediate rent and intermediate rent with an option to buy
- 1.3. In terms of their appearance, the houses will be finished in a mix of materials to convey different styles and to vary the appearance of the site. The materials that intend to be used include:
- Roofs: Slate or natural tiles;
 - Walls: Render / timber/stone cladding
 - Boundary treatment - a mix of timber fences and metal railings with existing *cloddiau* and walls to be retained and enhanced where needed, including planting new hedges on top of some existing *cloddiau*/boundaries.
- 1.4. The proposed plan includes the provision of an open green area and an informal play area in the south-eastern corner of the site, with a sustainable drainage area for the development also located nearby. The proposal would also provide access to pedestrians from the residential development to the nearby main road, i.e. the B4413.
- 1.5. The application site is currently agricultural grazing land located within the development boundary of Botwnnog and is specifically designated for the erection of housing within the LDP Inset Map. The implications of designating villages such as Botwnnog as a service village states that "A higher proportion of the houses will be directed to the service villages compared to other villages..." The description in the LDP of the T61 Site - land near Cae Capel notes that it is expected to erect 21 living units on the land. As well as being within the development boundary, it is also within the Llŷn and Ynys Enlli Landscape of Outstanding Historic Interest and within the Gorllewin Llŷn Special Landscape Area. The class 2 B4413 road runs adjacent with the northern and north-eastern boundary of the site, with a class 3 public road running along the southern boundary of the site. It can be seen that residential houses directly abut the north/north-western boundary of the site, with residential houses also further to the north, the south and the east. Meddygfa Rhydbach is adjacent to the front of the site on the opposite side of the B4413 whilst Capel Rhydbach and Tŷ Capel abut the south-eastern boundary of the site.

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1.6 The following information was submitted to support the application:

- Community and Language Statement
- Planning Support Statement
- Initial Ecological Assessment
- Housing Needs and Affordable Housing Statement.
- Drainage Strategy
- Design and Access Statement
- Archaeological Assessment
- Water Conservation Strategy
- Green Infrastructure Statement and Biodiversity Enhancement Plan
- Transport Statement
- A Pre-application Consultation Report (PAC Report)

1.7. In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended), the development that is the subject of this application is defined as a "major development" due to the number of units proposed and the size of the site. In line with the appropriate procedure, a Pre-application Consultation Report was received as a part of the application. The report shows that the developer advertised the proposal to the public and statutory consultee before submitting a formal planning application. The report contains copies of responses received at the time.

1.8 This application has been amended since it was originally submitted following a discussion between the officers and the agent regarding the form and appearance of the development from the direction of the B4413. Specifically, for plots 1-4, the stone wall is retained along the boundary of the road, reducing the height to 1m where needed and providing low boundary treatments to the gardens in the form of metal railings as well as a low shed and enclosed bin storage area. Houses on plots 1-5 would now include a covered access to the rear patio doors by extending the length of the roofs. For plot 5, as these would be bungalows for residents aged over 55 years, it is essential to ensure a safe garden and therefore, the stone wall with a hedge behind will be retained, then there will be an anti-climb fence.

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 2011-26, adopted 31 July 2017

PCYFF 1: Development boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

PCYFF 6: Water conservation

PS 2: Infrastructure and developer contributions

PS 6: Alleviating and adapting to climate impacts

PS 17: Settlement Strategy

TAI 3: Housing in service villages

TAI 8: An appropriate mix of housing

TAI 15: Affordable housing threshold and distribution

TRA 2 : Parking standards

TRA 4: Managing transport impacts

PS 1: The Welsh Language and Culture

PS 19: Conserve and where appropriate enhance the natural environment

AMG 2: Special landscape areas

AMG 5: Local biodiversity conservation

PS 20: Preserving and where appropriate enhancing heritage assets

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

AT 4: Protection of undesignated archaeological sites and installations

ISA 1: Infrastructure provision

ISA 5: Provision of open spaces in new housing developments

Also relevant in this case are the following:

Supplementary Planning Guidance (SPG): Affordable housing

SPG: Housing Mix

SPG: Maintaining and Creating Distinctive and Sustainable Communities

SPG: Provision of open spaces in new housing developments

SPG: Planning Obligations

2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 12 - February 2024)

Letter: The Minister for Climate Change, Welsh Government dated 11 October 2023 publishing an update o chapter 5 Planning Policy Wales and is effective at once

Technical Advice Note 2: Planning and affordable housing

Technical Advice Note 12: Design

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Technical Advice Note 15: Development and Flood Risk. Development and Flood Risk

Technical Advice Note 20: Planning and the Welsh Language

3. Relevant Planning History:

- 3.1 It does not appear that there is any relevant Planning history specifically involving this land.

4. Consultations:

Community/Town Council: Botwnnog Community Council strongly OBJECTS this application on behalf of the local community.

The Botwnnog Housing Needs Survey was conducted in collaboration with Adra and the Rural Housing Facilitators and proves that there is no local need for the development, with only four names on the waiting list. The Survey was submitted to us with the PAC application and, based on this evidence, Botwnnog Community Council objects this development as there is no local need for it. The untimely increase in the population as a result of erecting the houses would have a detrimental impact on the stability of the community, and is therefore an over-development.

Protecting and increasing the use of the Welsh language is a Strategic Aim by our Community Council, and we support the Welsh Government's "Cymraeg 2050: A Million Welsh Speakers" Strategy, and recommendations from the Commission for Welsh-speaking Communities regarding how to reach the target. The Well-being of Future Generations (Wales) Act 2015 also sets "A Wales with a vibrant culture and thriving Welsh language" as one of its main aims.

Based on information from the 2021 Census, and in accordance with the Commission for Welsh-speaking Communities' recommendations and the spirit of Cymraeg 2050, as well as the Well-being of Future Generations Act, this Council has joined Botwnnog and Aberdaron Community Councils, and have designated Pen Llŷn as an Area of Linguistic Significance (higher density) on 11/12/2023. That has been done despite the lack of timely and sufficient action on behalf of other authorities. Since then, Nefyn Town Council, and Buan, Llanbedrog, Llanystumdwy and Llannor Community Councils have joined us, and Porthmadog Town Council, as well as Llanaelhaearn and Pistyll community councils have also expressed their support. Therefore, Cae Capel is within the boundaries of the Pen Llŷn Area of Linguistic Significance (higher density).

The applicant states that the proposed houses would be for local people, and therefore, it would be likely that the residents would be Welsh speakers. Unfortunately, this does not follow. We know that there is a high demand in the area for second homes and short-term accommodation, and the power of the tourist trade has led to a

substantial influx of non-Welsh speakers to the area for decades. This has led to a major decline in the percentage of Welsh speakers in the nearby communities of Llangŷan/Abersoch: and this degenerative force does not recognise boundaries.

The applicant does not define "local" in the context of the proposed dwellings. Is it Botwnnog? Is it Dwyfor? Is it Gwynedd? Is it North Wales? Is it for someone who has always lived in Llŷn, or someone who has moved here two or three years ago, or even a decade or longer, but has not made an effort to learn Welsh, the language of the community? It would be great if the availability of the proposed houses could be limited to Welsh speakers only, but despite that, it cannot be proven that a large number of these houses would not become non-Welsh speaking households, if not all of them.

As we know, it only takes the presence of a few non-Welsh speaking people to turn the community's language of communication from Welsh to English. The applicant acknowledges this possibility but expects the community to do the necessary integration work. The lesson from the history of many Welsh communities is that this is not likely to happen.

The planning application confirms that the development is transferred to be monitored by Adra in accordance with the Common Housing Allocation Policy, namely Cyngor Gwynedd's Policy on allocating social housing in partnership with Adra, Grŵp Cynefin and North Wales Housing. That policy does not consider the Welsh language in its housing allocation context at all. In the current situation, we find this irresponsible and contrary to our policy of protecting and strengthening the Welsh language.

A letter was sent by Botwnnog Community Council to the prospective developer asking to discuss establishing a 'Local Allocations and Sales Policy', through an agreement between Cyngor Gwynedd, Adra and Botwnnog Community Council. There was no response. Approving the application would be contrary to Strategic Objective (SO) 1 of the Anglesey and Gwynedd Joint Local Development Plan, namely "Protect and strengthen the Welsh language and its culture and promote its use as an integral part of life in the community", and Strategic Objective S04 of the Development Plan, namely "the Council's strategy and policies will contribute to creating more communities with a percentage higher than 70% of Welsh speakers". The Anglesey and Gwynedd Single Integrated Plan (2014) notes the need to ensure that the Welsh language is thriving.

Policy PS1 of the Development Plan insists that "proposals that would cause substantial harm to the character and balance of the language of a community that cannot be avoided or mitigated satisfactorily by using an appropriate planning mechanism" would be refused. We argue that this is such a proposal. Anglesey and Gwynedd Councils' Supplementary Planning Guidance (July 2019) explains (Clause C11, page 13): "The emphasis, in terms of making a decision on a planning application, is on avoiding relevant Developments that would cause

substantial harm to the character and balance of the language of a Community." In terms of the law, the Town and Country Planning Act 1990, as amended by Section 31 of the Planning (Wales) Act 2015, states (Chapter 8. Part 3. Development Management): Clause 70. Determination of applications: general considerations. (1). Where an application is made to a local planning authority for planning permission, they may (b) refuse planning permission. (2). When dealing with such applications, the authority will consider a) the provisions of the development plan; aa) any considerations in relation to the use of the Welsh language, so far as material to the application; b) any local finance considerations, so far as material to the application, and c) any other material considerations. That is, the Welsh language is a "relevant consideration" in relation to permitting or refusing a planning application and is therefore of equal weight as other statutory considerations. The act establishes a principle.

To summarise: Botwnnog Community Council objects the application on the following grounds:

1. Lack of demand.
2. Over-development.
3. Danger to the Welsh language and the fabric of the community
4. Local health services - already overwhelmed as it is and is impossible to get an appointment to see health specialists.
5. Sewerage - Botwnnog's sewerage treatment site is already at its full capacity and it is not possible to treat additional sewerage. The developer's plan for a system to prevent and discharge sewerage waste from this proposed development is not sufficient as it would not contain the additional waste in periods of wet weather. (Climate change shows that we will have more wet periods.) We will forward this concern to Natural Resources Wales, because protecting our environment is very important to us as residents of the area and I am confident that the people of Abersoch who depend on the tourist industry would not like to see sewage from this development being washed down the river Soch. This could impact public health and the standard of bathing water, the beach and people's health and well-being.
6. Education - any increase in pupils to the Primary or Secondary schools that are non-Welsh speaking would have far-reaching impacts on the education of our young people locally. A negative impact on the Welsh language has already been noted.
7. Access - There is concern for the safety of Botwnnog village residents and travellers in vehicles as the site is across the road to a busy Surgery and is within less than 100 yards to a 90-degree bend in the main road between Pwllheli and Aberdaron, where Rhiw joins the road. There is also a Chapel and the vestry of Rhyd Bach Chapel on the corner across the road from the Surgery.

8. Viability - If the application was approved, in any form, it would be contrary to the will of local residents, as well as the objection of other community councils within the area. Cyngor Gwynedd's aim should be to support our residents and protect our language and culture, not weaken our language and our culture.

Transportation Unit:

The Transportation Unit did not have an objection to the planning application. The visibility splay on the junction is in accordance with the relevant standards. The nearby road is 20mph, with speed humps located along it to control the speed of vehicles. Within the estate, the roads have been designed to the relevant standards and every house has two parking spaces, in line with the guidelines. Additionally, there are 3 parking spaces for visitors.

The only comment is that a further discussion will be needed regarding the location of bus stops along the main road, but it is believed that this can be dealt with by means of a 38 agreement.

Natural Resources Wales:

There is no objection to the proposed development as submitted and the following information is provided.

Flood Risk - the Planning Application proposes a development that is highly vulnerable. A small section of this site is within zone C2 according to the DAM map in TAN 15 (2004). Nevertheless, in this location, the FMfP flood map contains the best information available relating to flood risk. The FMfP identifies the site to be located within flood zone 1 which means that the possibility of flooding in any given year could be less than 0.1%. On this basis, we do not have concerns regarding flood risk.

Protected species - the bats report submitted with the application has identified that bats do not roost on the application site but rather use it to commute and forage. From the information submitted, we consider that the proposed development would create a low risk to bats and that the development would not be harmful to maintaining the bat population. The report suggests including a lighting plan.

Welsh Water:

Having reviewed the proposal, it is noted that the proposal disposes of foul discharge through the public sewerage system and the disposal of surface water to a sustainable drainage system. Nevertheless, no detailed plan has been submitted to support the application. We can confirm that there is capacity within the public sewerage network to accommodate foul discharge only from the site of the proposed development. It is recommended that a drainage strategy is conditioned appropriately, implemented in full and retained through the lifespan of the development.

Sewerage Treatment

No problems are anticipated regarding the treatment of wastewater to treat domestic discharges from the site.

Water Supply

There is existing capacity available within the water supply system for the development.

Biodiversity Unit:

The applicant needs to provide a lighting plan for the development site which shows that the development will not have a negative impact on the dark sky and bats.

There is a need to condition the mitigation measures and all biodiversity enhancements.

Housing Strategic Unit:

See below the need for affordable housing in the Botwnnog community council.

Number of applicants registered with Housing Options for a social property: 34

Number of bedrooms	Need as a %
1 bed	27%
2 beds	37%
3 beds	27%
4 beds	6%
5 beds	4%

Number of applicants registered with Tai Teg for an intermediate property: 14

Number of bedrooms	Need as a %	rent	purchase
1 bed	0%	0%	0%
2 beds	14%	7%	7%
3 beds	50%	0%	50%
4+ beds	36%	7%	29%

*Note that figures could be duplicated between the social and intermediate need and between the rent and buy need.

The plan in question which has been included within the programme to receive a Welsh Government's Social Housing Grant, and the housing would make a direct contribution towards the aim of the

Cyngor Gwynedd Housing Action Plan to provide more houses to meet the existing high demand which exist in the county.

It is also noted that the plan proposes a good mixture of housing, which is to be welcomed.

Additional Observations

For the whole of Gwynedd, 2374 applicants are on the Housing Options register for a social Property, and 882 applicants have registered with Tai Teg for Intermediate property (but some applicants could be on both registers)

Land Drainage Unit:

Standard response relating the need to submit a licence application to manage surface water in accordance with the relevant regulations relating to SuDS.

Language Unit:

Some information is missing in the Statement/Assessment. We acknowledge that the information has been included elsewhere in the application pack, but it should have been ensured that this information is also shown as evidence in the language Statement/Assessment. For example, there is no information in the Language Statement/Assessment regarding the local demand for housing. There is information regarding the demand across Gwynedd but not for the area that is local to the development. Such information would strengthen the case for justifying the approval of the application and better support the conclusion regarding the development's 'positive impacts'. It is recommended that the developer works with the local language initiative after completing the development to promote the Welsh language amongst the residents.

Archaeology Service:

There is potential for archaeological remains on the land and therefore it is suggested that standard conditions are imposed to conduct an appropriate survey of the site.

Fire Service:

Standard response regarding the access of vehicles and water supply

Scottish Power:

Not received

Health Board:

Not received

North Wales Police:

No observations

Education Department:

Considering the capacity and number of learners at the relevant primary and secondary schools, it is seen that there is capacity in both schools at present, but it must be acknowledged that the capacity of Ysgol Pont y Gof could be restricted for 18 additional houses in the catchment area, and you are asked to consider this in the context of any conditions imposed with the Planning Application, if approved.

Public Consultation:

A number of notices were posted on the site and dispersed within the nearby area and nearby residents were notified. An advertisement was also placed in the local press. The advertising period expired and letters / correspondence were received objecting on the following grounds:

- Concern regarding highway safety/unacceptable increase in traffic levels
- Harmful to environmental health due to the increase in traffic
- Detrimental effect on the character of the village/local community
- Lack of space at the primary school
- Harmful impact on the Welsh language and linguistic fabric of the village of Botwnnog and nearby communities
- Lack of local need for housing.
- Harmful impact on the local surgery which is currently oversubscribed, as well as the primary and secondary schools.
- A harmful effect on the sewerage system
- Harmful impact on adjacent houses due to flooding
- Harmful impact on the local landscape, causing urban spread into a greenfield site in open countryside.
- It will not enhance the character and appearance of the site or integrate with the local pattern.
- It is contrary to adopted local and national policies and guidelines.
- It will not protect or enhance the natural Environment
- There are no guarantees that the houses will be for local people.
- Lack of demand.
- Over-development/Excess of housing in a rural village like Botwnnog.
- These types of houses are not what is needed, and not in this field.
- Yes, the site is ideal for building, but not 18 social housing.
- Eighteen additional houses would have a further major impact as they would attract strangers into the village.
- There are other better sites available for building in the village.

In addition to the above, letters were received on behalf of the Llannor Community Council and Llanllechid Community Council,

expressing their support to the objection of Botwnnog Community Council to the proposal and outlining concerns about the proposed development.

Letters / correspondence were received supporting / providing observations on the application on grounds of:

- The area is in genuine need of new housing to prevent local residents from leaving, more projects like this are needed.
- The Committee is reminded that the field is included in the Council's latest Development Plan.
- It is in a central site in the village.
- The Safe Routes to School for Ysgol Pont-y-Gof and the Secondary School have pavements leading the entire way to both schools and are convenient for the Surgery, the Chapel and Canolfan Congl Meinciau.
- It is on the route of the Llŷn Bus (Pwllheli - Aberdaron).
- Affordable housing is needed to retain young people and the elderly in rural villages and it is believed that Botwnnog is one of those ideal villages.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 It is mandatory for planning applications to be determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case.
- 5.2 The site is located within the development boundary of Botwnnog and it has also been designated specifically under reference T61 as a site for developing houses as noted in the Anglesey and Gwynedd Joint Local Development Plan. Specifically, it can be seen that the site was designated in the LDP to erect a maximum of 21 new houses, which is a higher figure than what was the subject of the existing application and therefore the argument that the proposal is an over-development cannot be accepted in this case. For clarity, the reason for proposing fewer houses than the total noted in the designation is the need to ensure sufficient space within the site to provide a play/open plot and in order to ensure a sufficient area for the sustainable drainage system. In accordance with Policy PCYFF 1 ('Development Boundaries'), applications will be approved within development boundaries in accordance with the other policies and proposals in the Plan, national planning policies and other material planning considerations. In the Joint LDP, Botwnnog has been identified as a Service Village under policy TAI 3. This policy supports housing to meet the Plan's strategy through housing allocations and suitable unallocated sites within the development boundary based on the indicative provision within the Policy.
- 5.3 The indicative supply level for Botwnnog over the Plan period is 40 units (including a 10% 'slippage allowance'). During the period between 2011 and 2023, a total of five units have been completed in Botwnnog. The windfall land bank, i.e. sites with extant planning permission and likely to be completed, in April 2023, was 0 (zero) units. This currently means that there is capacity within the indicative supply for the Botwnnog settlement.
- 5.4 Policy PS 17 in the Plan, which is the Plan's Settlement Strategy, states that 25% of the housing growth will be located within Villages, Clusters and open Countryside. A review of the situation

in relation to the windfall provision within all the Villages, Clusters and open Countryside in April 2022 indicates that 1,565 units from the total of 1,953 units predicted on windfall sites had been completed, and that 592 units were in the land bank (and likely to be completed). This data reflects the fact that the Plan inherited several permissions granted by the Local Planning Authorities, based on the previous development plans' requirements and relevant planning considerations. Currently, approval of this site can be considered against expected provision within the Villages, Clusters and Countryside category (based on the completion rate so far).

- 5.5 In accordance with Policy TAI 8, consideration should be given to the proposed development and whether it meets the demand for housing recorded in a Market Housing Assessment and other relevant local sources of evidence. Statements and evidence were submitted noting the reasoning behind the housing mix proposed in the application and confirmation was received from the Housing Strategic Unit that the houses would contribute directly to the aim of the Cynfor Gwynedd Housing Action Plan to provide more houses to meet the existing high demand which exists in the county, whilst also noting that the plan offers a good mix of houses. It must be explained here that the village of Botwnnog was designated as a Service Village in the LDP and the Affordable Housing SPG noted that 'local' refers to a 5-year connection to the relevant Authority where the application is located, i.e. Gwynedd. Therefore, in this case, the policy requirements are clear that the relevant 'catchment area' to consider is the Gwynedd area. It is acknowledged that observations and objections have been received which refer to the lack of justification and local need for the proposed housing. It is emphasised here that a 100% affordable development is proposed on this site, which has been accepted as suitable for residential development by means of its designation in the LDP for this specific proposal. The status of Botwnnog in the LDP means that new houses to serve Gwynedd as a whole are expected for this site. As has already been noted above by the Housing Strategic Unit, 2374 applicants are on the Housing Options register for social Property, and 882 applicants have been registered with Tai Teg for an Intermediate property. Although some applicants can appear on both registers, the figures prove the undisputed need for affordable housing in the Gwynedd planning area.
- 5.6 Policy TAI 15 of the LDP states that the councils will seek to ensure an appropriate level of affordable housing in the plan area. In Botwnnog, two or more affordable housing units is the minimum threshold, and the policy does not prohibit a higher provision. Since the proposal provides a development of 100% affordable housing and the Housing Strategic Unit has confirmed that there is evidence of the need to justify the provision as proposed, it is believed that the proposal addresses the need and the application, as a result, satisfies policy TAI 15.
- 5.7 Therefore, it is considered that there is justification and a need for the proposal and that it meets the needs of the local community. It is considered that the proposal meets the objectives of housing policies in the LDP.

Visual amenities

- 5.8 Generally, policies PCYFF 2 and PCYFF 3 of the Joint Local Development Plan support proposals for new developments provided they do not have a detrimental impact on the health, safety or the amenities of the residents of local properties or on the area in general. In addition, developments are required to:
- Contribute to, and enhance the character and appearance of the site.
 - Respect the site and its surroundings in terms of its position in the local landscape.
 - Use appropriate materials.
- 5.9 In considering the semi-urban context of the site and the fact that it will form a logical extension to the village between previously developed site in the form of residential units, a chapel and

adjacent to a surgery/medical centre, it is believed that the setting, design and materials of the proposed development are in-keeping with the location in an appropriate way. It is believed that the houses have been designed to a quality standard which would be in-keeping with the feel of the village. It is noted that an element of the proposal has been amended, relating to the elevations facing the public road, which ensures that the form and setting reflects well, the existing elevations which make up a part of the general development pattern of the village. The amended form also ensures that there is natural surveillance towards the road, which contributes to community safety. It is not considered that the houses would cause significant harm to the built quality of the site or the local neighbourhood and, consequently, it is considered that the development is acceptable under Policies PCYFF 2 and PCYFF 3 of the LDP as they relate to these matters.

- 5.10 It is noted that the site is within the Gorllewin Llŷn Landscape of Outstanding Historic Interest and Special Landscape Area, however, when considering its location in the centre of the village, it is not believed that the proposed development will have any harmful impact on these vast designations and it is therefore considered that the application is consistent with the objectives of policies AMG 2 and AT1 of the LDP.

General and residential amenities

- 5.11 Due to the location, design, orientation, and size of the proposed houses, it is not believed that there would be any significant detrimental impact on private amenities deriving from the development. Whilst accepting that private property abuts the site on the northern/north-western boundary and that a house is located opposite on the other side of the public road to a house from the site as well as Tŷ Capel abutting a part of the south-eastern boundary, when taking into account the distance located between the new houses and these houses, it is not believed that there will be any harmful overlooking from existing property deriving from the development and, whilst it will be unavoidable that there will be some inter-visibility between the properties in the area, it is not believed that this would be unreasonable or unexpected in such a location. There would be no harm either in terms of impacts such as shadowing or dominating any other property. There is also an intention to enhance the content of the new hedges on top of the existing 'cloddiau' which abut parts of the site, this would also strengthen the protection of amenities between the proposed development site and adjacent occupiers.
- 5.12 When considering the above discussion, it is believed that the development is acceptable under policies PCYFF 2 and PCYFF 3 of the LDP in terms of its impacts on private amenities.

The Welsh Language

- 5.13 There is no need for a Linguistic Statement in line with criterion (1b) of Policy PS 1 'The Welsh Language and Culture', since the proposed development would not, either individually or accumulatively with other developments, provide more than the indicative housing provision for the village of Botwnnog. Nevertheless, even when there is no need for a linguistic statement under criterion (1b), the applicant is encouraged to submit a record of how consideration was given to the Welsh language when drawing up the planning application. The method of recording the information needs to be tailored to the nature of the proposed development and the matters that require attention. The methods could include a letter accompanying the planning application, a Planning Statement, a Design and Access Statement or a Welsh Language Statement or a Report on the Welsh Language Impact Assessment. See Section D of Appendix 5 for matters that could be addressed in such a record.
- 5.14 A report was received in the form of a Community and Linguistic Statement which concluded that the proposed development would have a small impact on the Welsh language and community in Botwnnog, but that it is unlikely to lead to any harm due to the size of the development and

the proposal which provides affordable housing for local need. It was also noted, by providing affordable housing that is targeted to meeting local need, those in search of affordable housing can continue to live in their local communities, and failing to provide these types of residential developments would likely lead to local young families having to ultimately leave, which would lead to further outward migration, which would be likely to lead to a reduction in the number and proportion of Welsh speakers in Botwnnog. The proposed dwellings would be suitable for families and young or older couples alike, which would enable younger generations to start a family and contribute to the local community.

- 5.15 In response to the consultation, the Language Unit noted that some information was missing in the Statement/Assessment itself but acknowledged that the information had been included elsewhere in the application pack. They note that it should have been ensured that this information is also shown as evidence in the language Statement/Assessment. As they acknowledge, the information has been submitted but possibly it is not entirely within the content of the Community and Linguistic Statement. It is not believed that there is a need to repeat information relating to matters such as the local need which is already available in other statements such as the Housing Needs document and the affordable housing statement to include it neatly within the linguistic statement. This would only repeat and create a larger document instead of submitting any new or additional information or evidence as this information is already available in the content of other statements.
- 5.16 It is acknowledged that concerns have been raised regarding the proposal, including from the local Community Council, local residents and Cylch yr Iaith. These concerns have been presented to the applicant and in response the following was noted in response to the main points raised:
- We do not agree that the residents would be local people who would not be Welsh speakers - This point misinterprets our argument, i.e. that there is a substantial local need where it is expected for the occupiers of the houses to be local people, therefore the residents within the development would have the same Welsh Language features as in the local population since they would be drawn from it. This would mean that the impact on the Language would also be minor or negligible and would certainly not be at a scale where it would have a material harmful impact on the language.
 - Reference is made to data on the use and language changes, a reduction in speakers and a growth in second homes/holiday cottages - We do not disagree with this point, but it is believed that the key matter has been mistaken, i.e. that the proposal would provide affordable housing to meet proven local needs and therefore it would be beneficial when addressing this matter;
 - Concern that the community would be expected to integrate people who are not speakers - It is believed that this mis-conveys our argument. What is suggested is that local organisations and speaker levels in the community would be useful when integrating non-Welsh speakers who could reside within the proposed development (if approved). As well as the other measures noted in the statement, this would assist individuals who are not first language Welsh speakers to integrate into the community and learn the Language.
 - Reference to a potential local allocations policy but no definition of what is local - This is because the developer and Adra would wish to discuss and agree on this matter with local applicants. It should be noted that this suggested method significantly exceeds the requirements of planning and housing policy.

- The scale of the change - The proposal in reality would be suitable in terms of size compared with the local population, particularly when the above points are considered along with the evidence of local need, and the site's designated status for residential development;
- Approving this would be contrary to planning policy regarding the Welsh Language - Based on the previous reasons and the information presented, with all due respect, we disagree with this statement since the proposal would be beneficial and would therefore comply with relevant planning policy relating to the Welsh Language.

It must be acknowledged that this site has already been designated for housing within the LDP and the site was the subject of a linguistic assessment at that time. The applicant has submitted a Community and Linguistic Statement which summarises the argument in favour of the proposal and the impact, if any, on the social and linguistic fabric of the village of Botwnnog. The existing housing situation in the county is very much known in terms of the seriousness of finding a house at an affordable price. The principle of a new residential development which would contribute towards meeting the local need and considering that the site has been allocated for housing and for 100% affordable housing, no unanswerable evidence has been submitted to show that the proposal would have a harmful impact on the Language and therefore it is considered that the proposal is acceptable in terms of policy PS1 of the LDP and the relevant supplementary planning guidance. As per usual, it is intended to impose appropriate conditions to ensure that Welsh names are to be agreed for the estate and the houses.

Transport and access matters

- 5.18 Whilst acknowledging that concerns have been raised during the public consultation, the Transportation Unit does not object to the proposal. Subject to appropriate conditions to agree and accept the appropriate licences to create the access and carry out work that would affect the road/public pavement, the parking arrangements, layout of the estate road and vehicular access are acceptable to the Transportation Unit and it is not believed that the additional traffic deriving from the new development would increase the risk to road users in a significant way. Therefore, it is believed that the proposal meets the relevant requirements in terms of road safety and the parking provision and that a convenient and safe access arrangement can be secured. Therefore, the application meets the requirements of policy TRA 2 and TRA 4 of the LDP as they relate to these matters.

Biodiversity matters

- 5.19 An Initial Ecological Assessment and Biodiversity Improvement plan and Green Infrastructure Statement was submitted with the application. In addition, landscaping proposals are seen to mitigate the impacts of the development. The proposal is not objected to in terms of this aspect by the Biodiversity Unit or Natural Resources Wales. Nevertheless, the Biodiversity Unit notes the need for the applicant to provide a lighting plan for the site to ensure that the development will not have a negative impact on the dark sky and bats. It is believed that imposing a standard condition to reach agreement on such details would be reasonable in this case.
- 5.20 By imposing appropriate conditions to reach agreement on the site lighting details as well as ensuring that all mitigation measures and biodiversity enhancements are implemented in line with relevant reports, it is believed that the development is acceptable under the relevant requirements of policies PS 19 and AMG 5 of the LDP as well as chapter 6 of Planning Policy Wales which relates to the green infrastructure and the phased approach.

Archaeological Matters

- 5.21 It can be seen from the information submitted that an interim Archaeological Assessment has been submitted with the application to confirm by the Gwynedd Archaeological Service at the time of the pre-application consultation that there is potential for archaeological features on such land.
- 5.22 In their response to the consultation on the existing application, the Archaeological Service continues to note that there is potential for archaeological remains to be on the land and suggest standard conditions to carry out a further investigation of the site. It is believed that including standard conditions to ensure that the appropriate inspection is held is entirely reasonable in this case, and therefore, it is believed that the relevant requirements of policies PS 20 and AT 4 are met.

Open spaces

- 5.23 Policy ISA 5 notes that new housing proposals for 10 or more houses in area where existing open spaces cannot satisfy the needs of the proposed housing development to provide a suitable provision of open spaces. Paragraph 6.1.29 of the LDP states that in order to inform the open space requirements on future proposals, the Fields in Trust (FIT) benchmark standard of a minimum 2.4 hectares per 1,000 population should be used. This consists of 1.6ha of outdoor sports facilities (of which 1.2ha are formal playing pitches) and 0.8ha of children's playing space (of which 0.25ha are equipped play spaces).
- 5.24 By following the FIT methodology, it is noted that a development of the size in question provides 576.00m² of surface area for Outdoor Sports, 198.04m² of Informal Play Areas for Children and 90.04m² of children's play areas with equipment. This means that it is expected to see 864.08m² of open spaces for the development. A total of 960m² is on two open plots on the site, but it does not appear that the details of the equipment proposed to be installed on the site have been confirmed.
- 5.25 It is believed in such cases and as already agreed previously with similar developments, it would be reasonable to impose a condition to agree to the exact details of the type of equipment that would be suitable for the site, and thus, it would be acceptable in accordance with the relevant requirements of Policy ISA 5.

Educational matters

- 5.26 Policy ISA 1 notes that when proposals create direct needs for new or improved infrastructure, including education facilities, the provision around infrastructure in the Development Plan makes it a requirement for the proposal to fund these. A financial contribution may be requested to improve the associated infrastructure, facilities, services and work, when these will be necessary to make the proposals acceptable.
- 5.27 When using the standard methodology, it is estimated that the development for 18 houses would have the potential to produce the following numbers:
- Primary School = 7.2 children
 - Secondary School = 5.22 children
 - It is likely that the 4 x 2-bedroom bungalows for people aged over 55 years means that school-age children would not reside there and therefore if these four units are removed from the total, 14 houses remain, and the following figures are obtained:
 - Primary School = 5.6 children

- Secondary School = 4.066 children

- 5.28 As a part of the statutory consultation, confirmation was received from the Education Department that capacity is available at Ysgol Gynradd Pont y Gof and Ysgol Uwchradd Botwnnog. Specifically:
- Ysgol Pont y Gof: Capacity 106 - Existing total - 83 - Projected numbers - September 2024 - 84; September 2025 - 82; September 2026 - 80.
 - Ysgol Uwchradd Botwnnog: Capacity 550 - Existing total - 487 - Projected numbers - September 2024 - 473; September 2025 - 464; September 2026 - 451.
- 5.29 Despite the confirmation that there is existing capacity at the local schools, the Education Department noted that "it must be acknowledged that the capacity of Ysgol Pont y Gof could be restricted to 18 additional houses in the catchment area, and you are asked to consider this in the context of any conditions imposed with the Planning Application if approved".
- 5.30 Having assessed the proposal in full in line with all relevant requirements as well as the observations of the education department, it is believed in this case that there is sufficient capacity at both local schools. Despite the doubts that the capacity would be restricted at the primary school, even when considering a development of 18 new houses, the threshold would not be met. The likelihood is that 14 houses have the potential to have children living there and therefore the threshold is even more, considering the figures as noted above.
- 5.31 Therefore, it is believed that the proposal would not create a direct need for additional education facilities and that there would be no justification to request a financial contribution. The proposal is considered acceptable and in accordance with the relevant requirements of ISA 1 as well as the relevant guidelines noted within Supplementary Planning Guidance: Planning Obligations.

Flooding matters

- 5.32 Policy PS6 and Technical Advice Note 15: Development and Flood Risk, are relevant to the application. Natural Resources Wales (NRW) have confirmed in their response to the consultation that a small section of the site is within zone C2 according to the DAM map in TAN 15 (2004). Nevertheless, they go on to note in terms of the location of the site itself, a FMfP flood map which includes the most recent information relating to flood risk.
- 5.33 They note that the FMfP identifies the site as being located within flood zone 1 which means that the possibility of flooding in any year would be less than 0.1%, and on these grounds, there are no concerns about flood risk. Therefore, it must be acknowledged due to the location is partly located within a flood zone, that this is usually contrary to the relevant requirements of TAN 15. However, having considered the guidance of NRW and other material considerations namely the current flood maps and the fact that there is no substantial risk, it is not believed that the proposal would be unacceptable and that it would be unreasonable to refuse the application based on flood risk.

Infrastructure matters

- 5.34 Despite the allegation that existing services such as sewerage and water treatment systems cannot cope with this increase in houses within the village, it can be seen from Welsh Water's response that confirmation is given regarding the matter, confirming that there is capacity within the public sewerage network to accommodate foul discharge only from the site of the

proposed development and that existing capacity is available within the water supply system for the development.

- 5.35 Although the details of the site's drainage strategy was submitted as a part of the application, in line with Welsh Water's recommendation, it is believed that it would be reasonable to impose a condition to agree to the final details of the site's drainage system and thus, ensure compliance with the relevant requirements of policies PS 2 and ISA 1. It is also noted here that there would be a need to submit an application for permission (which is a separate process to planning), for the sustainable drainage system.
- 5.36 Observations were received stating that the situation of the local surgery, namely Meddygfa Rhydbach, is problematic in terms of capacity, waiting lists, etc. As part of the statutory consultation, a letter was sent to the Local Health Authority and to the surgery itself, however, they did not send a response. Therefore, it is not believed that robust evidence is available relating to the situation and consequently there is no justification to refuse the application or request a financial contribution from the developer, in accordance with Policy ISA 1.

Response to the public consultation

- 5.37 It is acknowledged that objections have been received to this proposal and it is considered that all relevant planning matters have been given appropriate consideration as part of the above assessment. A recommendation is made based on a full assessment of all relevant planning considerations, including all observations received during the public consultation and nobody was wronged in any way when considering this application.

Additional matters

- 5.38 As part of the consultation process, the following observations were received as well as a report entitled Botwnnog Housing Needs Survey which alleges that it is a document which proves that there is no need for these types of housing. This document is in the form of a survey drawn up in collaboration between Adra and the Rural Housing Enabler, and dates back to December 2022.
- 5.39 The information within the survey refers to the research carried out locally into the demand for housing and it can be seen from the responses that there is a mix in the opinion for new residential developments. But what is also noted is that it is obvious that there is a need for affordable housing in the area.
- 5.40 In order to avoid any doubt regarding the conclusions and findings of the report, this is what is noted as included in the report:

"As noted in part 10 of the report, four people are on the Tai Teg affordable housing register and have chosen Botwnnog as one of their options for an affordable property. Four people on the social housing register have a local connection and have chosen Botwnnog as their area for a social house. The bullet points below show a summary of the most popular choices in respect of these two registers (i.e. Tai Teg and Social Housing)

Tai Teg:

- 1 wants to buy a two-bedroom house*
- 3 want to buy a three-bedroom house*

Social Housing:

- 12 want a one-bedroom property, including a bungalow or flat or maisonette. (however, none of these have a local connection)*

- 24 want a two-bedroom property, including a bungalow or flat or maisonette (however, only one of these has a local connection)
- 13 want a three-bedroom property, including a maisonette (however, only two of these have a local connection). Therefore, according to the two above registers, a two-bedroom house is the most popular property option, with three and one-bedroom houses as popular as each other."

5.41 As December 2022 is the publication date of this report, it is assumed that the situation has changed from what is noted, therefore, there is no guarantee that the information fully conveys the current situation although it is likely to be relatively similar including the possibility that the need has changed and that the local connections of applicants are now more obvious.

5.42 Although reference is made in the document to the nearby villages of Sarn Mellteyrn and Bryncroes, consideration must be given to the requirements of the policy of the settlement where the proposed development is located, i.e. the village of Botwnnog. As has already been noted in paragraph 5.5 of this report (above), the definition of local is the Gwynedd area. The housing survey also notes "*The definition of local need for affordable housing (for a site within the development boundary) - people in need of an affordable house who have lived in Gwynedd for a continuous period of five years or more, either immediately prior to submitting the application or in the past... This need must be complied with*". As seen from the additional observations of the Housing Strategic Unit, the current figures confirm without a doubt that there is a critical need for housing as the ones proposed, for residents in the county, whilst waiting lists for the Council's housing options service and Tai Teg confirm the existing numbers.

6. Conclusions:

6.1 This is a proposal for affordable housing drawn up to meet the needs of the local housing market and located on a site designated for housing within the village's development boundary. As a result, it is believed that the plan is acceptable on the grounds of principle and that it complies with relevant local and national planning policies as noted in the report. Full attention was given to all material observations and objections received and it is believed that the proposal is acceptable and that, consequently, it is in accordance with the relevant policies as noted above.

7. Recommendation:

7.1 To delegate powers to the Head of Environment Department to approve the application, with the following conditions:

1. Time
2. Development to comply with the approved plans
3. Must submit and agree on a programme for providing affordable housing
4. Must agree on external materials including the roofing slates
5. Removal of permitted development rights
6. Welsh Water Condition
7. Highways Conditions
8. Biodiversity conditions
9. A need to submit a Construction Management Plan prior to the commencement of the development work
10. There must be a Welsh name for the housing estate and individual houses.
11. Restrict the use to C3 use class only
12. Archaeology conditions
13. Condition to agree on equipment for the playing field

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14. Landscaping to be completed
15. Natural Resources Wales conditions