

PLANNING COMMITTEE	DATE: 18/11/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 5

Application Number: C22/0637/32/LL

Date Registered: 05/07/2022

Application Type: Full

Community: Botwnnog

Ward: Botwnnog

Proposal: Full application for a development of 8 affordable homes with associated works, on a rural exception site (phase 1 of 2)

Location: Land near Congl Meinciau Estate, Botwnnog, Pwllheli, LL53 8RA

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1. This is a full application to construct 8 single-storey affordable homes with associated works on a rural exception site, i.e., a site outside the current development boundary of the village of Botwnnog. There is a reference in the submitted information that this would be phase 1 of 2 but no further details regarding phase 2 have been received at present.
- 1.2. The proposal involves constructing the dwellings and providing an access by extending the existing road through the Congl Meinciau estate. A parking space would be provided at the front of the individual dwellings. Specifically, the proposal provides one type of house with the internal layout as follows:
 - hallway
 - 2 bedrooms (1 en-suite)
 - bathroom
 - living room/kitchen
- 1.3. In terms of their appearance, the houses will be finished using a mix of render and natural stone/slate on the walls and natural slate roofs.
- 1.4. The proposed plans do not include any information in terms of the arrangement and layout of gardens or individual spaces of the dwellings or any reference to formal landscaping.
- 1.5. The application site is currently an empty plot of overgrown land with signs of clearing work in the past. The land and the nearby area are within the Llŷn and Ynys Enlli Landscape of Outstanding Historic Interest and within the Gorllewin Llŷn Special Landscape Area. The residential houses of the Congl Meinciau estate can be seen to the south of the application site and open agricultural lands extend to the north of the site.
- 1.6. The following information was submitted to support the application:
 - Planning Statement
 - Access Statement
 - Additional statement including information about the Welsh language along with a reference to the revised proposal to the application as originally submitted
- 1.7. Additional information was received as part of the application and a second consultation was undertaken based on this additional information. It was suggested in this information that the proposal would be amended to include a different mix of houses in terms of size to what had originally been submitted. No amended plans were subsequently received and, therefore, the application is considered as originally submitted as these are the only formal plans that have been submitted for consideration.

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.

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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 8: An appropriate mix of housing
 TAI 15: Affordable housing threshold and distribution
 TAI 16: Exception sites
 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.
 ISA 1: Infrastructure provision
 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

2.4 National Policies:

Future Wales: The National Plan 2040
 Planning Policy Wales (Edition 12 - February 2024)
 Letter of the Welsh Government's Minister for Climate Change, dated 11 October 2023 announcing an update to chapter 6 of Planning Policy Wales with immediate effect.
 Technical Advice Note 2: Planning and affordable housing
 Technical Advice Note 6: Planning for sustainable rural communities
 Technical Advice Note 12: Design
 Technical Advice Note 20: Planning and the Welsh Language

3. Relevant Planning History:

3.1 It appears that there is no formal Planning history involving this land.

3.2 A formal enquiry was submitted in 2019 under reference Y19/0700 for a 12-bungalow development. Pre-application advice was provided regarding the proposal with the conclusions noting:

"To summarise, this site is in open countryside. No proposal for open market housing will be supported. The site may be considered under policy TAI 16 as an exception site. The site is shown as immediately adjoining the development boundary but the plan shows a space between the existing houses of the Congl Meinciau estate and the houses in the proposed development. As a result, it is believed that the development would create an isolated and fragmented development which is separated from the existing built form of the village. In addition, developing this land would spread further into the countryside in a form that would not be in-keeping with the built form of the village. As a result, it is not believed that developing this site for residential use would create a logical extension to the settlement. Even if there would be changes to the plan, it is

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believed that developing this land would be contrary to the requirements of policy TAI 16 and it would not be supported by officers".

4. Consultations:

Community/Town Council: At a meeting of the Council held last night, it was resolved to support the above application on the condition that they are affordable homes and available for local residents.

Re-consultation

The above application was submitted to a meeting of the Council held on Monday evening when it was resolved to support it in principle. The Council is of the view that it is essentially important that these dwellings are affordable homes to meet local requirements and that this should be part of the planning conditions. Is it possible to get an estimated price of these houses on the market as affordable homes? Also, it is noticed that plans of the houses on the estate are shown on the website - would it be possible to see the amended plans?

Transportation Unit: Not received

Public Protection Unit: Not received

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.

Welsh Water: Having assessed the proposal, it is advised that it is unlikely that sufficient capacity exists within the public sewer system for the development without having a detrimental impact on the current services provided to our customers or in order to protect the environment. As a result, the applicant is advised to ensure that a sewage pumping station assessment is undertaken, at the cost of the developer. The assessment would examine the existing sewage site and consider the impact of the proposed development on the site's performance.

It is recommended that a condition is imposed to ensure that an appropriate assessment is undertaken and that a suitable drainage plan is agreed.

Biodiversity Unit: There is objection to the proposal until the following information has been submitted and that appropriate measures are implemented to reduce the impact on wildlife:

- Initial ecological assessment
- Biodiversity enhancement and mitigation plan
- Trees and hedgerows survey
- Amended plans to ensure the protection of trees and hedgerows.

Land Drainage Unit: Standard response regarding the need to submit a licence application to manage surface water in accordance with the relevant regulations

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relating to SuDS.

Language Unit: We currently have no observations as no language statement has been submitted with the application. We suggest that the developer submits a language statement in accordance with strategic policy PS1: The Welsh Language and Culture.

Re-consultation:

We wish to state that there is a weakness in the statement in terms of the data submitted to support the opinion of a positive linguistic impact. The statement does not include the latest data from the 2021 census. The data submitted in terms of population and number of speakers is very confusing - data from the census and the national use survey is quoted and a combination of 2021 and 2011 data. Due to the lack of data, there is no evidence to show the potential change that the development would represent.

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: Access for fire vehicles: No observations

Water supply: The location of the nearest water supply is too far from the site to be within 100 metres of all the dwellings. Therefore, to attain the current standards for the purpose of fire fighting, a hydrant should be located on the site within 100 metres of all the dwellings.

Scottish Power: On the whole, there is no objection to the proposal subject to necessary measures to protect the company's assets and ensuring a safe site to work without affecting the network.

Trees Unit: No information was submitted regarding the proposed work on trees or to consider the impact of the development on trees to be preserved. A full impact assessment by a qualified specialist must be provided which would include tree protection and impact mitigation details, including the details of any change in ground levels that would affect on-site trees.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period has expired and a letter of objection / items of correspondence have been received on the following grounds:

- There are already a number of empty dwellings in the village and there is no need for an additional 8 houses.
- There would only be one road into the site via the current estate, this would affect residents and would be dangerous with additional heavy traffic through the street.
- There would be an increase in noise and dust as a result of the construction work affecting the health and well-being of residents.
- In the Planning Statement, the land is described as 'The site covers some 0.388 Hectares, [3884m²] is currently unused and has been used as a tipping ground for spoil from the earlier development'. This is misleading as it is land that is

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covered with the vegetation of various plants which ensure habitats for birds, mammals and insects. It is concerning to think that land such as this would be lost to construct dwellings when they could be constructed in other parts of the village within the current infrastructure.

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 Policy PCYFF 1 of the Anglesey and Gwynedd Joint Local Development Plan (LDP) notes that the plan itself identifies development boundaries for a range of settlements within the county and that proposals within development boundaries will be approved in accordance with the requirements of other relevant policies in the Plan. It also notes *"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 Policy TAI 16 'Exception Sites' states that provided it can be shown that there is a proven local need for affordable housing which cannot be delivered within a reasonable time-scale on a market site within the development boundary, as an exception, proposals for 100% affordable housing plans on sites immediately adjacent to development boundaries that form a logical extension to the settlement will be granted.
- 5.4 For clarity, early on during the application period, an observation was received from Grŵp Cynefin noting that a submitted plan showed land in their ownership within the application's red line, i.e., it is suggested that it was part of the proposed development site. It was confirmed that this land, namely a 15.00m strip of land, has been given to Grŵp Cynefin and, therefore, there was no permission for it to be included or used. This was highlighted to the agent and the plan was changed to show an amended red line. The result of this is that the proposed development site as defined by the red line shows a clear space between the location of the development's boundary and the development boundary and, therefore, as a result it is not believed that it directly abuts the boundary. In planning policy terms the site is therefore defined as a location in open countryside and is not relevant to be considered in terms of Policy TAI 16 'Exception Sites', which is supported in the Supplementary Planning Guidance 'Affordable Housing'.
- 5.5 In this respect, paragraph 6.4.36 of the JLDP states that development in open countryside must satisfy national policy and Technical Advice Note 6 in terms of meeting requirements to be classed as a rural enterprise dwelling. No such justification appears to have been presented with this application. Therefore based on the above, it is considered that the proposal is contrary to the requirements of policy TAI 16, PCYFF 1 and paragraph 6.4.36 of the LDP as well as Technical Advice Note 6.

Another aspect of policy TAI 16 is that there is a need to show how affordable homes cannot be provided within a reasonable timescale on sites within the current development boundaries, including houses for sale that may be considered 'affordable'. Insufficient information has been provided to justify the proposal in terms of this aspect. It is also noted that the developer has a

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clear intention of developing a designated site within the boundary, and although a recent application to develop one of these designated sites within the village was not approved, the ability to appeal this decision is very likely while there is a possibility of resubmitting it with changes that would respond to highlighted concerns.

- 5.6 Policy PS 17, namely the LDP'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 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).
- 5.7 Policy TAI 3 relates to a service village such as Botwnnog and is relevant to locations within the development boundary. 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 5 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 (no) units. This means that there is capacity within the indicative supply for the Botwnnog settlement. However, this in itself is insufficient to justify this proposal.
- 5.8 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. Insufficient evidence was submitted to state the reasoning behind the proposal. Should the proposal provide social housing that would be available to rent, there could be justification for this need in accordance with current information. However, there is no reference to a partnership with a housing association. If the proposal would be a development to sell affordable homes, then current figures state that no local need has currently been proven. Therefore, the need for evidence to confirm the current demand for the type and number of houses is essential.
- 5.9 It must be noted again that the site is not a rural exemption site according to the definition and meaning of this term due to its disconnection with the current development boundary, therefore, even if it would be possible to submit additional information to prove some aspects, the proposal fails due to its lack of compliance with the definition of a rural exemption site.
- 5.10 Although it is very much known that there is a critical need for affordable homes within the county, it is not considered that the relevant requirements to prove an identified need for these specific dwellings have been achieved as required for applications for affordable homes, especially those outside development boundaries. It is considered that there is no justification or proven need for the proposal and, as a result, it is unacceptable based on the relevant requirements of policies PCYFF 1, TAI 16, TAI 8 and TAI 15.

Visual amenities

- 5.11 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

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- 5.12 Although there are no unique or special features to the form and appearance of the dwellings, they have been designed to a standard quality which would be in-keeping with the general feel of the village. It is not considered that the houses would cause significant harm to the built quality of the area in general 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 specific matters.
- 5.13 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 on the outskirts 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

- 5.14 Due to the location, design and size of the proposed houses, it is not considered that there would be significant detrimental impact on private amenities deriving from this development. Whilst accepting that access to the site will be via the current Congl Meinciau estate road and that disturbance is likely during the land development period, it is believed that there would be sufficient distance between the new housing and existing housing and it is not believed that any harmful overlooking of existing properties would derive from the development. There would be no harm either in terms of impacts such as shadowing or dominating any other property.
- 5.15 In 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

- 5.16 The Language Unit originally noted that no language statement had been submitted with the application. Later, having submitted further information in the form of a statement, the Language Unit confirmed that there was a weakness in the statement in terms of the data submitted to support the opinion of a positive linguistic impact. Due to this lack of data, it is not believed there is sufficient evidence to show the potential change that the development would represent.
- 5.17 Insufficient information has been submitted to establish and prove the need and the appropriate mix in terms of the type of houses proposed. Without such evidence, it cannot be certain that the type of houses provided responds to local recognised need. The proposal cannot be deemed acceptable without sufficient information to fully assess the proposal and consider the impact on the language. Therefore, based on the submitted information, the Local Planning Authority has not been convinced that the development would not cause significant harm to the character and balance of the Welsh language in the community and, therefore, the application is contrary to the requirements of policy PS 1 of the Anglesey and Gwynedd Joint Local Development Plan.

Transport and access matters

- 5.18 Although no observations about the proposal were received from the Transportation Unit at the time of writing this report, it is usually believed that it would be possible to include appropriate conditions to agree on standard parking and access matters for the development. Considering the size of the houses as shown, it is not believed that additional traffic deriving from the new development would likely increase the risk to current residents of the Congl Meinciau estate in a significant manner.
- 5.19 However, due to the remote location of the site, which effectively makes it closed-off land, a new access and link road would be required. Formal permission will be required to create an access and estate road but the land where it would be reasonable to include the access and link road is not within the ownership of the applicant. The details of these arrangements have not been

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included as part of the current application. It would be possible to submit information stating that there is permission to create the access and road via the land of another owner but this has not been done in this case. Therefore, it is not believed that the proposal meets the relevant requirements in terms of compliance with the relevant criteria of policies TRA 4 and PCYFF 3, which state the need to ensure that new developments provide an acceptable access.

Biodiversity matters

- 5.20 Concern was highlighted about the proposal by the Council's Biodiversity Unit and Trees Unit regarding the lack of information and evidence to be able to assess the impact of the proposal in full. As a result, there is an objection to the proposal until additional information has been submitted.
- 5.21 No further information was submitted and as part of the information submitted with the application itself, it can be seen that there is no green infrastructure statement or details of suitable improvements and measures to improve the site's biodiversity and, therefore, the proposal cannot be deemed acceptable based on compliance with relevant policies and guidelines. It is therefore believed that the proposal as submitted is unacceptable under the relevant requirements of policies PS 19 and AMG 5 of the LDP in terms of impact on biodiversity along with Chapter 6 of Planning Policy Wales which relates to the green infrastructure and the phased approach.

Archaeological Matters

- 5.22 The Gwynedd Archaeology Service confirms that there is potential for archaeological features on the land and suggests imposing standard conditions to carry out a further inspection 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 areas where existing open spaces cannot satisfy the needs of the proposed housing development to provide a suitable provision of open spaces. In this case, as the number of houses is fewer than 10, the relevant requirements of policy ISA 5 would be irrelevant.

Educational matters

- 5.24 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
- 5.25 It is known there is current capacity 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.
- 5.26 As there is sufficient capacity within both local schools and given the size of the development of 8 new houses, the threshold would not be met. 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

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the relevant requirements of ISA 1 as well as the relevant guidelines noted within Supplementary Planning Guidance: Planning Obligation.

Infrastructure matters

- 5.27 From Welsh Water's response, it can be seen that the developer is required to undertake a survey of the ability of the local treatment works to cope with 8 new houses that would use these services.
- 5.28 No details about the site's drainage strategy were submitted as a part of the application, but in line with Welsh Water's recommendation, and should the application be acceptable in all other aspects, it is believed that it would be reasonable to impose a condition to carry out an appropriate survey and to agree on the details of the site's drainage system. As a result, it is believed that it would be possible to ensure compliance with the relevant requirements of policies PS 2 and ISA 1. It is also noted here that it would be required to submit a licence application for the SuDS system to ensure that this is also in line with relevant requirements.

Additional matters

- 5.29 Additional information was submitted as part of the application in the form of a formal statement, noting a proposal to vary the development in terms of size and mix of houses. It was noted that plans had not been amended until confirmation would be given by the Planning Authority that these changes were acceptable. Following a discussion between officers, a request was made for further information to confirm the matters raised. No response was received to these matters or any amended plan to convey what was noted in the statement. It is known that another agent was appointed at the same time to deal with the application but, in due course, it was confirmed that there had been a further change and there was a wish to proceed to determine the application as submitted.

6. Conclusions:

- 6.1 This is a proposal for an affordable housing development on a site that is outside the village development boundary. Due to its location beyond the village development boundary, it cannot be considered as an exemption site and, therefore, it is not believed that the plan is acceptable on the grounds of principle and complies with relevant local and national planning policies and guidance as noted in the report.

7. Recommendation:

- 7.1 To delegate powers to the Head of Environment Department to refuse:
1. This development would create an urban encroachment onto a greenfield site in open countryside and is not immediately adjacent to the development boundary. It is not considered that the proposal would complement or enhance the character and appearance of the site nor integrate with its surroundings and would not therefore create a reasonable extension to the settlement. The proposal is therefore contrary to the requirements of Policies PCYFF 1, PCYFF 3, PS 5 and TAI 16 of the Anglesey and Gwynedd Joint Local Development Plan and part 2.6 of Technical Advice Note 12: Design which states that design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.
 2. Insufficient information has been included as part of the planning application to enable the Local Planning Authority to fully assess all necessary material planning considerations. To enable a complete assessment of the proposal under the relevant policies of the Anglesey and Gwynedd Joint Local Development Plan 2011-2026, further information would be required on the following issues:

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- i. Evidence in the form of a formal market housing assessment proving the need for an affordable dwelling (Policy TAI 16)
 - ii. Evidence regarding the suitability of the housing mix and a valuation of the units (Policies TAI 8 and TAI 15).
3. Based on the submitted information, the Local Planning Authority has not been persuaded that the development would not cause significant harm to the character and balance of the Welsh language in the community and, therefore, the application is contrary to the requirements of policy PS 1 of the Gwynedd and Anglesey Joint Local Development Plan.
4. Insufficient information has been included as part of the planning application in the form of a Green Infrastructure Statement or information relating to biodiversity improvement measures to enable the Local Planning Authority to fully assess the effect on local biodiversity. Consequently, the proposal does not comply with the relevant requirements of policies PS 19 and AMG 5 Gwynedd and Anglesey Joint Local Development Plan and Chapter 6 of Planning Policy Wales.
5. Insufficient information has been provided regarding access arrangements as part of the application and, therefore, it is not considered that the proposal satisfies the requirements of relevant criteria of policies TRA 4 and PCYFF 3 of the Gwynedd and Anglesey Joint Local Development Plan which notes that new developments are expected to be able to ensure a satisfactory provision for access.