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**PLANNING COMMITTEE**  
**18 MARCH, 2013**

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**Present:** Councillor Gwen Griffith (Chair)  
Councillor Michael Sol Owen (Vice-chair).

**Councillors:** Endaf Cooke, Elwyn Edwards, Louise Hughes, Anne T. Lloyd Jones, Dilwyn Lloyd, Christopher O'Neal, W. Tudor Owen, Hefin Williams, and Owain Williams.

**Others invited:** Councillors Gethin Glyn Williams, R.H. Wyn Williams (local members).

**Also present:** Gareth Jones (Senior Planning Service Manager), Gareth Roberts (Senior Development Control Officer), Rhun ap Gareth (Senior Solicitor) and Glynda O'Brien (Member Support and Scrutiny Officer).

**Apologies:-** Councillors Aled Evans, Dyfrig Jones and Dafydd Meurig.

**1. CONDOLENCES**

The Chair extended her sincerest condolences to Councillor Dilwyn Lloyd on the loss of a close relative recently.

**2. DECLARATION OF PERSONAL INTEREST**

(i) Councillor Christopher O'Neal declared a personal interest in relation to Item 5 – Bangor Parking Restrictions Order 2013, as he had objected to the proposal.

The Member was of the opinion that it was a prejudicial interest, and he withdrew from the chamber during the discussion on the matter.

(ii) The following members declared that they were local members in relation to the items noted:

- Councillor Gethin Williams (not a member of this Planning Committee) in relation to item 7 on the agenda – Planning Applications (planning application number C12/1133/00/LL).
- Councillor R H Wyn Williams (not a member of this Planning Committee) in relation to item 7 on the agenda – Planning Applications (planning application number C12/1622/39/LL).

The members withdrew to the other side of the chamber during the discussions on the applications in question and did not vote on these matters.

### **3. MINUTES**

The Chair signed the minutes of the previous meeting of this committee held on 25 February, 2013 as a true record.

### **4. BANGOR PARKING RESTRICTIONS ORDER 2013**

Submitted – the report of the Head of Regulatory Department regarding the proposal to introduce waiting restrictions in Tan y Fynwent in Bangor.

The Senior Development Control Officer explained that the purpose of the proposal was to try and improve road safety and traffic flow in the above area, and the members were guided through photos attached to the report to illustrate the proposed change. During the consultation period one objection had been received, which related more to the process of advertising the scheme rather than the background of the proposed development. The scheme included providing a safer crossing point for pedestrians. The build-out of the footway prevented buses from obstructing the crossing point, but this necessitated relocating the two taxi ranks opposite, in order to enable buses to pull out safely, and for traffic to move freely. The officer highlighted the fact that there was another taxi rank some 40 metres down the road, and new taxi ranks had also been provided on Deiniol Road.

Proposed and seconded – to approve the restrictions.

The following observations were noted by individual Members, contrary to the recommendation:

- (a) if the crossing point caused concern, why not install a pedestrian crossing on the site in question?
- (b) concern about the effect the scheme would have on the business of the taxi operators
- (c) would it not have been possible to consider reversing the traffic flow, as the road was wide, and consider placing the bus stop on the same side as the shops?
- (d) there were lessons to be learnt from the whole process for the future.

In light of the concerns above, an amendment to defer a decision on the application in order to conduct a further, thorough consultation was proposed and seconded.

In response, the Senior Development Control Officer explained that the aim was to try and open up this area, and at the same time make it safer for the public. The surface of the road had been raised in order to facilitate wheelchairs and mobility aids. The officer was of the opinion that the road was easy to cross without the need for a pedestrian crossing, and that on average the system worked better.

It was emphasised that if the lines were not put at this location, and if vehicles were permitted to park there, it would prohibit the flow of traffic along this stretch of the road and would grind to a halt one of Gwynedd's main transport hubs.

A vote was taken on the amendment but it fell, and the original proposal was carried.

**Resolved: To approve the introduction of waiting restrictions in Tan y Fynwent, Bangor, which form part of the Bangor Parking Restrictions Order 2013, in order to improve traffic flow and road safety.**

**5. ORDER TO CREATE A PUBLIC FOOTPATH ON THE DEFINITIVE MAP BETWEEN Tŷ NEWYDD AND THE CEMETERY, COMMUNITY OF CORRIS**

Submitted – the report of the Head of Regulatory Department on the application to create, by Order, a public footpath on the Definitive Map of Public Rights of Way between Tŷ Newydd and the cemetery in the community of Corris.

(a) The Senior Rights of Way Officer – Meirionnydd explained that the purpose of the path was to improve access to the public cemetery and create a circular route, extending the path towards a path along the Afon Dulas. The officer drew the Members' attention to two plans that were attached to the report, which showed the area in question for the Order, whilst the other showed the proposed path together with land ownership.

(b) It was explained that the Community Council had been keen for some time to improve access to the public cemetery which was quite steep, and had taken a number of steps to try and improve the access. The trackbed of Corris Railway which ran alongside the cemetery provided a fairly level access to the cemetery, but unfortunately a defective wall was leaning into the path, and the cost of repairing it was much too expensive. It was noted that in 2010, the Countryside Council for Wales had promoted a programme of path improvements in the Dyfi Biosphere, using funds from the EU Communities and Nature grant. Following consultation with the Communities of the Biosphere, a scheme to improve access to the cemetery and form a circular path scored highly throughout the whole Biosphere, and combining the Dyfi Biosphere grant with the above grant would enable all essential work on the line to be undertaken this year. It was noted that the work had been more or less completed by now, and that the path was already being used, with Gwynedd Council having received positive feedback.

(c) It was noted that four landowners were affected by the proposed new path, whilst another three were in the process of creating a public footpath through a formal agreement, using Section 25 of the Highways Act 1980.

(ch) It was noted that the Council, under the legislation, was not empowered to make an agreement with itself. Therefore, the only procedure available was to make an Order for creating a path under Section 26 of the Highways Act 1980. Attention was drawn to the fact that the work had already commenced without the Order, in order to secure grants within a tight timetable.

(d) The Committee was therefore requested to support the officers' recommendations to make an Order to create a public footpath on the Council's land.

In response to general enquiries by individual Members, the Senior Rights of Way Officer – Meirionnydd noted that:

- the status of the path would be a footpath
- barriers for cyclists etc. could not be installed because of the need for funeral hearses to be able to access the Cemetery
- it was not anticipated that Corris Railway would extend the line higher up and reclaim the land.

Proposed and seconded – to approve the application to make an Order.

**Resolved: (a) To approve that:**

- (i) **Gwynedd Council makes an Order under Section 26, Highways Act 1980 to create a Public Footpath between points B and C on the map attached to the report, and to register the path on the Definitive Map of Public Rights of Way for the County of Gwynedd.**
- (ii) **Gwynedd Council arranges the necessary works to ensure the route is in good repair, using grant funds from the Countryside Council for Wales and the Welsh Government.**
- (iii) **upon satisfactory completion of the works, the Regulatory Department retains responsibility for maintenance of the path.**

## **6. PLANNING APPLICATIONS**

The Committee considered the following applications for development.

Details of the applications were expanded upon and questions were answered in relation to the plans and aspects of the policies.

### **RESOLVED**

#### **1. Application no. C12/1433/00/LL – The Lobster Pond, The Quay, Barmouth**

A revised scheme for removing an extractor cowl from the rear roof of a café and installing an internal extractor unit with the ventilation grille located externally on the south-western gable end of the building.

(a) The Senior Planning Service Manager expanded on the background of the application and noted the proposal to install a food extraction system in a café located on the Quay in Barmouth, together with removing the redundant extractor

flue/stack and cowl which had been installed without planning permission on the rear roof of the café. It was noted that the applicant had now removed the unauthorised flue/stack completely from the roof. Following recent alterations and updating of the extraction system, it was noted that the Public Protection Unit had no objection to the proposal subject to including standard conditions in respect of noise and odour.

The Local Member (who was not a member of this Committee) noted:

- That the last sentence in the English translation in point 5.4 contradicted the Welsh version, and it was confirmed that the Welsh version was the correct version, and that the English should read “.....would not be likely to have a substantial detrimental effect .....”.
- That he was supportive of the application.
- That the applicant had made an effort to comply in order to alleviate any concerns highlighted.

It was proposed, seconded and voted unanimously to approve the application.

**Resolved: To approve the application with the following conditions:**

- 1. Work to commence within five years**
- 2. Comply with amended plans as approved**
- 3. Condition for controlling maximum noise levels**

**2. Application no. C12/1622/39/LL – Sea Breeze, Lôn Sarn Bach, Abersoch**

A single-storey and two-storey extension and alterations, together with a double garage.

(a) The Senior Planning Service Manager expanded on the background of the application and drew attention to the revised plans which were distributed to Members during the meeting, which showed the internal and external elevations of the double garage. It was noted that the only difference between the revised plans and original plans was that the roof of the garage had been reduced from 4 metres to 3.62 metres. He noted that the main planning considerations were visual matters in terms of the appearance, residential amenities, design and the impact on the Area of Outstanding Natural Beauty. In terms of residential amenities, any new windows would look out towards the sea or the property’s garden. An objector had commented on an appeal in 1995 to construct a garage for a house up the road from the above site, and the Inspector’s decision at the time had been to refuse the appeal on the grounds of the effect on public views, which was an extreme decision in the opinion of the Senior Manager.

It was noted that the following additional observations/information had been received:-

(a) Objections from the owner of the property of Neigwl, on the grounds of transport, use of right of way and a request for the following planning conditions to be imposed if the application was approved:

- withdrawal of the property's permitted development rights (as the property would have been significantly developed)
- that the development may not be used until a turning provision had been made within the curtilage of the premises, to ensure that vehicles could leave in a forward gear
- impose conditions restricting use of the garage for vehicles only and not for any other use such as ancillary accommodation to the house
- stated that the photomontages did not convey the real impact of losing public views of the bay
- a lack of turning space in the curtilage; more rooms required more parking spaces
- the roof of the rear extension was dominating
- a 70 year old palm tree – merited a Tree Preservation Order
- the distance of the building from the gate did not convey the actual setting

(b) From the applicant:

- the photomontages were to scale in order to respond to the objections regarding the visual impact of the proposal
- stated that a right of way existed which included an area for turning vehicles on a triangular piece of land on the property of Y Neigwl, by the entrance gate to Sea Breeze
- clarity regarding the need for the extension and the garage
- a statement from the property's former-owner, confirming that a right of way existed which included a turning space near the gate of Sea Breeze on the property of Y Neigwl

The Senior Planning Service Manager noted that the Council's Transportation Unit did not object to the application, and that use of the right of way was a civil matter and did not apply to planning matters.

Taking advantage of the right to speak, an objector noted that:

- the additional height to the existing property impaired the views of the bay and coast to the local community and visitors
- it had an unacceptable impact on prominent public views
- the photographs submitted were misleading with respect to the views that would be lost should the application be approved
- this was one of two sites in the village where there was a clear view of the scenery and the coast
- ancillary to the building, the garage by itself could be a small cottage or boat storage

- the plans submitted were misleading with regard to access to the site, and it was questionable whether there was sufficient space for vehicles to turn on the site
- taking into account all the proposed developments to this holiday home, it could increase the site's footprint by around 2-300%
- it was suggested that a site visit should be undertaken before making a final decision

Taking advantage of the right to speak, the applicant explained the justification for the extension:

- that he had a very small and impractical utility room, and that the extension enabled converting a small bedroom downstairs into an utility room with outside access
- that his elderly mother and his sister needed their own bedrooms
- that the garage was required to keep vehicles out of rough weather
- with regard to the objection, in accordance with local consultation, that the size and height of the extension and the garage were reasonable and that he was not overdeveloping the site
- whilst accepting that an appeal for a garage had been refused in the past because of loss of view, he emphasised that the application submitted was very different
- computer-aided design had been used which was 100% in terms of scale, and showed clearly that the height of the proposed development was no more than the height of the existing property
- that the height of the ridge of the proposed garage roof was the same height as the lowest part of the existing roof
- that there was not a public footpath alongside the property
- that the passing public could see the view over the ridge of the garage
- that there was no change to the vehicular access, and that sufficient turning space within the property's curtilage had been ensured
- it had been ensured that there were no windows or doors overlooking adjacent properties
- that he had an understanding of the needs of the local community having been a visitor and owning a property in the community for over 50 years

The Local Member (who was not a member of this Committee) noted:

- that he had no objection to the extension but its size did cause concern
- whilst accepting that loss of view was not a material planning consideration, it was important from a commercial perspective and the sale of the property in the future
- the third clause of Policy B22 was quoted, which stated ..."that it does not have an unacceptable detrimental effect on prominent public views into, out of or across centres, villages, rural villages or open countryside". it was emphasised that this and next door were the only sites where the sea and beach could be seen, and that it was therefore a highly important view.

- that the Community Council had stated that the application was an over-development.
- that the design was of a very high standard
- that his main concern in terms of objection was the height of the extension which meant that it affected the view.
- in light of the above he suggested that the Committee deferred a decision on the application and held a site visit.

It was proposed and seconded to approve the application but this proposal fell against an amendment to visit the site in Abersoch.

**Resolved: To defer a decision on the application and ask the Committee to visit the site before reporting back to the Planning Committee.**

### **3. Application no. C13/0011/30/LL – Seibiant, Aberdaron**

A retrospective planning application to retain a front porch.

(a) The Senior Planning Service Manager expanded on the background of the application and noted that this was a retrospective application to retain a slate pitched-roof porch located at the front of a two-storey semi-detached house. It was noted that the site was located in an Area of Outstanding Natural Beauty and within a Conservation Area. It was emphasised that if the surface area of the porch had been 0.36m smaller than its current size, planning permission would not have been necessary. Objections had been received which mainly revolved around visual and residential amenities and that the side window of the porch affected the neighbours' privacy. In terms of the overlooking from the window it was noted that opaque glass had been installed in the window. Based on the assessment, and in respect of its design and scale, it had been recommended to approve the development.

Taking advantage of the right to speak, an objector noted that:

- Seibiant bordered with Plas Bach, and were a pair of cottages which offered an improvement to the appearance of the village
- Aberdaron was remote and its identity firmly rooted in the Welsh culture
- He was astonished to find in 2011 that a porch had been built on the cottage next door without any consultation with neighbours, residents or the relevant authorities
- Aberdaron was in a Conservation Area and in an Area of Outstanding Natural Beauty
- Since the cottages were in the centre of the village, everyone who passed admired them, and since the porch had been built, comments had changed to include that the porch was ugly and too large
- The porch built was larger than what was permitted, and consequently it affected the privacy and light of Plas Bach cottage
- The porch door opened outwards and prevented the visibility of an entrance to a parking space located to the east of the property



- Special building requirements in conservation areas were based on a combination of factors, including building facades and historical features, and any changes affected their character
- The character of Plas Bach cottage had changed without any action by the owners themselves
- Before submitting a planning application, advice must be sought and consultation carried out with neighbours who could be affected
- The objector pleaded for the Committee to consider whether or not the application would have been approved had it not already been built

Taking advantage of the opportunity to speak, the applicant noted that:

- The porch had been built to include a door which would enable wheelchair access for a member of the family
- The porch was only one third of a square metre too large
- A retrospective application had been submitted in accordance with advice received in order to formalise the planning issue, and no problems were anticipated with the design or size of the porch as it complemented the existing cottages and nearby houses
- The porch was similar to a porch that had been built a few years ago on a property higher up
- It was acknowledged that there was conflict regarding the boundary with next door, and that he had taken down a low wall which had been planted with boxwood trees, but it was emphasised that a report had been commissioned by a chartered surveyor which stated that what had been built was on the applicant's land
- The only objection that was material to planning was what had been noted regarding the impact on lighting through the front window of next door, but since the porch was located in the north east, it would not affect sunlight
- The applicant pleaded for the Committee to consider the application in accordance with planning policies, and not in the context of conflict between neighbours, which was not a planning matter

It was proposed, seconded and voted to approve the application.

The following observations were noted in favour of the recommendation:

- That the design was acceptable
- That there was no deterioration in the environment or the village overall
- That if the porch was a fraction smaller, it would have been permitted anyway

The following observation was noted contrary to the recommendation:

- That the porch affected the appearance of the cottages and that consideration should be given to the fact that the cottages were in a Conservation Area

In response to an enquiry it was noted that the Community Council supported the application.

**Resolved: To approve the application unconditionally.**

**4. Application no. C13/0074/11/LL – 94, Penrhos Road, Bangor**

A retrospective planning application to retain a dwelling house.

(a) The Senior Planning Service Manager expanded on the background of the application and noted that this was a retrospective application to retain a dwelling house and construct an extension for an annexe. It was noted that the application had planning history, where permission already existed for three dormer windows on the front elevation of the existing property, and an annexe at the rear. Whilst acting in accordance with the previous permission it had been found that the condition of the property was poor, and consequently it had to be demolished and reconstructed in order to facilitate the process of implementing the original permission. The application to hand was for retaining the house and the extension, and the only difference from the permitted original application was that there were two dormer windows on the front of the building, and that the rear annexe was around 1.5 metres higher than the annexe that had been permitted previously. It was emphasised that the property's footprint remained exactly the same.

(b) It was noted that concerns had been submitted regarding the impact on the amenities of nearby residents, but nevertheless, the development had already been permitted. Taking into account the history, the scale and additional effect of the development, the recommendation was to approve the application.

(c) Taking advantage of the right to speak, the applicant explained the background of the problems that had arisen from the original application, namely that the house had been constructed from concrete, and following an inspection by the Development Control Department, a structural report had had to be produced for the property. When the two gable-ends of the house had been taken down, it had been found that the house had no foundations and was unsafe. He made a correction regarding measurements – the pitched roof of the annexe would be 1.2m and the front aspect of the house would be the same as it was in 1932.

It was proposed, seconded and voted unanimously to approve the application.

It was noted that the Town Council objected, but the original permission and what was being implemented instead had to be considered as part of the current application.

**Resolved: To approve the application subject to the following conditions:**

1. **No first-floor windows on the side elevation of the rear extension which includes the annexe**
2. **Slate roof**
3. **In accordance with plans**
4. **Level 3 of the Code**
5. **Annexe ancillary to the house**

**5. Application no. C13/0159/41/LL – Maenan, Llanystumdwy**

Erect a two-storey side extension with a balcony to replace the existing two-storey side extension.

(a) The Senior Planning Service Manager expanded on the background of the application and noted that the development had planning history, and that it was an improvement to the wider area, which was a conservation area, and for the neighbouring residents. He also noted that planning permission already existed for erecting a balcony on the site of the new two-storey extension, and that there would be an opportunity through the current application to ensure that a screen was erected on the side of the balcony which would be an improvement in respect of mitigating any impact on the residential amenities of neighbouring residents.

(b) An objection had been received from an adjacent neighbour (Sŵn yr Afon) on the grounds of loss of privacy from the balcony which had allegedly been built last year.

In respect of the above concern, it was noted that a condition could be imposed to include a screen of opaque glass on the side of the property. Based on the assessment, it had been recommended for approval.

- (c) It was proposed, seconded and voted unanimously to approve the application.
- (ch) It was noted that the applicant was not present at the meeting.
- (d) The following observation was noted in favour of the recommendation:
  - That the proposed development was a huge improvement to what already existed.

**Resolved: To delegate powers to the Senior Planning Manager to approve the application, subject to the expiry of the consultation period and relevant conditions relating to: five years, plans, materials, withdrawal of PD rights relating to new windows, a screen on the north-west elevation of the balcony.**

The meeting commenced at 1.00pm and concluded at 2.20 pm.