
PLANNING COMMITTEE 13/01/14

Present: **Councillor Gwen Griffith – Chair**
 Councillor Michael Sol Owen – Vice-chair

Councillors: Councillors Endaf Cooke, Elwyn Edwards, Louise Hughes, Anne Lloyd Jones, Dyfrig Wynn Jones, June Marshall, Dafydd Meurig, William Tudor Owen, Eirwyn Williams, Hefin Williams, Owain Williams, Eurig Wyn and John Pughe Roberts (substitute).

Others invited: Councillors E. Selwyn Griffiths and Siân Gwennllïan (Local Members).

Also present: Gareth Jones (Senior Planning Service Manager), Cara Owen (Development Control Manager), Rhun ap Gareth (Senior Solicitor), Dafydd Gareth Jones (Senior Planning Officer – Minerals and Waste), Lowri Haf Evans and Bethan Adams (Member Support and Scrutiny Officers).

Apologies: Councillors Christopher O’Neal and Aled Evans (local member).

Councillors Louise Hughes and June Marshall apologised for their absence from the Site Visit held prior to this meeting.

1. DECLARATION OF PERSONAL INTEREST

(a) The following members declared a personal interest for the reasons noted:

- Councillor Anne Lloyd Jones (a member of this Planning Committee) in item 5 on the agenda, planning application C13/1120/16/LL, (Erw Faen, Tregarth, Bangor), C13/1205/20/LL (Land near Y Wern, Y Felinheli) and C13/1209/45/LL (Lôn Abererch, Pwllheli), as she was a member of the Cartrefi Cymunedol Gwynedd Board.
- Councillor Michael Sol Owen (a member of this Planning Committee) in item 5 on the agenda, planning application C13/1120/16/LL, (Erw Faen, Tregarth, Bangor), C13/1205/20/LL (Land near Y Wern, Y Felinheli) and C13/1209/45/LL (Lôn Abererch, Pwllheli), as he was a member of the Cartrefi Cymunedol Gwynedd Board.
- Councillor Dafydd Meurig (a member of this Planning Committee), in item 5 on the agenda, planning application number C13/1052/22/MW (Dolbebin Slate Tip), as he had a professional connection with the applicant’s Agent and as he was a Member of the Penrhyn Quarry Liaison Committee.

The members were of the opinion that they were prejudicial interests, and withdrew from the Chamber during the discussion on the items noted.

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

- Councillor Eurig Wyn (a member of this Planning Committee) in relation to item 5 on the agenda (planning application number C09A/0412/26/LL);
- Councillor E. Selwyn Griffiths (not a member of this Planning Committee) in relation to item 5 on the agenda, (planning applications number C13/0873/44/LL and C13/0945/44/LL);
- Councillor Eirwyn Williams (a member of this Planning Committee) in relation to item 5 on the agenda (planning application C13/1047/35/LL);
- Councillor Gwen Griffith (a member of this Planning Committee) in relation to item 5 on the agenda (planning application C13/1120/16/LL);

- Councillor Sian Gwenllïan (not a member of this Planning Committee) in relation to item 5 on the agenda (planning application number C13/1205/20/LL);
- Councillor Michael Sol Owen (a member of this Planning Committee) in relation to item 5 on the agenda (planning application C13/1209/45/LL).

It was noted that Councillor Ann Williams had obtained legal advice that she had a prejudicial personal interest in relation to planning application number C13/0766/13/LL as a member of her family had objected to the application. Under these circumstances, the Councillor did not participate in the discussion on the application as the local member.

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

2. MINUTES

The Chair signed the minutes of the previous meeting of this committee held on 16 December 2013 as a true record.

3. 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.

1. **Application No. C09A/0412/26/LL – Land Adjacent to Hen Gapel, Ffordd Waunfawr, Caeathro**

Construction of 12 houses along with the creation of a new access and drainage work.

The officer requested for the application to be deferred as the Joint Planning Policy Unit needed time to assess the Linguistic and Community Impact Assessment submitted and then for the relevant information to be included in the report to the Planning Committee.

It was proposed and seconded to defer the application.

RESOLVED: To defer the application.

2. **Application no. C13/0049/11/LL – 346-350, High Street, Bangor**

Application to convert floors above the existing shop into seven additional self contained units (to provide eight units in all) and to provide three parking spaces to the rear of the site together with retrospective matters which include alterations to the shop front in order to form two retail units, installation of security shutters and CCTV cameras.

- (a) The Senior Planning Service Manager elaborated upon the background of the application by explaining that the existing building was quite substantial and that it was located within a terrace of buildings that varied in size and design along Bangor High Street. The proposal was to create seven relatively small self-contained units on the second floor and one two-storey unit with three bedrooms that would extend to the third floor in one part of the building. The building extended substantially to the rear of the site and there was a yard at the back. In the past, the building had been used as a single shop.

Reference was made to the relevant policies, namely C1, C4 and mainly CH15 of the Unitary Development Plan (GUDP) which related to the conversion of floors above shops and commercial units into flats or residential units. The building was surrounded by a

variety of commercial and residential buildings and the proposed use was in keeping with this area. Therefore, it was considered that the proposal complied with the requirements of policy CH15.

It was proposed to provide 3 parking spaces within the curtilage of the building with public parking located a stone's throw from the building. It was not considered that the proposal would add to the traffic or the traffic-related noise in a way that would cause significant harm to local amenities. The Transportation Unit had no objection. Other objections were concerned about the lack of parking spaces. After considering all material planning matters it was considered that the application complied with the GUDP.

- (b) Neither the applicant nor the objectors were present.
The Local Member (not a member of this Planning Committee) was not present and had not submitted observations before hand.

Proposed and seconded – to approve the application.

- c) In response to observations made by Individual Members, the Senior Planning Service Manager noted as follows:
- Observation regarding the Community / City Council changing its views:
It was noted that the latest response would be accepted for the planning application. Following the response from the Community / City Council following the second consultation, there was no objection to the application on the grounds that an additional 5 parking permits would be granted in the city centre in addition to the 3 marked bays so that there would be a parking space for each unit.
The Planning Committee could not control this by means of planning conditions and the Senior Planning Service Manager explained that the Transportation Unit did not object to the application.
 - That the number of parking bays was low considering the number of residents who would be living in the units, as well as those who would be working in the shop.
It was explained that the parking provision for 3 vehicles proposed in the application was to be welcomed because:
 - this was in addition to the current provision, and
 - parking spaces on the outskirts of the city centre were scarce.
 It was highlighted that there was on-street parking provision and a pay and display car park adjacent to the building.
 - The building was only used for commercial use at present - for storage purposes for the shop.

RESOLVED to approve the application

Conditions:

Ensure that the development is completed in accordance with the plans

Slates on the roof

The car parking area must be completed in total accordance as shown on the enclosed plan prior to the commencement of the residential use approved here

Safeguard parking areas and the bin compound for this use only

Welsh Water conditions

Details of the security shutter to be as agreed

Highways Note

- 3. Application number C13/0766/13/LL - Land near Plas Ffrancon Leisure Centre, Lôn Newydd Coetmor, Bethesda.**

Construction of 24 residential units to include a mixture of semi-detached houses and flats, creation of new vehicular access and estate road.

- (a) The Senior Planning Service Manager elaborated on the background of the application and noted that this was a full application to erect 24 living units, including 16 affordable units. The site was now redundant and it was partly located within the development boundary and partly outside the boundary of Bethesda which had been designated as a Local Centre in the Gwynedd Unitary Development Plan (July 2009). This site was considered to be previously developed land and was therefore defined as a Brownfield site. The proposed layout of the site showed that there would be 11/12 units within the development boundary and 12/13 units outside the boundary.

Reference was made to policies C1, CH4 and CH7 as the most relevant to the application which referred specifically to locating new developments within development boundaries if they comply with criteria. Reference was also made to an extant planning application (C10A/0206/13/AM) that had been approved on 15/12/12 to construct 8 dwellings on the site, including 2 affordable dwellings, on the part of the site that lied within the development boundary.

It was highlighted that the Town Council objected because a substantial part of the plan was outside the development boundary. The objections received as a result of the public consultation were all material planning observations / considerations.

Other sites within the development boundary had been identified for development and therefore it was not considered to be sufficient justification for a new development outside designated boundaries and therefore that it was an application that did not satisfy the basic requirements of the Council's planning policies and guidelines, or national policies and guidelines. The Senior Planning Service Manager emphasised that the application was contrary to the GUDP.

Matters requiring more information, such as drainage and pollution and the impact on the restricted capacity of the primary school, had not been discussed with the applicant as the Planning Service was of the opinion that the site was outside the development boundary and thus was unacceptable.

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

Agent

Confirmation had been given by the Housing Strategic Unit for the need in Bethesda for residential units that provided accommodation with 1, 2 and 3 bedrooms, therefore it was astounding that the officers were questioning the need for affordable housing in Bethesda. The observations of the Policy Unit confirmed that the development boundary was tight around the existing built form of Bethesda and there were very few obvious opportunities to develop affordable housing within the development boundary. In addition, an additional site plan identified affordable units within the site, it was noted that 100% of the units outside the boundary were affordable. In addition, 18 letters in support of the application had been received from local residents and beyond which expressed support to the application and details of the demand for affordable housing in the area.

Policy Unit regarding the Linguistic Assessment

It was not believed that the scale of the proposed development was likely to cause significant growth in the population that would have a detrimental impact on the Welsh language in this area.

The mixture of houses proposed made the development attractive to the local population, in particular for families with children and thus would be beneficial to the Welsh language.

- (c) Taking advantage of the right to speak, the agent noted the following observations:
- That the development was responding to the need for affordable housing in Bethesda and was a mixed development of 1, 2 and 3 bedroom houses which again responded to the demand.
 - All units located on the site outside the boundary (67% of the site in total) were affordable houses.
 - A grant of £630,000 had been earmarked to develop small units on the site. The grant had now been withdrawn, however it had not been earmarked for any other site therefore there was potential for it to be re-allocated should the application be approved.
 - The Housing Strategic Unit had commented on three different occasions that there was a need for affordable housing in the area.
 - The Joint Planning Policy Unit had commented that the development boundary had been drawn tightly around Bethesda and that there were very few obvious opportunities to build affordable housing within the local centre.
 - Although another two sites had been identified in Bethesda for development, it was noted that there was strong objection to these sites, in particular in relation to the site of the former Austin Taylor factory which was at risk of flooding.
 - The development would be ready for development within the next months if permission was granted.
- (ch) The Local Member was not permitted to speak for legal reasons as a member of her family had objected to the application.
- (d) It was proposed and seconded to refuse the application.

Members' Observations

The proposal of the development was encouraging, responded to the demand for affordable housing in the village and was a Brownfield development. Nevertheless, half of the development was obviously outside the Bethesda development boundary. The site was ideal to accommodate the extant planning permission for 8 houses to be built on the site.

In response to the Members' observations, the Senior Planning Service Manager emphasised that half of the site was inside the development boundary; therefore, there was an opportunity for the applicant to return and have a higher density on this site, which was within the boundary, and this again would meet the need for affordable housing.

RESOLVED to refuse the application.

Reason:-

The part of the proposal which involves developing a rural exception site is not acceptable due to its scale and lack of justification of the need to develop a rural exception site in Bethesda. Therefore, the proposal is considered contrary to policies C1, C3, CH4 and CH7 of the Gwynedd Unitary Development Plan as well as the Supplementary Planning Guidance: Affordable Housing, Planning Policy Wales, Chapter 9 (Edition 5, 2012) and Technical Advice Note 2: Planning and Affordable Housing as the site is outside the Bethesda development boundary and no evidence has been submitted that justifies approving the application to develop the rural exception site in order provide affordable housing for local need.

4. Application number C13/0873/44/LL – Greenacres Caravan Site, Morfa Bychan

Relocation of site for 45 touring units on the existing Pitch and Putt site and erection of toilet block, installation of service road and landscaping.

- (a) The Senior Planning Service Manager elaborated on the background of this full planning application that related to relocating 45 units / touring caravans only within the caravan park and that it did not involve any new development. The existing touring caravans were in the centre of the park. The proposal was an opportunity to upgrade the caravan park by improving the existing quality of the site. This would include constructing a toilet block to include shower and toilet facilities, and a parent and child and disabled washroom. Office, storage area and dishwashing facilities. The existing access to the field, which was the subject of the application, would create a service road that would lead around the touring site; 45 hard standings would be installed along with electricity, water and television hook-ups. It was proposed to upgrade the open land and landscape by installing an arch-shaped *clawdd* that would be partly constructed from stone to create a screen and would be shaped to match the landscape. Footpaths and a notice board would also be created.

The site was located near (but outside) the village development boundary on land that was previously used for recreational purposes. This land was part of the prospective local designation of the Carreg Goch wildlife site.

Reference was made to policy D20 which approved proposals to increase the number of pitches, extensions to sites, relocation or exchange of sites if the proposal included a plan to ensure environmental and visual improvements, and met other criteria regarding the impact of the development on the local area.

In terms of consultations, it was noted that the Town Council objected to the application as the development would set an unacceptable precedent and would penetrate closer to nearby houses. A petition with 194 signatures on it objected to the application based on the loss of the buffer zone between the village and the site. Objections had also been expressed on the grounds of residential amenities, loss of a part of a wildlife conservation area and an increase in traffic.

In response to concerns regarding the Garreg Goch wildlife site, it was noted that an ecological and species survey had been completed and that the survey acknowledged that a part of the wildlife site would be lost as a result of the development. Nevertheless, the survey results also believed that the impact could be mitigated by means of mitigating measures that would provide a new habitat by not using land for playing pitch and putt, creating paths, raising awareness of the site by erecting notice boards and creating a nature reserve.

Reference was made to the fact that the development was of a high quality and was one that was likely to improve the environment and make a positive contribution to the local economy. It was considered that the application was acceptable in terms of the policies noted in the report in that the location, design, finish and form of the development was in keeping with the context of its location.

- (b) Taking advantage of the right to speak, the objector noted that the site was permeating closer to the village and that there was concern about losing the buffer (a mature *clawdd* and open land), which had been effective in terms of acting as a divide between both areas. She believed that relocating the touring caravans would create more noise, barbeque odours, refuse and would disturb residents in nearby houses. The local residents were also concerned about losing a wildlife site.

- (c) Taking advantage of the right to speak, the site's General Manager noted on behalf of the applicant that the quality and the existing facilities of the touring caravan site was low in comparison to the rest of the park and that this was having an impact on the park's grading. It was hoped to make the park safer and to redesign the land to a high standard. He noted that the plans had been designed by giving consideration to the nearby residents and to wildlife. It was intended to pour a substantial investment into the development in order to ensure that the park improved its quality, its facilities and its standards.
- (ch) The Local Member (not a member of this committee) noted the following main points:
- That the application should be refused based on the feelings and the views of the community. Although there was a high density of caravans in the park, this was not obvious from the road; nevertheless, the park was very close to the village and therefore a number of the residents of the village were expressing concern about the development.
 - Reference was made to the 1999 Plan that was formulated regarding Morfa Bychan where it specifically noted that the area in question had been designated specifically as a buffer zone and pitch and putt site, between the village and the caravan park.
 - Reference was made to a petition that had been signed by 194 people in the village who objected to the development – this was the majority of the village's population.
 - It was proposed that the existing site should be redeveloped, rather than relocating and permeating closer to the village.
 - Concern that traffic jams would be created near the entrance (which was very close to the homes of the community's residents).
 - He proposed that the Committee should hold a site visit before making a decision.

In response to the observations of the Local Member, the Senior Planning Service Manager suggested that the main concerns related to residential amenities and the visual impact and therefore he proposed that the committee should consider deferring the decision and visit the site.

- d) The following observations were noted in favour of approving the application:
- That the development was an improvement
 - It was a relatively small development to relocate and it was not a brand new development – there were insufficient planning reasons to refuse the application
 - In terms of Health and Safety – the proposed touring caravan site was in a safer site.
- (dd) The following observations were made in favour of not approving the application and holding a site visit:
- That so many local residents were objecting to the application.
 - The visual impact on the residents of the village of Morfa Bychan.

It was proposed and seconded that the Committee should visit the site.

RESOLVED to organise that the Planning committee visits the site.

5. Application number C13/0945/44/LL – Cefn, Morfa Bychan

Installation of a wind turbine measuring 11m to the hub with a total height of 13.8m to the tip of the blades (5.2KW).

- (a) The Development Control Manager elaborated upon the background of the application that related to erecting a wind and hydro turbine that would create clean energy on a domestic scale (power output of approximately 5.2KW). The site was located near a smallholding

known as Cefn in Morfa Bychan, located on agricultural land outside the Special Area of Conservation national land designation and set against a backdrop of rolling hills approximately 3.0km to the south-east of the boundary of Snowdonia National Park.

It was not believed that a proposal of this size would attract attention from nearby roads – only glimpses of the turbine would be seen. Vistas towards the site and coastline and the Park would see the turbine standing against the backdrop of the landscape. To mitigate the impact of the turbine on the landscape, a condition would be included to ensure that the turbine would be coloured grey, so that it blended in better into the background.

The Town Council objected to the proposal as the turbine would be located 200 yards from the main road and it would create a negative impact on the beauty of the area, on tourism and on the area's economy. Six letters had been received following the public consultation objecting to the application on the grounds of the impact on birds, noise impact, the turbine being an eyesore and the likelihood that it would create a negative impact on the area's character and that it would frighten horses.

The turbine would not have a substantial negative impact on the setting of the Park and therefore it satisfied the criteria of C26. No observations had been received from the National Park. It was not considered that the proposal would have a detrimental impact on the amenities of the nearby residential properties; therefore, the development complied with policies B23, B33 and C26 of the GUDP.

The turbine was also unlikely to cause harm to protected habitats and species and thus it was considered that the proposal was consistent with policy B15 of the GUDP. There would be no glare or shadows cast as it would be far away from nearby properties and no public footpath ran immediately past the site.

Having considered all the policies and relevant planning matters it was not believed that the development to erect the 13.8m high wind turbine would have a significant negative effect on the landscape, and in the context of national policies relating to renewable energy and local policies relating to the landscape, amenities and renewable energy, it was not believed that the proposal was contrary to these relevant policies.

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

Joint Radio Company Ltd. - Did not foresee interference with water and electricity utility radio systems.

(c) The Local Member (not a member of this committee) noted the following main points:

- That the application should be refused on the grounds that the area was special and was very popular with tourists.
- Erecting the wind turbine would have a detrimental impact on wildlife.
- If the turbine would measure 13.8m high, the blades would be clearly visible from Morfa Bychan beach.
- He asked the Committee to carefully weigh up any impact on the landscape against economic interests.
- The turbine was very close to popular public footpaths and bridleways.
- Precedent – if one was approved, it would open the door to further applications for wind turbines in areas of natural beauty.

Proposed and seconded – to approve the application.

(ch) The following observations were noted in favour of approving the application:

- There was no evidence that wind turbines had a negative impact on tourism.

- The turbine was to be erected in a rolling landscape.
- Necessity to be open to realistic ideas on how to produce energy.

(d) The following observations were made in favour of not approving the application and holding a site visit.

- The designated area was very popular with ramblers.
- The turbine would have a detrimental impact on tourism – the county depended on tourism.
- No observations had been received from CADW – there was no reference to Cricieth Castle in the report – the turbine was likely to be visible from the castle.
- A number of establishments had not provided observations.
- The Transportation Unit had noted ‘general’ comments.
- Did the turbine have to be 13.8m? Condition proposed to erect a smaller turbine – 11.1m? (Development rights permitted (in some cases) homeowners to erect wind turbines measuring up to 11.1m high in accordance with the Town and Country Planning (General Permitted Development) (as amended) (Wales) Act 2012: Class H – Independent wind turbine).

(dd) In response to the final observation regarding the height of the turbine, the Development Control Manager noted that no condition could be imposed to erect a smaller turbine as there was a need to respond to the application before the Committee and that this was the information that had been submitted – changing the size could mean that the turbine would not work effectively.

In accordance with Procedural Rule 22(6), the following vote was recorded to **approve the application**:

In favour of the proposal to approve the application, (8) Councillors Elwyn Edwards, Gwen Griffith, Dyfrig Jones, June Marshall, Dafydd Meurig, Ann Lloyd Jones, John Pughe Roberts, Eurig Wyn.

Against the proposal to approve (6) Councillors Endaf Cooke, Louise Hughes, W. Tudor Owen, Eurwyn Williams, Hefin Williams, Owain Williams.

Abstaining, (1) Michael Sol Owen

RESOLVED to approve the application

Conditions:

- Commence the work within two years
- Work in accordance with the plans
- Colour
- Noise
- Shadow casting
- Details of ancillary equipment to be submitted
- Decommissioning

6. Application number C13/1047/35/LL – Former Council Depot, Maestyngellhesg, Cricieth

Change of use of former council depot into a domestic dwelling

(a) The Development Control Manager elaborated on the background of the application and noted that the site was currently used as a storage area in association with the applicant’s business. It was noted that the building was a former Council depot that had been sold to

the applicant in 2009. It was elaborated that a strict covenant was on the property as part of the sale and that this prevented any residential use being made of the site. It was noted that the covenant did not prevent the Committee from granting permission and that it was not a material planning consideration for it to consider as part of the decision.

It was noted that the Public Protection Unit had noted that the site could be contaminated considering the historical use made of the site. It was noted that a request had been made by the Planning Officers to receive a piece of desk research from the applicant to assess the potential risk of pollution on the site. It was noted that the application could be approved subject to receiving an assessment of the potential risk.

- (b) Taking advantage of the right to speak, an objector noted that the proposal would mean that her house, along with the house next door, would experience a substantial loss of privacy and overlooking into a number of rooms.
- (c) The local member (a member of this Planning Committee), noted that he agreed with the officers' recommendation.
- (ch) A member noted that the proposal would not lead to overlooking into nearby houses and that the covenant that prevented any residential use was not a planning matter. The observation in terms of overlooking was reiterated by another member.

A member noted that he sympathised with the objector in terms of overlooking. In response, the Development Control Manager noted that the small dormer window proposed in the roof of the building on the northern elevation pointed away from the houses and that no changes would be made to the elevation of the building that faced towards the nearby houses. It was noted that an element of overlooking existed currently as the public road ran past the back of the building and nearby houses.

RESOLVED to delegate powers to the Senior Planning Manager to approve the application subject to receiving a desk study from the applicant to assess the risk of pollution which is acceptable to the Public Protection Officers, and the following conditions:

Commence the development within five years;
 In accordance with the submitted plans;
 Materials (slates and walls) to be agreed before any development is commenced;
 Withdrawal of permitted development rights for adaptations, extensions and curtilage buildings;
 Timber framed windows;
 No caravans within the curtilage of the site;
 Conservation-type roof lights;
 The garage/vehicle space will only be used for the benefit of the occupier of the dwelling of which it forms a part of and their visitors and for no other purposes; and it must be permanently retained in that way unless the local planning authority agrees in writing that this use can be varied.

Notes:

1. To inform Natural Resources Wales at once should bats be discovered during the building work;
2. Need to draw attention that the strict covenant imposed by the Council's Property Unit preventing it from being used for residential purposes is removed before work is undertaken on the property.

7. Application number C13/1052/22/MW – Dolbebin Slate Tip, Talysarn

Removal of material from a mineral works tip, along with ancillary processing work.

The members of the Committee had visited the site prior to the meeting.

- (a) The Senior Planning Officer – Minerals and Waste, elaborated on the background of the application and noted that there was a lack of detail in the application in the context of the drainage network and details regarding the restoration of the land and after-care.

It was noted that the Planning Unit needed to plan before hand in a sustainable way with aggregates in accordance with the Minerals Planning (Wales) Policy and Technical Advice Note (Wales) - Aggregates. In the context of the need for slate / hard rock waste, it was noted that there was no pressure on the Council to identify specific locations as there were sufficient resources available locally in Dyffryn Nantlle with activities in Tŷ Mawr/Tyn y Weirglodd, Pen yr Orsedd, Moel Tryfan and Twll Llwyd and in the County in general.

It was noted that the noise report submitted by the applicant noted that noise from the work would be 20 decibels higher than the background noise level in nearby sensitive houses and would even be nearing towards the level of 55 decibels, in addition to the pulverisation and screening work in the processing area, and work on the highest part of the tip would reach a noise level of approximately 67 decibels, which was way above the background noise level of 27 decibels.

It was reported that the main concern of local residents is the impact of noise and disturbance from the work, and that therefore the proposal is contrary to Policy B23 of the Gwynedd Unitary Development Plan (GUDP), and the idea of a 200m buffer zone between the work and nearby residents, with a house within 90 metres and a horse riding business within 25 metres and within 200 metres to Tanrallt and Bro Silyn houses.

It was noted that activities were carried out in the area already, therefore, it was likely that there would be an accumulative impact as a result of mineral excavation work should the application be approved. Therefore, it was considered that the application did not comply with the GUDP and that the application should be refused for the 4 reasons noted in the report.

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

Additional Observations of the Planning Officer

As was noted in the committee report, it was proposed to have a 7,500m² mineral works in part of the slate working tip measuring 3.16ha, along with ancillary processing work and an enclosed area on low land. The amended plans received on 12 December 2013 showed a smaller footprint for the ancillary processing area and the site compound to mitigate for the loss of heath land pasture as stated in the ecological report.

Having assessed the submitted details, and following a site inspection with the authority's biodiversity officer, it was found that the amended plans did not account for a parcel of land between the toe of the tip and the proposed ancillary area. Consequently the loss of rhos pasture was therefore in the region of 800m² as opposed to the 350m² stated in the ecological report. In addition to the loss of rhos pasture, the application plans also indicated that the extractive operation in itself would involve the loss of approximately 1,000m² of scrub woodland established on the tip's south western embankments and which included oak regeneration along with individual species of both mature ash and oak.

In response to the abovementioned concerns, amended plans and details had been submitted to the local planning authority, which indicated a reduced footprint of the ancillary processing area and site compound, reflective of the area referred to in the ecological report, and also a reduction in the extraction area in order to maintain the existing screen of scrub oak and ash on the tip's south-western embankments. Notwithstanding the intentions of the applicant in this regard, the amended plans as submitted to the authority on 9 January 2014, had been invalid, in that the area of working indicated on the eastern extent of the tip encroached up to 30m beyond the application boundary.

Whether or not any revised plans were received by the time of the committee, it did not alter the original consultation response of the authority's biodiversity section that there were no specific measures to compensate for the loss of rush pasture.

(The Senior Minerals and Waste Planning Officer noted that there was an error in the additional observations of the Planning Officer and that the amended plans had been validated. It was noted that there was a reduction in the processing area).

Further Representations Received

In addition to the letters of representation referred to in the committee report, a further fourteen letters had been received in support of the application on the following grounds;

- The proposal would have a limited impact on the environment and local wildlife,
- Historic removal of slate tips had improved the local environment and visual amenities of the area,
- The proposal provided an opportunity to make the best use of secondary waste aggregate resources,
- Employment opportunities for local people in a deprived area,
- Extended employment opportunities for other aggregate businesses in the area,
- Opportunities for agricultural diversification,
- Not considered that the proposal would have a detrimental impact on local people,
- Considered that decorative slate will have a wider market potential, bringing investment into the area,
- Several specialist assessments submitted in support of the application,
- Land could be restored to beneficial use following the cessation of operations,
- Questionable scientific grounds for objection on air quality and ecological impacts,
- Availability issues concerning slate produce from current sources.

In addition to the letters of representation referred to in the committee report, a further five letters of objection had been received on the following grounds;

- Impact of the proposal on the landscape character,
- Noise impacts on a tranquil area. Not possible to operate a mechanical crusher at this location without causing disturbance to local residents,
- Dust,
- Detrimental impact on local wildlife,
- Alternative transport methods suggested,
- Impact of the proposal on the social, linguistic and cultural fabric of the community contrary to policy A2 of the Gwynedd UDP,
- In breach of Policy A3 UDP with respect to the precautionary approach and a sustainable economy where appropriate mitigation cannot alleviate a serious detriment to the local community and environment,
- The proposal contrary to policies C9, C12 and C15 of the Gwynedd UDP with respect to the impacts on the amenities of local residents,
- The proposal contrary to policy C14 of the Gwynedd UDP, where no restoration or after use proposals had been submitted,

- The proposal contrary to policy C10 of the Gwynedd UDP and the need for the mineral. Other quarries in the Nantlle valley currently had sufficient reserves and were operating at reduced capacity,
- Detrimental impacts of noise and dust on two established recreational and tourism based business at Tanrallt which could result in the loss of employment for 17 people in connection with running and servicing these facilities. The proposal to quarry in this location would compromise the UDP's aims and objectives to develop tourism, self serviced holiday accommodation and a niche market for specialised activities under policies D13 and D14.
- Sufficient resources of slate waste already existed in the Nantlle valley without the need to remove material so close to residential properties,
- Employment opportunities offered by the proposal would be offset by a reduction in demand from existing sites, resulting in job losses,
- Impact of the proposal on slate waste tips as a feature of the historic environment. Friends of the Earth supported the concerns expressed by residents and which had been identified in the planning report and further recommended that the application be refused.

(c) Taking advantage of the right to speak, an objector noted the following main points:-

- That the proposal was contrary to at least 13 policies within the GUDP,
- That the applicant had noted that five new jobs would be created by the development but that the community doubted this,
- It would threaten up to 17 existing full-time and part-time jobs at the Glyn Isfryn business and at Canolfan Tanrallt,
- The residents had a lack of confidence in the proposal due to errors in the application,
- No plans relating to water had been included in the application,
- Noise impact was a problem,
- Lack of restoration plans for when the work was completed,
- The processing site was too small and the environmental impact would be more serious than they currently acknowledged,
- The committee should agree with the recommendation.

(ch) Taking advantage of the right to speak, the applicant's agent noted the following main points:

- That the applicant was a farmer who was seeking to diversify,
- That the applicant had purchased the site in 2008 as an investment for the family's future,
- That permission had been received to create an access and a road to the site and for working the small tip,
- That the raw material in the small tip was not as good as the large tip and it was intended to work a small section of the large tip,
- That the applicant had reached a compromise in collaboration with the Council's Biodiversity Officer not to work on the smaller tip and to retain it as a natural buffer between the workings and Tanrallt, and in order to sustain the wildlife and the wild plants that currently covered the smaller tip,
- Dyffryn Nantlle was an industrial area, both historically and presently,
- That the area had experienced unemployment problems and was known to be a deprived area.
- The proposal would secure the future of the family and create jobs for local people which was a significant boost to the local economy,
- It was noted that two national companies had expressed an interest in the material and they intended to establish a processing and selling centre at Griffiths Crossing in Felinheli.

- (d) In response to the abovementioned observations the Senior Mineral and Waste Planning Officer explained that the approval for the work on the smaller tip had been granted under permitted development rights under Part 23B Permitted General Development Order 1995, and was therefore not a permission granted by Gwynedd Council.

It was proposed and seconded to refuse the application.

- (dd) The following observations were noted in favour of the recommendation:

- This development would generate additional noise to what was already in the area,
- That the officers' report was extensive,
- That it would have a substantial impact on the residents,
- The noise impact could not be mitigated as it was substantially louder than the level of background noise,
- That the proposal was to move a total of 150,000 tonnes over an eight year period and should an additional application be submitted for work on the remainder that it would take 60 years to move it, therefore there would be a long term impact on the residents,
- That the proposal was contrary to several policies within the GUDP,
- It would affect the area's air quality,
- The proposal of working 150,000 tonnes of the slate tip over an eight year period would cause traffic problems,
- No comprehensive information had been submitted in relation to the employment deriving from the proposal,
- Work opportunities were needed however the proposal would have a detrimental impact on nearby residents with noise and dust impacts and would affect the scenery as there was no aftercare plan,
- That the proposal would break the law in terms of noise levels,
- No restoration plans had been included and the application was premature.

- (e) The following observations were noted contrary to the recommendation:

- There was a presumption to approve applications with appropriate conditions,
- The road leading to the site had received permission,
- The aggregate workings on the site were in a depression in the land and there would be no detrimental impact on residents,
- That the hours of work on the tip from 8am to 6pm Monday to Friday and from 9am to 12pm on a Saturday were reasonable hours,
- Llanllyfni Community Council supported the application,
- Dyffryn Nantlle had been an industrial area in the past, and still was,
- The fact that there was already sufficient slate material in the area was not a reason to refuse, as competition would not be considered a planning matter in determining applications for other businesses such as shops,
- In relation to the concerns regarding noise impact on nearby residents, it was noted that the prevailing wind blew down towards the tip from the direction of the houses, therefore the impact on the residents' amenities would not be as detrimental as noted in the report.
- The small tip was nearer to the houses than the large tip, therefore working on the large tip would create more of a buffer zone between the residents and the workings,
- In relation to the objections stated due to concerns of compromising Gwynedd Council's application to UNESCO to include the Slate Quarries as a World Heritage Site, a member noted that there were quarries in his area which were identified by UNESCO as a World Heritage Site,
- That Dyffryn Nantlle was an Objective 1 Area, and there would be work opportunities for local people here, and it would be a boost to the applicant who was a farmer

given the reduction in the European grant and the pressure placed on farmers to diversify,

- This was an opportunity to recycle the slate waste and two national companies had expressed an interest in the material,
- There was a need to support small local businesses.

The Senior Planning Service Manager responded to the observations as follows:

- Four reasons for refusing the application had been noted in the report and the main reason was the impact the proposed scheme would have on the amenities of nearby residents within the buffer zone,
- If it were possible to approve with conditions, the Environmental Health Section would have suggested conditions to alleviate the noise impact,
- The information submitted to the Environmental Health Section by the applicant related to noise impact being 20 decibels higher than the background noise level without the processing work, and was therefore higher than the permitted maximum, and would cause statutory nuisance.
- That the Biodiversity Unit objected to the application due to the lack of information, and therefore it had not been possible to assess the impact on biodiversity.

- (f) In accordance with Procedural Rule 22 (6), the following vote **to refuse** the application was registered:

In favour of the proposal to refuse the application, (9) Councillors: Endaf Cooke, Elwyn Edwards, Gwen Griffith, Louise Hughes, Dyfrig Jones, June Marshall, Tudor Owen, Eirwyn Williams and Owain Williams

Against the proposal to refuse, (5) Councillors Anne T. Lloyd Jones, Michael Sol Owen, John Pughe Roberts, Hefin Williams and Eurig Wyn

Abstaining, (0)

RESOLVED to refuse the application

Reasons:-

1. In terms of the local and regional need for the mineral, it is considered that there are sufficient reserves of slate in Gwynedd and there is no requirement on the authority in terms of regional apportionment to provide further reserves or allocations of slate waste. The development therefore does not comply with National and Regional Planning Policy and Guidance or with the requirements of Policy C9, C10 and C15 of the Unitary Development Plan. To minimise the visual and environmental impact of mineral development on the Nantlle Valley, the authority would first need to consider extensions to existing sites.
2. In the absence of a scheme of restoration, aftercare and afteruse, it is considered that the proposal will have a detrimental impact on the visual amenities of the area both during the operational phase and upon the cessation of operations. As such the development does not comply with the requirements of Policy B10, C9, C14 and C15 of the Unitary Development Plan as well as national planning policy guidance
3. It is considered that the proposal alone, or in combination with other mineral developments in the area is likely to have a detrimental impact on the amenities of the area and is contrary to policy B23 of the UDP (amenities) and policy C12 (buffer zones).
4. It is not considered that sufficient information has been submitted with the application to determine the impact of the proposal on the local water environment and mitigation for

the loss of Rhos pasture included in the Section 42 list of Habitats of Principal Importance for the conservation of biological diversity and the proposal is therefore contrary to Policy B17, B33, C9, C14 and C15 of the Unitary Development Plan as well as national planning policy guidance in Technical Advice Note 5: Nature Conservation and Planning.

8. Application number C13/1147/41/LL – Harlech Food Services Ltd, Agri-Park, Llanystumdwy

Extension to warehouse.

- (a) The Development Control Manager expanded on the background of the application noting that the proposal involved a 1,000m² increase in the site's surface area. It was noted that the extension would not look out of place on the site and that it would appear as an original part of the building.

Attention was drawn to the observations of the Public Protection Unit that complaints had been received from local residents regarding the noise emanating from the existing building. It was noted that it was intended to construct a bund along the edge of the building to prevent some of the existing noise and that it was not intended to install any new plant / air extraction systems / cooling systems.

- (b) Proposed and seconded – to approve the application.

A member noted that he welcomed the proposal as the local company was one of the largest employers in the area. Another member reiterated these observations.

RESOLVED to approve the application.

Conditions:

Time - five years,
In accordance with the plans,
Agree on external finish and colour,
Withdrawal of permitted development rights,
Landscaping/bund

9. Application number C13/1120/16/LL – 2, 3, 5-9, 11, 13, 16-21, 23, 25, 26, 28, 29, 32-34, 36-38, Erw Faen, Tregarth, Bangor

Re-submission of a previous application for refurbishment works to 26 dwellings which will include removal of existing walls and their re-construction and other related works including environmental improvements within the estate.

Councillor Dafydd Meurig was elected to chair the discussion on this application.

- (a) The Development Control Manager expanded on the background of the application. She noted that following consultation with the residents, the proposal now included environmental improvements within the estate, namely to provide parking spaces, include traffic calming measures, landscaping etc. in addition to what had been proposed previously.

It was noted that the bat survey that was received had shown that there were no traces of bats within the houses and that the mitigation measures were acceptable to the Biodiversity Unit.

It was reported that 14 of the estate's houses were in private ownership and that changes had already been undertaken to the external elevations of some of the houses. It was noted

that a condition could be imposed to agree on the final external finish and this would ensure that the proposal was in keeping and consistent with general appearances in the area.

It was noted that it was inevitable that the proposed work would affect the amenities of the residents of the privately owned houses during the works phase and in order to seek to alleviate the residents' concerns a planning condition could be imposed that the applicant had to agree with the Planning Authority on a schedule of works, the timetables, parking for residents and workers before the work commenced.

It was noted that the improvements would involve a general improvement for the tenants of CCG and the owners of the private houses in terms of roads and parking provision. It was not considered that the development would have an excessive long term detrimental impact on the general amenities of the area.

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

Objectors' Observations

"The planning department's attention is drawn to additional information regarding the application which highlights serious health and safety issues namely the effect wind has on houses in Erw Faen. Submitted documents refer to wind issues at sites in Penygroes and Caerhun not Erw Faen. The recent storms have damaged our roof and a warning is given that this could happen again if work is carried out next door and generally within the estate. There is concern regarding the proposed works and having to live next door while works are carried out, if works had commenced at the time of the storm, it's possible that our house could have collapsed with residents inside. This has serious health and safety implications and puts people's lives at risk. This matter needs to be looked at while the application is still within the planning process."

Additional Bat Survey Report – A copy of the document had been submitted to the members.

- (c) Taking advantage of the right to speak, the objector noted the following main points:-
- There were a number of concerns including the impact on community amenities,
 - That 34% of the houses were in private ownership,
 - There was considerable difference between the work that had been completed on the private houses as opposed to the proposed works,
 - They had received a copy of additional information in terms of the bat survey on Friday, with many questions arising from it but they had not had the opportunity to make observations on the information,
 - He had been given to understand that the work at Talybont had been halted because bats had flown into the houses after the windows had been left open,
 - That the works schedule ran from June to February which was a nine month period and this could not be considered a short period of time,
 - There were two brief periods in April and September where work was not permitted in accordance to the licence, therefore the timetable was impossible,
 - He had not received sufficient response regarding the safety of the adjoined houses as the building work would be carried out,
 - As an objector, he asked the Committee to refuse work being undertaken at the house next door to his house,
 - The estate would be a massive building site for the duration of the works and the private owners would have to live amongst it all.
- (ch) Taking advantage of the right to speak, the applicant's agent noted the following main points:-

- That the intended substantial structural work was necessary to ensure that the houses reached the Welsh Housing Quality Standard in accordance with CCG priorities,
- The environmental work would improve conditions on the estate,
- Similar work had been undertaken at Caerhun and in other areas in Gwynedd,
- The amended application provided an additional and specific focus on the matters highlighted at the Committee held in July, with attempts to improve the environmental matters and to address the concern,
- There was an attempt to address the residents' concerns and to schedule the work as quickly and as effectively as possible,
- Most of the objections received were civil matters and were not planning matters e.g. the Party Wall Act and contract management arrangements.
- That CCG hoped that the application would be supported to ensure that the improvements took place.

(d) The local member (a member of this Planning Committee) noted her support of the proposal and she made the following main points:-

- There was a better standard to the plan in question compared with the original plan, which addressed the problems that existed and that had existed for many years.
- The fabrication of the houses meant that they were very cold and there was a need to undertake the work as soon as possible.
- That CCG had lessons to learn in terms of the importance of consultation as part of the planning process.
- There was a need to consult with all the residents from the outset to avoid a similar situation of community division in future.
- There were not many external changes to the private houses and it was important that the houses matched with what was currently there.
- There was a need to consult and have a clear understanding from the outset as to how the work would be carried out, including traffic management especially where there were narrow lanes and where residents had to live there while the work was being completed,
- There was a need to impose a condition to ensure fairness for the residents who would be living on the site during the work including the elderly, and those working nights.
- That the mitigating measures should be adhered to in relation to the bats.
- That she hoped that the work would proceed soon and that everyone would receive appropriate consideration.

(dd) Proposed and seconded – to approve the application.

A member referred to examples where there had been complaints about traffic management in other similar CCG developments in the area and suggested that a traffic management officer could be appointed to alleviate the problems.

In response to a member's observation regarding imposing a condition on the application that if work was to be undertaken next door or opposite a private house, the work should not commence too early or finish too late, the Development Control Manager noted that a condition could be included relating to operating times.

A member noted the importance of consulting with all residents including the owners of the private houses.

A member noted in similar developments that some workers had tended to be disrespectful of private housing owners and had ignored their requests and he hoped that this would change for the future.

RESOLVED to approve the application.

Conditions:

Time,

Comply with plans,

Materials,

No development to commence, until the Construction Method Statement has been submitted to the local planning authority and approved in writing and to include the following details:

- traffic management plan
- work / site management plan
- details of a phased development

Must adhere to the approved Statement throughout the construction phase unless agreed otherwise with the Local Planning Authority,

A note drawing the applicant's attention to their obligation to follow the requirements of the Party Wall Act,

Need to follow the suggestions and the mitigation measures as suggested in the bat survey, Landscaping.

10. Application No. C13/1205/20/LL – Land by Y Wern, Felinheli

A full application to erect 6 new houses to include 4 two-storey, two bedroom houses and 2 bungalows with two bedrooms, creation of access and a vehicular road and landscaping.

- (a) The Development Control Manager elaborated on the background noting that the proposal met the need for smaller housing. It was noted that it was proposed to create a direct access to the houses from the county road rather than using the existing road that served the Wern Estate as had been intended originally.

It was noted that amended plans had been received including a design that was more suitable for the front of the houses and therefore the proposal complied with Policies B22, B23 and B25 of the GUDP.

It was reported that a Language and Community Assessment had been received for the application and that a formal response was awaited from the Joint Planning Policy Unit as the proposal provided housing of reasonable size within the development boundary, therefore meeting the need for housing locally.

- (b) Taking advantage of the right to speak, the applicant's agent noted the following main points:-
- This was the first time for CCG to apply to build new housing in order to meet the need for smaller housing,
 - That collaborating with the Council's Strategic Housing Unit had been a priority,
 - A consultation event had been held in September at Ysgol Felinheli and a favourable response and strong support had been received from nearby residents,
 - That CCG was looking into the problems relating to the drainage work and it was hoped that the problems could be overcome through collaborating,
 - CCG welcomed the recommendation and it was hoped that the recommendation would be supported,
- (c) The local member (not a member of this Planning Committee) expressed support for the application and made the following main points:-
- That the site was currently unkempt wasteland,
 - That the site was ideal for the development as the primary school was located over the road,

- That it had been a priority for her since she had been elected to increase the number of affordable housing in the village,
- She was pleased that CCG were looking to invest in building new quality housing for local people,
- That the proposal increased the number of affordable rented housing in the area,
- That she had held discussions with CCG regarding investing in new housing and the need for rented housing for local people,
- That two large housing estates had been built in Felinheli in the 60s and 90s, beyond the local need and wishes, and consequently house prices and rent levels had substantially increased meaning that young families had been forced to leave,
- That the exhibition in an open evening had been successful with no local objection,
- She accepted that dealing with the watercourse and the culvert would be a challenge but it was hoped that the problems could be overcome,
- There was a direct access to the site from the main road and not in front of the Wern houses, which was an improvement,
- The proposal would have a positive impact on the Welsh language due to the need for housing for local people to strengthen the Welsh language in the village where there had been a fall in the number of Welsh speakers,
- It was an exciting development and it had been a mistake to sell Council houses in the 80s with a reduction in the housing stock causing economic problems and long waiting lists.

RESOLVED to delegate powers to the Senior Planning Manager to approve the application, subject to receiving favourable observations from the Joint Planning Policy Unit to confirm that there will be no harmful impact in terms of the language and the community and to relevant conditions involving:-

Five years

In accordance with the plans,

Natural slate,

To agree on finish of external walls,

Tree planting plan,

No work to be undertaken during the nesting season,

Level 3 Code conditions,

Agree on boundaries,

Withdrawal of permitted development rights for extensions and curtilage buildings,

Any other condition required as a result of the consultation period e.g. roads, Welsh Water.

11. Application number C13/1209/45/LL – Abererch Road, Pwllheli

Residential development of 4 two bedroom houses and 2 two bedroom bungalows.

- (a) The Development Control Manager elaborated on the background of the application noting that the proposal met the need for smaller housing in Pwllheli.

It was reported that the site currently included 31 garages and an electricity sub-station. It was noted that relocating the electricity sub-station was a civil matter between CCG and Scottish Power.

It was reported that a Language and Community Assessment had been received for the application and that a formal response was awaited from the Joint Planning Policy Unit as the proposal provided housing of reasonable size within the development boundary therefore meeting the need for housing locally.

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

Town Council – No objections.

Transportation Unit – No objection in principle to the proposal but noting that the Council would not adopt estate roads under 5.5 metres in width and therefore the road would be considered a private road. This would also be true for the parking bays adjacent to the electricity sub-station.

Scottish Power – Proposal affecting equipment within the site and until the applicant can show that there was no effect on the equipment they objected to the proposal.

Affordable Housing – Information from the housing register reflected the need for 2 bedroom units and this would also answer the need for smaller units due to the welfare reform changes to the tax on bedrooms. Superficial figures indicated that there was a need for 122 two bedroom houses and 49 two bedroom bungalows. They were also trying to obtain a grant for these units.

Biodiversity Unit – No observations.

Revised plans had been received changing the front elevation of the two-storey houses. The applicant had also noted that the estate road would not be adopted by the Council but they proposed to construct it to adoptable standards.

Welsh Water – Need to include standard conditions

- (c) Taking advantage of the right to speak, the applicant's agent noted the following main points:-
- That CCG had collaborated to identify the need and the priorities,
 - That consultation events had been held in Pwllheli and there was support from residents who lived near the development,
 - That the garages were now empty therefore there would be no impact on traffic flow or loss of parking spaces,
 - That the ongoing discussions with Scottish Power regarding relocating the electricity sub-station were very promising,
 - That there were technical matters that needed to be addressed and CCG was committed to securing collaboration in order to resolve those elements,
 - CCG welcomed the recommendation and it was hoped that the recommendation would be supported.
- (ch) Proposed and seconded – to approve the application.

A member noted that the site had deteriorated over the years and that he was concerned that the garages had asbestos roofs and that care should be taken when demolishing the garages on health and safety grounds.

A member noted concern that the road would not be adopted by the Council and that they should seek to reach an agreement in relation to adopting the road in order to avoid any problems in future.

In response to a question from a member regarding the procedure for ensuring that local people would occupy the houses, the Development Control Manager noted that the houses would be let in accordance with CCG's allocation policy.

RESOLVED to delegate powers to the Senior Planning Manager to approve the application, subject to receiving favourable observations from the Joint Planning Policy Unit to confirm that there will be no harmful impact in terms of the language and the community and to relevant conditions involving:-

Commence within five years.

Slates on the roof,

To agree on finish of external walls,

Withdrawal of permitted development rights for extensions and curtilage buildings.

Compliance with the requirements of Level 3 of the Code for Sustainable Homes – interim certificate.

Compliance with the requirements of Level 3 of the Code for Sustainable Homes – final certificate.

Any other condition required as a result of the consultation period e.g. roads, Welsh Water, Scottish Power.

The meeting commenced at 1pm and concluded at 5.00pm