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## PLANNING COMMITTEE 7/7/14

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**Present:** Councillor Michael Sol Owen – Chair  
Councillor Anne Lloyd Jones – Vice-chair

**Councillors:** Councillors Endaf Cooke, Elwyn Edwards, Gwen Griffith, June Marshall, Dafydd Meurig, W. Tudor Owen, John Pughe Roberts, Eirwyn Williams, Gruffydd Williams, Hefin Williams, Owain Williams and Eurig Wyn.

**Others invited:** Councillors Anwen Davies and W. Gareth Roberts (Local Members).

**Also present:** Gareth Jones (Senior Planning Service Manager), Cara Owen (Development Control Manager), Rhun ap Gareth (Senior Solicitor), Gareth Roberts (Senior Development Control Officer – Transport), Medi Emlyn Davies (Development Control Officer) and Bethan Adams (Member Support and Scrutiny Officer).

**Apologies:** Councillor Dyfrig Wynn Jones and Councillors Dilwyn Lloyd and Mair Rowlands (Local Members).

Councillors Elwyn Edwards, June Marshall, Dafydd Meurig, John Pughe Roberts and Owain Williams apologised for their absence from the site visit held on the morning of this Planning Committee.

### 1. DECLARATION OF PERSONAL INTEREST

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

- Councillor Anne Lloyd Jones in item 5 on the agenda (planning application number C14/0309/30/LL), because her husband was a member of the National Trust Council.
- Councillors Anne Lloyd Jones and Michael Sol Owen in item 5 on the agenda (planning application number C14/0372/14/LL), because they were members of the Board of Cartrefi Cymunedol Gwynedd.
- Councillor W. Tudor Owen in item 5 on the agenda (planning application number C14/0372/14/LL), because he owned property in Maes Gwynedd, Caernarfon.

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 Gruffydd Williams (a member of this Planning Committee), in relation to item 5 on the agenda (planning application C13/1137/42/LL);
- Councillor Michael Sol Owen (a member of this Planning Committee) in relation to item 5 on the agenda (planning application C14/0290/45/LL).
- Councillor W.Gareth Roberts (not a member of this Planning Committee) in relation to item 5 on the agenda (planning application C14/0309/30/LL).
- Councillor Anwen Davies (not a member of this Planning Committee) in relation to item 5 on the agenda (planning application number C14/0353/33/LL);
- Councillor June Marshall (a member of this Planning Committee), in relation to item 5 on the agenda (planning application C14/0384/11/LL);
- Councillor Gwen Griffith (a member of this Planning Committee) in relation to item 5 on the agenda (planning application C14/0414/16/LL);

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 June 2014, 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.

### RESOLVED

#### 1. Application no. C13/1137/42/LL – Clannad, Y Fron, Nefyn

Convert outbuilding to a residential dwelling together with construction of double garage, create new access and temporary siting of caravan.

Members of the Committee had visited the site before the meeting.

- (a) The Development Control Manager elaborated on the background of the application for permission, and noted that the application had been deferred at the meeting held on 28 April 2014, in order to hold a site visit.

It was noted that the main concern highlighted during the public consultation period was the access. It was reported that the visibility of the proposed access was an improvement compared to the current situation and that if the proposed access was refused then the applicant could use the existing access. The development complied with the Gwynedd Unitary Development Plan (GUDP) for the reasons noted in the report.

- (b) Attention was drawn to the additional observations received.
- (c) The local member (a member of this Planning Committee) objected to the application in relation to the unacceptable access and he made the following main points:-
- Local residents had expressed concern;
  - He referred to the observations of the Highways Unit;
  - He questioned the legality of the existing agricultural track;
  - Consideration should be given to using an access near Y Dderwen;
  - He, and the residents of Rhos Bryn Glas, were concerned that the proposal was protruding into the countryside.
- (ch) In response to the observations of the local member, the Senior Planning Service Manager noted:-
- That the proposal was acceptable in principle;
  - The existing agricultural track was a lawful track;
  - The situation in terms of road safety and the proposed access was not ideal but it was an attempt to provide a safer access;
  - When comparing safety in terms of the access, the new access was more acceptable in terms of visibility/safety.

The Senior Development Control Officer – Transport, noted that attempts were being made here to provide a new access with improved visibility at a substantial cost.

The Senior Planning Service Manager suggested that a condition could be imposed, should the application be approved, that the work on the access was completed before the house could be occupied and for the access to be restricted to the use of this house only.

Proposed and seconded – to approve the application.

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

- That a condition should be imposed to restrict the use of the access to this house only;
- That a condition should be imposed that the work on the access was completed before the house could be occupied.

In response to a question from a member regarding the need for the proposed access, the Development Control Manager noted that the applicant acknowledged that the visibility of the existing access was poor; therefore, they saw the benefit in obtaining a new access.

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

- That the main road near the application site was steep, dangerous and narrow and that cars parked along the side of the road;
- That the main road was even more dangerous when there was frosty weather;
- Concern in terms of the location of the proposed access and visibility.

(e) An amendment to defer the application so that Officers from the Transportation Unit could measure the visibility splays of the access to confirm that they were in line with national standards, was proposed and seconded.

The Senior Development Control Officer – Transport emphasised that measuring the visibility splays from the new access would not change the existing observations made by the Transportation Unit as it only compared the visibility from the existing access and the proposed access. Again, it was noted that the proposed access provided better visibility than the existing access.

A vote was taken on the amendment and it fell.

(f) 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 (10)**, Councillors: Elwyn Edwards, Gwen Griffith, Anne T. Lloyd Jones, June Marshall, Dafydd Meurig, Michael Sol Owen, W. Tudor Owen, Eirwyn Williams, Hefin Williams and Eurig Wyn.

**Against the proposal to approve (2)**, Councillors: Endaf Cooke and Owain Williams.

**Abstaining (1)**, Councillor John Pughe Roberts.

**RESOLVED to approve the application.**

Conditions:

1. Time
2. Comply with the plans dated 12 November 2014 and the amended plans dated 13 February 2014
3. Slates to be agreed

4. The materials for the garage to be agreed
5. Conservation roof lights
6. Withdrawal of permitted development rights
7. Landscaping as noted in the plan dated 13 February 2014
8. Agree on the materials of the road
9. Welsh Water conditions
10. Caravan on a temporary basis only
11. Implement the recommendations of the Bat Survey / provide a bat roost prior to commencing the work.
12. Restrict the use of the new access to this house only and establish the new access before the new house is occupied.

## 2. Application no. C14/0290/45/LL – Ysgubor Wen, Penrallt, Pwllheli

A new house for an agricultural worker

The discussion on the above application was chaired by the Vice-chair.

- (a) The Development Control Officer elaborated on the background of the application and noted that the site was in the countryside with the development boundary of Pwllheli located approximately 150m to the south-west.

In accordance with policy C1 of the GUDP, special justification was required to approve the construction of new houses in the countryside, and such applications were only approved in exceptional circumstances.

Based on the information submitted as part of the application, it was questioned whether the applicant had a genuine need for an agricultural house on the application site, and there was doubt as to whether or not the size of his holding and current stock numbers were sufficient to maintain one full-time agricultural post to justify a new house. It was noted that the majority of the applicant's stock was kept on land in Llanaelhaearn; therefore, the functional need for an agricultural house on land in Ysgubor Wen was questioned.

It was noted that the holding was in very close proximity to the town of Pwllheli and considering that there were only 19 acres of land in Ysgubor Wen, accommodation in the town would be suitable to serve the venture on the land in question. No details had been submitted to show that efforts had been made to find suitable accommodation in Pwllheli or the vicinity and no explanation had been received as to why the houses for sale in the area were not suitable.

It was considered that the proposal was contrary to policies C1 and CH9 of the GUDP, Supplementary Planning Guidance: Building Rural Houses in the Countryside, and Technical Advice Note 6: Planning for Sustainable Rural Communities.

- (b) Attention was drawn to the additional observations received.
- (c) Taking advantage of the right to speak, the applicant's agent noted the following main points:-
- That the first application had been refused as insufficient investment had been made in the venture;
  - The applicant had received a grant from the Assembly which confirmed that sufficient investment had been made in the venture;
  - That the Business Development Officer, Farmers' Union of Wales, supported the applicant and noted that there was a need for a house on the holding and that enough money had been invested in the venture;
  - That the applicant had satisfied the criteria to receive the Single Farm Payment;

- That the applicant would rent land closer to the site if possible;
- It was not possible to build on the rented land in Llanaelhaearn due to its location on a mountain-side;
- That the sheep came down from the mountain in the winter and were kept in the shed in Ysgubor Wen where they would lamb;
- That he had a 20 year lease for the land;
- That a letter from Pwllheli Town Council showed that a house had been there in 1965 and that a planning application for an extension on the house had been approved in 1966.

(ch) The local member (a member of this Planning Committee), supported the application and he made the following main points:-

- There were many positive features that should be considered;
- The application should be considered as special justification under policy C1 of the GUDP;
- The application satisfied criterion 1b under policy CH9 of the GUDP as there was no doubt that the applicant was a full-time farmer;
- The application satisfied criterion 4b under policy CH9 of the GUDP as there was no house on the unit at present or any suitable buildings nearby that could be converted into a house;
- There was obvious evidence of a firm intention and ability to develop the rural venture with recent investment made in an agricultural track and shed on the site and thus that the proposal satisfied the criteria of paragraph 4.6 of Technical Advice Note 6;
- The Committee should consider approving the application.

It was proposed and seconded to refuse the application.

(d) During the discussion, the following observations were made:-

- The FUW was supportive of the application;
- The *hafod* and *hendre* method of farming meant that sheep came down from the hills in the winter to land that was closer to the sea and had a warmer climate;
- Insufficient emphasis/support was given to agriculture-related applications;
- The applicant lived in Pencaenewydd and there was too much distance to travel back and forth to the holding;
- A venture of this type assisted to maintain a rural economy;
- The need had been proved;
- A house of this size was needed as the applicant had three children; therefore, a four bedroom house was required;
- The applicant had invested and undertaken work on the site;
- Agricultural land of a substantial size was not available to rent/purchase nowadays, and farmers rented/purchased a number of smaller fields to farm.

(dd) In response to these observations, the Senior Planning Service Manager noted:-

- That special justification was needed to construct a house in open countryside;
- That there was no doubt that the applicant was attempting to establish an agricultural venture;
- That the applicant intended to increase the size of the venture which highlighted that it was a new venture and that the evidence at present did not convince them that the business venture was viable at this point in time;
- That there was no functional justification to approve the application;
- That the site was in very close proximity to the town of Pwllheli and that houses which could satisfy any functional need were located there;

- That the Council had supported the applicant in the past and approved a retrospective application for an agricultural track and that the Committee had approved an agricultural shed on the site;
- If the Committee decided to approve the application, he would have to refer the matter to a cooling-off period as this would be completely contrary to the UDP.

- (e) In response to a question from a member regarding whether or not the applicant received the single payment, the Senior Planning Service Manager noted that it was not a planning matter but that the Committee, if it wished, could defer the decision on the application in order to receive more information about the venture.

It was proposed and seconded to defer the application.

**RESOLVED to defer the application in order to receive more information about the details of the business.**

### 3. Application no. C14/0309/30/LL – Plas yn Rhiw, Rhiw

Create a new overflow car park and new footpath from the proposed car park to Plas yn Rhiw.

- (a) The Development Control Officer elaborated on the background of the application and drew attention to the fact that the application site was within the Llŷn Area of Outstanding Natural Beauty and that the Plas yn Rhiw property was a Grade II\* listed building and that the land surrounding the Plas had been designated as a historical park in the Register of Landscapes, Parks and Gardens of Special Historical Interest in Wales.

It was noted that the proposed car park was not located within the historical park and that the exact location of the footpath had been amended in order to avoid the nearby trees and thus there was no detrimental impact on the appearance of the historical park or on the setting of Plas yn Rhiw as a listed building. It was noted that the application complied with the UDP.

- (b) The local member (not a member of this Planning Committee), supported the application and he made the following main points:-
- He was surprised that the application was being submitted before the Committee as the vast majority of the comments were positive;
  - Plas yn Rhiw was a special place with approximately 15,000 visitors each year;
  - The car park filled up at busy periods;
  - Surfers parked on the road at present and the car park would improve safety on the road;
  - It was noted in the report that two anonymous letters had been received as part of the public consultation, and not giving status to letters received anonymously should be considered.

Proposed and seconded – to approve the application.

- (c) In response to a member's question regarding whether or not the car park would be free of charge, the Senior Planning Service Manager noted that it was not a planning consideration.

**RESOLVED to approve the application.**

Conditions:

1. Commence within five years.

2. In accordance with plans.
3. Complete the car park in accordance with the requirements of the local planning authority prior to commencing use of the development.
4. Landscaping
5. No drainage to be undertaken on the land and no spoil to be poured onto the wet grassland habitat between the proposed vehicular access and proposed pedestrian access.
6. Work to be completed in accordance with additional information received via e-mail on 27 May 2014.
7. Overflow car park only.

**4. Application no. C14/0353/33/LL – Land near Tu Hwnt i'r Afon Farm, Rhydyclafdy.**

Construction of storage shed for non-hazardous agricultural materials and exercise equipment for personal use only, along with alterations to access.

- (a) The Development Control Manager elaborated on the background of the application and drew attention to the fact that the application was a resubmission of an application refused by the Committee on 3 March 2014.

The site was in open countryside and outside the development boundary and within a Landscape Conservation Area.

It was reported that the proposal was to construct a shed for storing training equipment for a strongest man competitor and storing tools and agricultural materials. It was noted that only 40m<sup>2</sup> of the floor area of 180m<sup>2</sup> would be used for the storage of agricultural materials/equipment which meant that the main use made of the proposed shed would be as an exercise equipment storage shed.

It was noted that it was considered that the proposal was contrary to policy C3 of the GUDP as the proposed use was unsuitable for the site because of its location in open countryside.

It was noted that the unique circumstances were realised and appreciated but that this in itself did not outweigh the policy position and that the recommendation was to refuse as the proposal was contrary to policies C1, C3, CH44, CH46, D5, D7 and D9 of the GUDP.

- (b) Taking advantage of the right to speak, the applicant's representative noted the following main points:-
- That the application before the committee was for an agricultural shed with a proportion for exercise equipment;
  - That a shed had been on the site previously;
  - That the applicant rented land near the site and that the family's farm was across the road;
  - That the majority of the stone on the site had been cleared and stone walls had started to be built there;
  - That the increase in traffic would be minimal.
- (c) The local member (not a member of this Planning Committee), supported the application and she made the following main points:-
- That the applicant's son required a purpose-built place to train with specialist equipment;
  - Expressed disappointment as the previous application had been refused;
  - That the proposal would lead to an improvement in the appearance of the site;
  - That renting an industrial unit was not an option;

- That there was a need to support the young man who could represent Wales internationally in the future;
- That he was the only member of the Welsh team who had to train outside;
- That a petition supporting the application had reached 1,000 signatures;
- That it would be a substantial improvement to the site with stone walls being built there already;
- That a local young man should be supported;
- That she was strongly in favour of the proposal.

Proposed and seconded to approve the application contrary to the officers' recommendation.

(ch) During the discussion, the following observations were made:-

- The shed would be used to store agricultural equipment and materials and contrary to the previously refused application, it was now noted that the exercise equipment would be for personal use only;
- The site looked unkempt and the proposal would tidy the application area;
- That local young people should be supported;
- Previously opposed to the application, but as it was now noted that the equipment would be for personal use, now in favour of approving the application;
- That a condition should be imposed to plant trees to screen the shed if needed;
- That the proposal complied with policies C3, CH46, D5 and D7 of the GUDP;
- Would it be possible to impose a condition that the use was temporary on the permission, and that it should be pulled down after a period of time?
- That there was a need to protect the countryside and that there was a need to exercise extreme caution when approving exceptions;
- That consideration should be given to imposing a condition that the caravan should be removed from the site;
- That competing in such competitions required substantial dedication and that the application should be supported.

(d) In response to these observations, the Senior Planning Service Manager noted:-

- That the shed's appearance would be of an agricultural nature and that materials such as tyres for exercising purposes would mainly be stored there;
- Agreed with the concerns in terms of approving exceptions and that this was reflected in the report and the recommendation from Officers to refuse the application;
- If the Committee was of the opinion that there were exceptional circumstances in this case, then a condition could be imposed to restrict the use to personal use only;
- That this was a permanent application and that it was unreasonable to restrict the use to temporary use;
- Consideration could be given to imposing a condition to remove the caravan.

**RESOLVED to approve the application.**

Conditions:

1. Five years
2. External materials
3. Alterations to access
4. Removal of the caravan
5. Personal use condition



**5. Application no. C14/0372/14/LL – Maes Gwynedd, Caernarfon.**

Creation of parking spaces

Councillor Gwen Griffith was elected to chair the discussion on this application.

- (a) The Development Control Officer elaborated on the background of the application and noted that the proposal was acceptable in principle and that a positive response had been received to concerns raised by local residents when adapting the plan.
- (b) In response to a comment from a member in relation to the layout of the parking spaces, the Chair suggested that the member could send a letter to Cartrefi Cymunedol Gwynedd with the suggestion.

**RESOLVED to approve the application.**

Conditions:

5 years

In accordance with the revised plans

**6. Application no. C14/0384/11/LL – 52, Holyhead Road, Upper Bangor, Bangor**

Application to make internal changes to provide two additional bedrooms within a house in multiple occupation

- (a) The Development Control Manager elaborated on the background of the application and noted that the application proposed internal changes to create two additional bedrooms and provide en-suite bathrooms in each bedroom, and that no external changes were proposed.

It was noted that there was no specific planning policy relating directly to intensifying the use of accommodation in multiple occupation, but the application would be assessed appropriately under the policies of the GUDP. It was reported that the proposal ensured reasonable privacy to users and nearby properties and improved the standard of living within the building; thus it was considered that the proposal complied with the requirements of policy B23 of the GUDP.

- (b) The local member (a member of this Planning Committee) made the following main points:-
  - She did not object to the internal improvements;
  - Two additional bedrooms led to a 25% increase in the density of the multiple-occupation accommodation which was an overdevelopment of a terraced house;
  - There were problems in this area with rubbish already and this proposal would exacerbate the situation;
  - There was a risk of setting a precedent for such developments;
  - There was an overprovision of student accommodation as confirmed by the University and letting agents;
  - It would not be possible to convert the building back into a family home in the future;
  - Multiple occupation developments in the area was a matter of concern for her and for the residents of Upper Bangor.
- (c) In response to the observations of the local member, the Senior Planning Service Manager noted:-
  - That there was a high density of this type of use in the area;
  - That the existing use was lawful;
  - That the proposal involved increasing the number of bedrooms as well as upgrading the existing facilities and as noted in the report, it had been assessed that the proposal was acceptable;

- In the context of problems with rubbish, the licensing and municipal systems addressed such problems. In addition, it was noted that a pilot scheme would be undertaken by the Highways and Municipal Department trialling a different method of waste collection from houses in multiple occupation.

Proposed and seconded – to approve the application.

- (ch) A member expressed her support to the observations of the local member in relation to refuse problems and that consideration should be given to imposing a condition, if the application was approved, that a refuse/recycling site was designated there. She added that discussions should be held with the University in order to confirm whether or not there was an overprovision of multiple-occupation accommodation in the City.

In response to a member's question regarding whether or not the building complied with fire safety regulations, the Senior Planning Service Manager noted that this was a matter for the licensing system.

In response to a member's observation regarding imposing a condition on the planning permission that the rear of the building should be tidied up, the Senior Solicitor stated that this was an application to upgrade the inside of the building, thus it was not possible to impose such a condition.

**RESOLVED to approve the application.**

Conditions:

Time

Plans

Welsh Water Note

**7. Application no. C14/0414/16/LL – Hafodty Barn, Lon Hafodty, Tregarth, Bangor**

Construction of a single-storey side extension and widening of the existing access to the site.

- (a) The Development Control Manager elaborated on the background of the application and noted that the three letters of objection received as part of the public consultation included purely civil matters. It was noted that the proposal was in accordance with policies B22-25 and CH33 of the GUDP and that the objections did not change the recommendation to approve the application with conditions.
- (b) Attention was drawn to the additional observations received.
- (c) Taking advantage of the right to speak, the objector noted the following main points:-
- His mother had lived in the adjacent house all her life;
  - There was a legal dispute regarding the easement on a right sold by his late mother to the developer and she was the one who had agreed that the applicant could connect to the sewerage system;
  - The proposal led to an overdevelopment and it would have a detrimental impact on their personal amenities;
  - He had not received a response to his objection from the developer;
  - He, or nearby neighbours, had not been informed of the application by the developer.
- (ch) The local member (a member of this Planning Committee), supported the application and she made the following main points:-

- She sympathised with the objector but she supported the application as the current house was too small for the family;
- The problems noted in connection to the septic tank were not a planning matter but the applicant should hold discussions with the objector regarding the matter;
- Widening the access would be a substantial improvement in terms of road safety;
- She hoped that the problems relating to sewerage would be resolved soon.

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

A member expressed concern that the proposal led to overdevelopment in the countryside and that the adaptations would mean that the house would be too expensive for local families if the house was sold in the future. In response, the Development Control Manager noted that it had been assessed that the proposal did not lead to an overdevelopment of the site.

**RESOLVED to approve the application.**

Conditions:

Time

Plans

Agree on stone for the external elevations

Slates on the roof

Welsh Water Note

Highways Note

**8. Application no. C14/0518/17/LL – Parking Space, Y Sgwâr, Fron, Caernarfon**

Create a formal parking area and install an interpretation and community information board for the village.

- (a) The Development Control Manager elaborated on the background of the application and noted that the proposal would formalise the current parking arrangements, would tidy up the site and would comply with the UDP.
- (b) Taking advantage of the right to speak, the applicant noted the following main points:-
- That the proposal was part of a broader project;
  - That the site was being used as an informal parking area at present;
  - That the Fron Development Group had received a legal deed from the landowner to use the land for parking purposes;
  - That it was intended to tidy up the area and designate parking spaces and kerbs;
  - That the interpretation information board would draw attention to the slate works in the area.
- (c) It was noted that the local member supported the proposal.

**RESOLVED to approve the application.**

Conditions:

5 years

Work in accordance with the plans

Materials

Highway conditions

The meeting commenced at 1pm and concluded at 3.30pm