
PLANNING COMMITTEE 28/07/14

Present: Councillor Michael Sol Owen (Chair)
Councillor Anne Lloyd Jones (Vice-chair)

Councillors: Councillors: Elwyn Edwards, Gwen Griffith, June Marshall, Dafydd Meurig, W. Tudor Owen, John Pughe Roberts, Eirwyn Williams, Gruffydd Williams, Hefin Williams, Owain Williams, Eurig Wyn and Dilwyn Lloyd (Substitute).

Others invited: Councillors Trefor Edwards, Gareth Thomas and R H Wyn Williams (Local members).

Also in attendance: Gareth Jones, (Senior Planning Service Manager), Cara Owen (Development Control Manager), Idwal Williams (Senior Development Control Officer), Arwel Ellis Jones (Corporate Commission Service Senior Manager), Iwan Evans (Legal Service and Cabinet Manager), and Glynda O'Brien (Members' Support and Scrutiny Officer).

Apologies: Councillor Endaf Cooke.

In accordance with the requirements of the regulations, Members are required to notify the Chair beforehand, or as soon as possible, that they have appointed a deputy to attend the committee on their behalf if they are unable to attend the Committee themselves.

1. DECLARATION OF PERSONAL INTEREST

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

- Councillor Trefor Edwards in Item 5 – Planning Applications Application Number C13/1136/15/LL as he was Chair of the Glyn Rhonwy Committee.

At the advice of the Legal Service and Cabinet Manager, the member was of the view that it was not a prejudicial interest and did not withdraw from the Chamber during the discussion on the above application.

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

- Councillor Hefin Williams (who was a member of this Planning Committee), in relation to item 5 on the agenda - (planning application number C14/0244/18/LL)
- Councillor Trefor Edwards (who was not a member of this Planning Committee) in relation to item 5 on the agenda (planning application number C13/1136/15/LL)
- Councillor R H Wyn Williams (who was not a member of this Planning Committee) in relation to item 5 on the agenda – (planning application number C14/0101/39/LL)
- Councillor Gareth Thomas (who was not a member of this Planning Committee) in relation to item 5 on the agenda – (planning application number C14/0508/18/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 7 July 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.

1. Application no. C14/0244/18/LL – Coed Rhydau, Llanddeiniolen, Caernarfon.

- (a) A report was submitted regarding a re-submission of a previously refused application under C12/1522/18/LL for the retention of the change of use of land for paintball games and extension of car park; together with the further extension of the car park, provision of a new track and base-camp, siting of container, buildings and bin and recycling store for use in connection with the base-camp and installation of a private treatment plant and creation of passing bays on the highway.
- (b) The Development Control Manager elaborated on the background to the application and noted that the site was located in open countryside within the area of Llanddeiniolen and designated by Gwynedd Council as a Wildlife Site. It was noted that the Planning Department had requested more information from the applicant giving a reasonable time for submission, and reference was made to the information received in the report as well as the information that had still not been received. It was stressed that the applicant was offered pre-application advice along with advice and extensive discussions prior to registering the application and when dealing with the application. It was noted that retrospective planning permission had already been approved for using part of the woodland for paintballing activities along with the creation of a car park, however, by now the approved car park had been extended and a wider area of woodland was being used for paintball games. The submitted application was seeking retrospective planning permission for this, along with new developments. Attention was drawn to the detailed description of the application in the report together with the responses to the consultations. Reference was also made to the late observations received as well as further correspondence from the applicant that supported previous correspondence. The applicant was advised that any hardstanding, containers/any buildings or structures must be located in a cluster in an individual location to avoid the creation of a fragmented and untidy development in the woodland. Whilst accepting that this type of activity required a rural location, the need for the application to be acceptable in terms of other considerations was stressed such as evidence in the form of an ecological report or mitigation plan to ensure that the scale and nature of the development was in keeping with this specific rural setting, designated as a wildlife site. It was noted that the area that had received consent for paintballing games had already been intensively used and expanding the site may cause less significant damage to the environment at this location. It was considered that the proposal was not suitable for its rural setting. In terms of visual, general and residential amenities only a very few houses were nearby and therefore it was not anticipated that there would be any impact on any nearby neighbours. However, in terms of visual amenities on their own no full plans to scale has been submitted for all the containers and therefore the full impact in terms of size, setting and design could not be considered. Nonetheless, it was considered that sufficient information has been submitted to be able to consider that the locations, nature and the number of all the structures including the containers were

unsuitable for this rural location and would be contrary to policies B22 and B23. As no plans had been submitted regarding the length of the existing access track and no confirmation that the existing car park would remain as it was, it was noted that it was difficult to assess the requirements for further soft landscaping and consequently this was contrary to policy B27 and did not conform totally to policy CH36. The Transportation Unit noted that spaces could be created to enable vehicles to pull in from the highway and therefore it was considered that it would be reasonable to provide planning conditions for these if the remainder of the proposal was suitable in terms of planning policies. The Biodiversity Unit and the Trees Unit objected the application on the grounds of land designation and tree felling had already taken place and it was considered that receiving an ecological report was vital in order to consider the impact of the development on the designation and on wildlife. Such activities can cause substantial harm to the habitat and the main concern was the new road and the base-camp centre that would have to be covered with stone and would therefore mean a permanent loss of habitat. Consequently, it was considered that the use was not suitable for this sensitive site and the information submitted was insufficient to fully assess the application. No information has been received either regarding drainage issues and therefore the suitability of the system for the site could be considered and it was therefore contrary to policies B32 and B33. Planning officers consider that all the proposed developments relating to the base-camp provision, the access track and all the containers and structures intended for the site are unsuitable for their rural location and therefore the proposal was contrary to the requirements of the relevant planning policies.

- (c) Taking advantage of the right to speak, the objector noted that he was a full-time farmer and had concerns if the application was approved:
- the safety of traffic on the narrow road he used regularly to attend livestock marts using a substantial sized lorry. Coming face to face with other vehicles on the narrow road would cause a huge problem and it was proven in the past that the road was dangerous with several accidents on the bend and some had been fatal.
 - Harm to the area's wildlife as the homes of various animals would be under threat
 - Increase in noise that would impair on animals and agitate them that may in turn create a safety problem for the public
 - Increase in litter.
- (ch) Taking advantage of the right to speak, the applicant noted that:
- That the application before them was not an extension but rather an application to provide vital facilities for the current provision
 - That it was a small enterprise with a reasonable number of parking bays (20) and it was not anticipated that there would be a need to increase the parking areas in the future
 - In terms of traffic and noise, that many letters of support had been received from individuals who lived nearby stating that they did not hear any noise from the enterprise
 - Biodiversity – whilst accepting that it was a local wildlife site, that approximately 1500 sites in Gwynedd had no protection either
 - That the site was one that could be protected as well as used for pleasure
 - They worked in collaboration with schools, community clubs and schoolchildren and it was essential to have a balance especially when it was raining to be able to provide appropriate shelter for refreshments
 - That the enterprise created local employment.

(d) The Local Member (not a member of this Planning Committee) noted the following concerns:

- the danger of traffic along a narrow road and reference was made to the report by the Police Road Safety Manager expressing concern and he agreed with the Transportation Unit report
- traffic at the junction to Deiniolen Road
- impact on wildlife
- overflow stemming from the activities into afon Cegin and into the sea in Bangor
- lack of detailed information
- harm and disturbance to farm animals who use the nearby fields
- passing bays – no assurance that these would receive consent or that there would be land available for them
- site unsuitable due to access, narrow road, overdevelopment in the countryside and lack of relevant information

(dd) A proposal was made to refuse the application in accordance with the planning officers' recommendation, it was seconded and a vote was taken.

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

- It would impair the views of the famous paths on Moelyci
- Local objections
- Lack of ecological report, matters regarding sewage and correct plans
- Whilst accepting that such activities were required for tourism and they were happy with the original application, that the application before them was a substantial overdevelopment and caused concern
- That many trees had been felled and would there be an opportunity to re-plant trees in their place

(f) In response to the last point above, the Development Control Manager noted that the trees had started to grow back.

Resolved: To refuse the application for the following reasons:

- 1. Insufficient information has been submitted as part of the application in the form of full plans in the correct scale, an ecological report and mitigation measures, and details of the sewage treatment plant and results of the porosity tests to enable this application to be assessed in full in terms of its impact on a wildlife site, impact on existing soft landscape and the site's trees, and impact of pollution on surface water flow and the quality of health, safety or human amenity or the environment. Therefore, the proposal is contrary to the requirements of Policies B17, B27, B32 and B33 of the UDP (2009); Supplementary Planning Guidance on Wildlife Sites (2010) and paragraphs 5.2.9, 5.3.11, 5.3.12 and 5.4.4 of Planning Policy Wales (2014).**
- 2. Although the information submitted as part of the application has not been sufficient, i.e. full plans to the correct scale to enable the proposal to be assessed in full, it is considered that enough information has been submitted to be able to consider that the scale, size, form, density, quality and dispersed location of the containers and structures; along with the scale, design, quality and standard of the general layout of the dispersed hard standings, access track and containers and structures are unsuitable for this rural site which has been designated a wildlife site, and would be an overdevelopment of the site. Therefore, the proposal is contrary to the requirements of policies B22, B23, CH46, D8 and D13 of the Unitary Development Plan (2009) which involve ensuring building design**

that respects the site, ensuring that sites are not overdeveloped, ensuring that the scale and nature of sports and recreational facilities developments in the countryside are in keeping with their rural setting, ensuring that the scale of the current development together with the proposal to expand does not cause significant damage to the amenities of the environment and ensuring that scale, type and character of the development, attraction and proposed facilities are suitable for their rural setting and that the design, layout and appearance of the development, attraction and proposed facilities are of a high standard.

2. Application no. C13/0995/11/LL – 137 High Street, Bangor

- (a) A report was submitted on a full planning application to demolish existing buildings and erect a new building to include two retail units on the ground floor and 49 student bedrooms and the creation of parking spaces, bin storage and landscaping.
- (b) The Senior Development Control Manager expanded on the application's background and noted that the Committee at its meeting on 28 April 2014, had resolved to defer the application in order that officers could discuss adaptations to the design and submit an amended plan, receive additional archaeological information as well as further information regarding the need for student accommodation. It was noted that some of the information was available in the additional package distributed to Members at the meeting. In terms of the design, it was noted that it had changed for the best and was more contemporary and traditional due to the slate roof and a traditional frontage had been created for the proposed retail units. In the context of the archaeological element of the assessment conducted by experts, it was noted that the majority of the original fixtures and fittings that belonged to the building had disappeared and the heritage significance was local rather than civic. It was further noted that the building was not listed and was outside the conservation area. However, it was recommended that a photographic record should be created of the building as it stands and this could be dealt with via a condition. As a result of the concern for the demand for more specific accommodation for students, it was noted that the applicant had commissioned experts in the field and it was evident that approximately 4,000 students had no purpose-built accommodation. The Policy Unit agreed with the figures, however, it was noted that a Bangor civic representative and the local member questioned this figure. The Policy Unit was contacted again regarding this matter and it was confirmed that there was a real need for purpose-built accommodation for students in the city. It was further noted that the need was quantitative and qualitative notwithstanding other similar consents in the past for student accommodation. Attention was drawn to one amendment in the planning officers' recommendation namely to withdraw the need to complete a 106 agreement. Officers were of the view that it would be a matter for the applicant to discuss with the Highways Unit as the building was central to the town and there were parking areas nearby. In addition, the applicant would implement a policy where students would not be allowed to bring cars into the centre of town – a system that works well in other areas of Bangor. The planning officers' recommendation was to approve the application with relevant conditions.
- (c) In response to a query regarding an excess of student accommodation in Bangor, the Senior Planning Service Manager noted that the main reason to refuse the application on the Jewson site in Bangor was on the grounds of design and not matters concerning the need for student accommodation.
- (ch) It was proposed and seconded to approve the application.
- (d) During the ensuing discussion, the following observations were made:-

- That several concerns had been highlighted at the Planning Committee in April and the result of those discussions was disappointing on three elements namely design, archaeological report and the demand for more student accommodation in Bangor
- In terms of design – the applicant has made no attempt to amend the design, setting, form or size of the application. A revised plan was received at the last minute by the Planning Department indicating some changes to the front of the building, however, it was not possible to share this with the Committee or to receive a response on re-consultation. It was felt that the building continued to be an overdevelopment that was out of character with nearby buildings. There was no indication that the applicant had considered the possibility of converting the existing building that would be a more favourable option than to demolish the building.
- In the archaeological context, it was seen that the applicant had commissioned an expert to undertake an assessment of the building who stated that it dated back to the 19th century. However, the Gwynedd Archaeological Planning Service noted that there was evidence that the building dated back to the 17th century and losing the building would be a loss to the historical environment. The Service noted further that the application for demolition should be refused and there was no evidence in the report before the Committee that stated anything to the contrary. Therefore there were two reports contradicting each other and the Planning Committee should receive more advice regarding this.
- Regarding the need for more student accommodation in Bangor – reference was made to a survey by an expert that stated that there was an increase in the number of pupils, however, there were no figures to support this. Figures were published in December 2013 indicating a reduction in the number of students as follows:

9861 (2011/12)
 9463 (2013/14)
 9212 (2015/16 – projection)

Figures were also quoted by Bangor University (9281 – 2011/12; 8801 – 2013/14) and a great deal of rooms were available for rent to students in Bangor, as well as schemes in the pipeline for student accommodation at St Mary's, Dean Street and the Jewson site.

- Concern that the building would appear over a path that had been used for many years and was used to get to the car park
- (dd) In response, the Senior Planning Service Manager noted as the Committee was concerned about the different information included from various sources regarding the need for student accommodation that a further report would be submitted to include the latest information.

An amendment was proposed, seconded and voted on unanimously to defer the application until further current information was received regarding the figures on student accommodation and to request that officers look again at the status of the path that leads to the car park at the rear of the building.

Resolved: To defer consideration of the application and request the Senior Planning Service Manager to submit further current information on the figures for student accommodation in Bangor together with observations regarding the status of the path that leads to the car park at the rear of the building.

3 Application No. C13/1136/15/LL – Glyn Rhonwy, Llanberis, Caernarfon

- (a) A report was submitted on a full planning application to develop a touring caravan park with 54 pitches, along with associated developments including erection of reception, store/workshop, creation of two warden compounds, creation of new vehicular access with an internal road, landscaping and diversion of existing footpaths and creation of new footpaths.
- (b) The Senior Development Control Officer expanded on the background of the application and noted that the site formed part of the wider Glyn Rhonwy site designated as a re-development site. Attention was drawn to the relevant planning policies together with the consultations and planning officers considered that the proposal was acceptable and satisfied the requirements of local and national guidance.
- (c) The application was supported by the Local Member (who was not a Member of this Planning Committee) and he made the following observations:
- that there was a real need for such facilities and it was an ideal place for access to the village
 - that the site was surrounded with trees and was therefore not visible from the highway
 - that it would be a boost for the local economy and would create jobs in the area.
- (ch) It was proposed and seconded to approve the application.
- (d) In response to the queries, the Senior Planning Service Manager explained:-
- that evidence had been provided by the applicant regarding sewerage and ecological matters. A formal response was awaited from Welsh Water stating that it was acceptable following discussions with them.
 - a condition could be added limiting the holiday season.

Resolved: To delegate powers to the Senior Planning Manager to approve the application, subject to receiving instructions and conditions from Welsh Water together with the following conditions:

1. Time
2. Comply with plans
3. Materials
4. Landscaping
5. Ecological/Trees Issues
6. Highways matters
7. Drainage
8. Submit details of foot bridges
9. Diversion of paths
10. Instruction to adhere to advice submitted by various bodies including Natural Resources Wales, Land Drainage Unit, Caravans Officer etc.
11. Touring holidays season

4. Application no. C14/0101/39/LL – Land adjacent to Min-y-don, Abersoch, Pwllheli

- (a) A report was submitted on a full planning application for the erection of dwelling and associated works.

- (b) The Development Control Manager expanded on the background to the application and noted that the design was a modern one for a two-storey house with the site currently being used for boat storage. She noted that the site was within the Abersoch development boundary and within the AONB. Reference was made to the responses stemming from the consultation period together with a summary of the objections received. Planning officers considered that the development was acceptable in terms of the principle as the proposal concerned one two-storey house with residential houses surrounding it. It was felt that one house would be an improvement on the existing situation. In terms of visual amenities, it was noted that the design was contemporary but within an area with a variety of designs together with mature trees around the boundaries that would safeguard visibility. It was noted that the proposal was for a large house of a scale and form that was in keeping with the site and sufficient for one house and did not create an overdevelopment. It was recognised that the site was within the AONB, however, this did not mean that it was not possible to have a modern and contemporary design and because of the location it would not have an impact on views in and out of the AONB. It was considered that there would be no overlooking into nearby houses. It was considered that the proposal was acceptable in terms of transport, flooding with Natural Resources Wales satisfied with the design and the finished floor level as well as tree matters and biodiversity. On the grounds of the above, it was recommended to approve the proposal in accordance with the conditions noted in the report.
- (c) The application was supported by the Local Member (who was not a Member of this Planning Committee) on the grounds that the proposal would safeguard the site, the landscape, beach and employment by protecting the local economy.
- (ch) It was proposed and seconded to approve the application.
- (d) A Member noted his concern regarding the modern design and that traditional architecture should be retained within the AONB.
- (dd) In response to a concern by a Member regarding the tree preservation order, the Development Control Manager explained that the trees were currently in a poor condition, however, a condition would be attached to plant mature trees in their place.

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

- 1. Commence within five years.**
- 2. In accordance with the revised plan.**
- 3. Agree external finishes.**
- 4. Welsh Water conditions**
- 5. Work to be in accordance with the arboriculture plan.**
- 6. Plant trees to replace lost trees – to firstly agree on type, size and location of trees**
- 7. Finished floor level to be at least 5.40m AOD.**
- 8. Submit and agree on full details of the rock armour reinforcement work before the work commences. This reinforcement work to take place before the property is occupied.**
- 9. Protect the nearby byway.**
- 10. Complete the parking spaces in accordance with the plan, and they must be operational before the property is occupied for the first time.**

5. Application number C14/0386/24/LL – Land to rear of Tan y Celyn, Sŵn y Môr and Talardd, Llanwnda, Caernarfon

- (a) A report was submitted for a full planning permission for the renewal of planning permission number CO8A/0568/24/LL to erect 24 dwellings, alterations to an existing entrance and the creation of estate roads.
- (b) The Senior Development Control Manager expanded on the background of the application and noted that the previous application was approved in 2009 and was subject to a 106 agreement for 6 affordable houses. Attention was drawn to the fact that the permission would expire next month and the applicant had not commenced work on the site due to the recession and the need to make amendments to the plan that would make the proposal more viable. It was noted that the site was designated for the development of 27 houses in the Gwynedd Unitary Development Plan and was located within the Dinas development boundary. Attention was drawn to two additional considerations in the original application, namely that a linguistic and community statement was submitted to support the proposal and it was confirmed that the plan would have a positive impact on the use and promotion of the Welsh language in the community. In addition, the need for the applicant to give a financial contribution towards an educational provision in the school was noted because of an addition of three pupils to a capacity of 30 at the school. It was recommended that the application be approved.
- (c) It was noted that the applicant's agent had submitted a request to speak at the meeting, however, it was understood that he was not present.
- (ch) It was proposed and seconded to approve the application.
- (d) In response to queries, the following observations were noted:
- Unfortunately, the hedges would have to be taken down on the eastern side in order to ensure standard visibility towards Rhos Isaf, but it was assured that conditions with landscaping and the retention of some hedges could be included where this was practical.
 - That it was not possible to stop applicants to submit applications at the end of the commencement period (5 years) and there were associated risks for applicants with this such as planning policies and the possibility that development boundaries had changed.
 - That the plan was acceptable by the Transportation Unit in terms of road safety

Resolved: To delegate the right to the Senior Planning Manager to approve the application subject to the applicant signing a legal agreement under Section 106 relating to ensuring that six of the 24 houses are affordable homes for general local need as well as providing an educational financial contribution and relevant conditions relating to:-

- 1. 5 years**
- 2. In accordance with the plans**
- 3. Natural slates/external materials.**
- 4. Highway conditions**
- 5. Natural Resources Wales**
- 6. Welsh Water**
- 7. Landscaping**
- 8. Removal of permitted rights for the affordable homes**
- 9. Details of fences/walls**
- 10. Development to be completed in stages**

6. Application number C14/0508/08/LL – Eryri Business Park, Penrhyndeudraeth

- (a) A report was submitted for full planning permission for a new school for pupils with special needs with associated respite accommodation that included associated buildings, parking and landscaping.
- (b) The Development Control Manager expanded on the background of the application and noted that the site was designated outside the Penrhyndeudraeth development boundary and within the Business Park that was earmarked in the Gwynedd Unitary Development Plan as a protected employment site. The new school would provide education and care for approximately 120 pupils from nursery age to secondary school age and would include provision of a two-storey respite accommodation building separate to the main building. Attention was drawn to the responses in the consultations together with the additional observations received. In terms of the development principle, it was noted that the site was a protected employment site, however, the applicant had prepared a statement stating that they had sought without success for an appropriate site within the development boundary for the development of a special school to serve the catchment areas of Dwyfor and Meirionnydd. Attention was drawn to the fact that the site had not been developed for many years and the reason being the high costs linked to preparing this plot of land for employment and its general suitability for employment use. Planning officers considered that there was fair justification to support the application and material planning considerations outweighed the designation and Policy D1, as it did not appear that this plot would ever be practical for development as an employment site. It was noted that it was a one-storey contemporary design that would be used as a school and would offer an opportunity to have a building of a high standard and it was considered that it would not create an incompatible feature in the landscape. A community linguistic statement had been received which was acceptable by the Joint Policy Unit and therefore the development was unlikely to have an unacceptable impact on any relevant designations or on the local community or the Welsh language. No objection had been received from the Transportation Unit or from the Trees Officer, however, a standard condition was proposed regarding an update on the Trees Report. It was noted that some biodiversity issues remained for discussion, however, it was trusted that it would be possible to solve these soon. It was recommended that the application be approved subject to the receipt of favourable observations from the Biodiversity Unit and to add two relevant conditions concerning archaeological matters and a specific condition relating to trees.
- (c) The local member (not a Member of this Planning Committee), supported the application and made the following main points:
- That the Business Park had existed for 23 years and had not been developed recently
 - That the proposed building would offer the best possible education to the most vulnerable children in the communities of Dwyfor and Meirionnydd
 - That they would create a new school with specialist equipment to offer every opportunity for the pupils' needs
 - It was understood that the Community Council supported the application
- (ch) It was proposed and seconded to approve the application.
- (d) Several Members noted their support to the application as there was a real need for such a school together with respite care for the pupils of Dwyfor and Meirionnydd.

Resolved: To delegate powers to the Senior Planning Manager to approve the application, subject to the receipt of favourable observations from the Biodiversity Unit and relevant conditions in relation to:

1. 5 years
2. Work in accordance with the plans
3. All materials and colours to be agreed
4. Lighting plan
5. Landscaping / trees
6. Biodiversity conditions
7. Drainage conditions
8. Welsh Water conditions
9. Highway conditions
10. Public protection condition
11. Archaeological matters
12. Specific condition regarding trees

The meeting commenced at 1.00 pm and concluded at 3.00 pm.