
PLANNING COMMITTEE 22/09/14

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

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

Others invited: Councillors Siân Gwenllïan, John Brynmor Hughes, Liz Saville Roberts and John Wyn Williams (Local Members).

Also present: Gareth Jones (Senior Planning Service Manager), Cara Owen (Development Control Manager), Rhun ap Gareth (Senior Solicitor), Glyn Llewelyn Gruffudd (Senior Development Control Officer – Transport), Rhys Gwyn Roberts (Coastal Path Project Officer – for item 5 on the agenda) and Bethan Adams (Member Support and Scrutiny Officer).

Apologies: Councillors Dyfrig Wynn Jones and Owain Williams and Councillors Dyfed Edwards, Llywarch Bowen Jones and Ioan Thomas (Local Members).
 Councillors Endaf Cooke, John Pughe Roberts and W. Tudor Owen 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 Gruffydd Williams in item 6 on the agenda (planning application number C14/0653/43/LL) as his father was the applicant.

The member was of the opinion that it was a prejudicial interest, and he withdrew from the Chamber during the discussion on the application noted.

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

- Councillor Michael Sol Owen (a member of this Planning Committee) in relation to item 6 on the agenda (planning application C14/0290/45/LL).
- Councillor John Brynmor Hughes (not a member of this Planning Committee), in relation to item 6 on the agenda (planning application number C14/0357/39/LL).
- Councillor Elwyn Edwards (a member of this Planning Committee) in relation to item 6 on the agenda (planning application C14/0390/04/LL);
- Councillor Siân Gwenllïan (not a member of this Planning Committee) in relation to item 6 on the agenda (planning application number C14/0498/20/LL);
- Councillor Liz Saville Roberts (not a member of this Planning Committee) in relation to item 6 on the agenda (planning application C14/0653/43/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 1 September 2014, as a true record.

3. PROPOSAL TO CREATE A PUBLIC FOOTPATH IN THE COMMUNITY OF PENTIR UNDER SECTION 26 OF THE HIGHWAYS ACT 1980, OVER A PIECE OF LAND IN THE OWNERSHIP OF GLAN Y MÔR LODGE, FELINHeli, TO FACILITATE THE WALES COASTAL PATH PROJECT

- (a) The Coastal Path Project Officer submitted the report of the Senior Planning and Environment Service Manager recommending that Gwynedd Council should submit a Section 26 Creation Order to the Planning Inspectorate for a decision.

The Senior Planning and Environment Service Manager added:

- that the statutory procedure had been followed;
- that the public footpath would be beneficial to the local community and would facilitate the Coastal Path plan;
- that there was local support to the proposal but that it was acknowledged that there would be some impact on the landowner who objected and that appropriate consideration had been given to that;
- that alternative options had been considered but that it had been concluded that the favoured option was the best option;
- that the Planning Inspectorate would consider the objection.

- (b) The local member representing Pentir ward noted that he supported the Coastal Path plan. He sympathised with the objector and noted that other options should be considered and that discussions with the landowner should continue in an attempt to reach an agreement so as to avoid a long process.

The local member representing the Felinheli ward noted that there was support for the proposal in the village and that a path over this piece of land would enable the Coastal Path to run adjacent to the Menai Straits. She added that although one could sympathise with the owner, that the report of Birchill Access Consultancy concluded that the favoured option would be the most suitable. She noted that the only option was to submit a Section 26 Creation Order to the Planning Inspectorate as considering other options would delay the process.

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

- that he appreciated the observations;
- that an agreement could still be reached with the landowner and that the proposal to obtain an order through an agreement was still on the table;
- that the Committee could consider adding to the decision to note that discussions continued with the landowner in parallel to the submission made to the Planning Inspectorate.

- (c) Proposed and seconded – to approve the proposal.

A member expressed concern, in terms of safety, that there was no link to the Coastal Path from Felinheli to Bangor and that this path would improve safety.

A member noted that economic benefit derived from the Coastal Path and that it would be a shame to delay the process.

An amendment was proposed and seconded for discussions to continue with the landowner in parallel.

RESOLVED:

- (a) To submit a Section 26 Creation Order to the Planning Inspectorate for a decision.
- (b) That discussions continue with the landowner in parallel.

4. 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 number C12/0573/22/LL – Cytiau Cae Ffatri, Nr Llyfni Woollen Mill and Glanrafon Bach, Penygroes, Caernarfon

Conversion of outbuilding into a holiday unit and siting of sewage treatment plant.

- (a) The Development Control Manager elaborated on the background of the application for permission and noted that the design and size of the holiday units had been reduced and changed at the request of the Planning Service in order to reduce the additional/new structural work to the current building, reduce the internal facilities and raise the height of the external wall between the property and the property next door to reduce the impact on residential amenities.

The development complied with the Gwynedd Unitary Development Plan (GUDP) for the reasons noted in the report.

- (b) It was noted that the local member agreed with the recommendation.

Proposed and seconded – to approve the application.

RESOLVED to approve the application.

Conditions:

1. Five years.
2. In accordance with the plans.
3. Natural slate.
4. Materials.
5. Detailed photographic record.
6. Provide a parking space for the holiday unit.
7. Sewage treatment plant to British Standards requirements.
8. Safeguarding local species – bats and swallows (creating a roosting area).
9. Restrict use to holiday unit only and keep a register.
10. Public Protection conditions based on avoiding contamination of private water supply.
11. Withdrawal of permitted development rights.

2. Application number C13/0995/11/LL – 137 High Street, Bangor

Demolish existing buildings and erect a new building to include two retail units on the ground floor and 49 student living units and the creation of parking spaces, bin storage and landscaping.

- (a) The Senior Development Control Officer elaborated on the background of the application and noted that the Committee, at its meeting on 27 July 2014, had once again decided to defer the application in order to receive further up-to-date information on student

accommodation figures in Bangor, note the amendments/improvements to the design, receive confirmation of the situation and archaeological viewpoint, confirm the consultation situation and receive confirmation regarding the status of the path leading to the car park behind the building.

Following the concerns expressed at the committee regarding the demand for student accommodation, a detailed survey of the student accommodation situation in Bangor by experts in the field was commissioned by the developer. It was discovered in the survey that approximately 4,000 students in Bangor had been unable to live in purpose-built accommodation.

It was noted that the Joint Planning Policy Unit had assessed the information and had cross-referenced it with the information held by the Unit in the context of student accommodation. It was suggested that there was demand for purpose-built student accommodation in the City.

Reference was made to the use made of the space between the existing building and the adjacent building as a footpath by the public, it was noted that confirmation had been received from the Rights of Way Unit that the footpath had not at any time been registered as a public footpath and that it did not have an official status, despite informal use being made of it over a number of years.

It was also noted that full consideration had been given to all observations received in relation to the archaeological/historical aspect, and as there was no recognised or formal status to the building, it was considered that holding a formal record of the building, both internally and externally, and undertaking an archaeological survey of the site was sufficient.

- (b) Attention was drawn to the additional observations received.

Proposed and seconded – to approve the application.

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

- that there was a difference in opinion in relation to the archaeology of the site and that no decision could be made until assurance was obtained;
- that there had been a reduction in student numbers in Bangor but that the number of planning applications for student accommodation was increasing;
- that the number of students in the High Street would outweigh the number of residents;
- that there was a need for student accommodation in Bangor as there were students in Ysbyty Gwynedd as well as Bangor University.

- (ch) In relation to the abovementioned observations, the Senior Planning Service Manager noted that the concerns were appreciated but that evidence showed that there was a need for student accommodation and although there was a difference of opinion in the context of archaeology, there were no listed buildings and it was not in a conservation area either.

RESOLVED to approve the application.

Conditions:

1. Time
2. Comply with plans
3. Materials
4. Sustainable building matters
5. Landscaping
6. Restrict use of the commercial units

7. Details of ventilation systems
8. To submit a Construction Method Statement to include relevant regulations
9. Archaeological records
10. Parking
11. Work/construction time

3. Application number 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 Manager elaborated on the background of the application and noted that the Committee, at its meeting on 7 July 2014, had resolved to defer the application in order to receive further information regarding the details of the business.

It was reported that further information had been received from the applicant's agent noting current information on stock numbers and the position of the business, as well as a letter from the Farmers Union of Wales (FAW) confirming stock numbers. Also, financial information had been received from the applicant's accountant along with a letter, agreement for lease of the land and lands plan.

It was noted that the Council was not convinced that the applicant had a functional need to locate a dwelling on the site considering that the majority of his stock was kept on land in Llanaelhaearn. It was noted also that there was doubt about the viability of the farming enterprise to be able to justify an agricultural dwelling.

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) The local member (a member of this Planning Committee), supported the application and he made the following main points:-
- That the application satisfied criterion 1a-b under policy CH9 of the GUDP as there was no doubt that the applicant was a full-time farmer;
 - That there was an essential functional need to live on the site;
 - That problems with stock disturbance were being experienced on the site which showed that there was a need for constant supervision on the site.

It was proposed and seconded to refuse the application.

- (ch) The following observations were noted in favour of the recommendation:
- That there were houses near the site that could be suitable for the applicant;
 - That the majority of the stock was being kept on rented land in Llanaelhaearn;
 - That the proposal did not comply with policy CH9 of the GUDP;
 - Although they sympathised with the applicant, approving the application would set a dangerous precedent.
- (d) The following observations were noted contrary to the recommendation:
- That the design of the house was in keeping with policy B22 of the GUDP;

- That there was an agricultural shed on the site already and it was essential to supervise the sheep at all times during the lambing season;
- That an investment had been made in the venture;
- The FUW was supportive of the application;
- The functional need had been proved;
- Would it be possible for the applicant to obtain a chalet on the land?
- That the business was viable although the venture only made a small profit;
- That there were stock disturbance problems on the site and thus there was a need to supervise the site;
- That there was special justification to approve a house on the site;
- That a house had been located on the site in the past;
- That the applicant had received financial support from the Assembly.

(dd) In response to the above observations, the officers noted:-

- That the design of the house was acceptable but that its size was not;
- That a detailed assessment had been undertaken;
- That the site was in very close proximity to the town of Pwllheli where there were houses which could satisfy the functional need;
- That siting a chalet on the site would have to be the subject of a brand new planning application;
- That there was no doubt that the applicant was attempting to establish an agricultural venture;
- That there was no evidence which convinced officers that the business venture was viable at present;
- That the house on the site was a ruin;
- That if the Committee decided to approve the application, the matter would have to be referred to a cooling-off period as this would be completely contrary to the GUDP and would undermine the Council's planning policies.

A vote was taken on the proposal to refuse the application and it fell.

(e) A proposal was made, and seconded, to approve the application as the house was required to house a worker and that the functional need had been proved.

The members voted on the proposal to approve the application and it carried.

RESOLVED to approve the application, contrary to the planning officers' recommendation.

Reasons:

The need for one full-time agricultural worker has been proved.

The functional need for a house on the site has been proved.

The Senior Planning Service Manager noted his intention, in accordance with the Procedural Rules of this committee, to refer the application to a cooling off period and to bring a further report before the committee highlighting the risks associated with approving the application.

4. Application number C14/0357/39/LL - Tyn Morfa, Llanengan

Alterations and extension to the house and construction of a separate building to include a garage and work studio.

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 1 September 2014, in order to hold a site visit.

It was noted that the property was located in open countryside and within an Area of Outstanding Natural Beauty (AONB) and that the site was open and that not much vegetation surrounded it. Attention was drawn to the concerns of the AONB Officers in terms of the scale of the development.

It was noted that the concerns related to the size and scale of the two-storey rear extension and to the size of the garage/studio also. It was explained that there was no objection in principle to a two-storey extension or to the garage/studio, but that there was a need to ensure that the scale, size and design was acceptable considering good planning principles and an open and prominent location within the AONB site.

- (b) The local member (not a member of this Planning Committee), supported the application and he made the following main points:-

- Other examples of similar developments in the area; therefore, a lack of consistency in policies;
- That the applicant should have an opportunity to have their say;
- That there was a lack of doctors in the area;
- That the applicant wished to have a work studio in order to move his business to the Llŷn Peninsula;
- That outbuildings, such as a haybarn were previously located on the site;
- That there would be no impact on the view;
- That the local community supported the application;
- That the AONB Unit had expressed concern, not an objection, and the impact could be mitigated by screening around the development;
- That the application should be approved.

The Chair noted that the protocol could not be breached so as to allow the applicant to speak in relation to the application again as it would be unfair to other applicants.

- (c) The Chair declared that the Council's rules stated that individuals were not permitted to record in committees and if anyone present was recording they should stop. He added that a request could be made to receive a recording of the meeting from the Council by submitting a freedom of information request.

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

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

- That the proposed development would not have much impact on the AONB;
- That the proposal included a work studio and that economic developments should be supported;
- That the proposal involved extending rather than dominating;
- That consideration should be given to defer making a decision on the application in order to have an opportunity to come to a resolution with the applicant;
- That Natural Resources Wales supported the proposal;
- That there was a lack of doctors in the area;
- That the proposal complied with policies;
- That a decision had to be made on the application in accordance with planning policies;

- That the site was open and that the applicant should consider reducing the scale of the development;
- That approving the application would create a dangerous precedent;
- That local people should be supported;
- That the development could be screened and the impact on the AONB could be mitigated by planting trees.

- (d) In response to these observations, the Senior Planning Service Manager noted:-
- That discussions had been held with the applicant and that the applicant had declared that there was no intention to change the plans and thus he was not convinced of the advantage of deferring for this purpose;
 - That the development was acceptable in principle;
 - As the site was located in the AONB, there was a statutory requirement to protect the objectives of the designation.
- (dd) A proposal to defer the application so that Officers could hold discussions with the applicant in an attempt to reach an agreement was proposed and seconded.

RESOLVED to defer the application so that Officers can hold discussions with the applicant in an attempt to reach an agreement.

5. Application number C14/0390/04/LL – Land near Bodelith Isaf, Llandderfel

Temporary permission to site a 80.2 metre mast to measure wind.

- (a) The Development Control Manager elaborated on the background of the application and noted that the proposal was to install a mast that would measure and assess the strength and direction of the wind for a temporary period of two years.

It was noted that the site was within 2.4km of three existing wind turbines (Braich Ddu, Glanrafon) which were each approximately 90m high. In terms of the cumulative impact it was considered that the structure of the wind measuring mast which was a light structure compared to a turbine and was a static structure, was unlikely to contribute to a significant cumulative impact, in addition the wind measuring mast would only be installed for a temporary period.

- (b) The local member (a member of this Planning Committee) supported the application.

RESOLVED to approve the application.

Conditions:

1. Permission granted for a temporary period of two years from the permission date.
2. Work in accordance with the submitted plans.
3. Notify the Local Planning Authority of when the work of erecting the anemometer mast commences.
4. The land to be restored to its previous condition at the end of the two-year period.

6. Application number C14/0498/20/LL – Parciau Farm, Griffiths Crossing, Caernarfon

Installation of PV solar panels to create a solar park along with ancillary work including structures and a fence.

The members of this Committee had visited the site prior to the Committee meeting held on 1 September 2014.

- (a) The Senior Development Control Officer elaborated on the background of the application and noted that it was not considered that the proposal was likely to cause significant harm to the landscape and coast and that a request was made for suitable landscaping by strengthening the various existing hedges and trees in order to create an effective and natural/indigenous screen for the area.

In the context of access issues, it was noted that after observations had been received from the Assembly's Transportation Department, it was recommended that a condition was imposed on any planning permission to reach agreement and implement a works traffic flow management plan to include matters raised by the said Department.

- (b) Attention was drawn to the additional observations received.
- (c) Taking advantage of the right to speak, the applicant's representative noted the following main points:-
- If this application was approved, this would be the first medium-scale solar development in Gwynedd;
 - That the site was in a relatively secluded area and that there would not be a substantial visual impact on the landscape;
 - That the most traffic would be there during the construction phase and that the developer would act in accordance with the agreement reached on access to the site;
 - That the land would continue to be used for farming purposes;
 - That no light, noise or glare pollution would derive from the development;
 - No new pylons would be installed;
 - That the community was very supportive of the development and that only a small number of objections had been received;
 - That the development would generate clean energy for 3000 houses.
- (ch) The local member representing the Felinheli ward (not a member of this Planning Committee) noted the following main points:-
- That she had been involved in discussions with the local community and local member representing the Menai (Caernarfon) ward, and that everyone was in agreement that they supported the proposal on the whole;
 - That the development would assist a local agricultural family to make the business more viable;
 - That there were local concerns regarding the increase in traffic during the construction phase and that a condition to reach agreement on the best access for the development was welcomed;
 - That it was important that no new pylons would be installed;
 - An additional condition was sought on any planning permission noting that the developer held discussions with the community regarding the benefits to the community, in order to show the company's commitment to the local community.
- (d) In response to the observations of the local member, the Senior Planning Service Manager noted that community benefit was not a planning matter. He noted that the Committee, if it so wished, could note its desire for the applicant to hold discussions with the community to ensure an appropriate community benefit and for this to be undertaken outside the planning procedure.

Proposed and seconded – to approve the application including the said clause.

- (dd) During the discussion many members expressed their support to the proposal as it would generate renewable energy.

A member drew attention to the observations of the Isle of Anglesey Council in the context of the impact on the AONB.

In response to a member's observation, the Senior Planning Service Manager emphasised that a financial contribution from the developer was not a material planning consideration. It was not a part of the planning system but rather discussions could take place between the developer and representatives of the community outside the planning system.

RESOLVED to approve the application.

Conditions:

1. 5 years
2. To complete the development in accordance with the plans
3. To agree on the exterior materials of all buildings
4. To agree on the materials/colour of the frames and anti-glare covers
5. To agree on the colour of the fence and camera poles
6. To agree on and complete a landscaping plan
7. To complete the development in accordance with the habitat survey
8. To complete the development in accordance with the trees report
9. To agree on and implement a construction traffic flow management plan (to include matters raised by the Welsh Government's Transport Department)
10. To agree on and implement the underground panel installation plan
11. To supervise the archaeology situation.
12. Any electricity cables from the development to link to the electricity connection should be installed underground, and this should be initially agreed with the Local Planning Authority and the Highways Authority.
13. If the solar panels approved in this application remain unused for the purposes of generating electricity for 12 months, they must be permanently removed from the site and the site should be restored to its original condition.
14. Surface water cannot connect to the main sewer.
15. Run-off water cannot connect to the main sewer.

Note – the applicant is requested to hold discussions with the community in order to ensure an appropriate community benefit.

7. Application number C14/0584/43/LL – Minafon Stores, Llithfaen, Pwllheli

Convert stores / office / builders' workshop into a dwelling house.

- (a) It was reported that a letter had been received from the applicant late in the day noting that he would be willing to restrict the house to an affordable house and that it was recommended to defer considering the application in order to consider and assess the contents of the letter.

RESOLVED to defer the application so that officers can consider the letter received from the applicant.

8. Application number C14/0653/43/LL – Gwynus Caravan Park and Golf Course, Pistyll, Pwllheli

Upgrade an existing static caravan park and relocate it from a part of field 472 to a part of field 470.

- (a) The Development Control Manager elaborated on the background of the application and noted that the proposal would involve relocating 10 static caravan units and that no information was available about how field 472 would be subsequently used.

It was noted that the application site had been located in the countryside and within the AONB and Llŷn and Bardsey Island Landscape of Outstanding Historical Interest.

It was considered that the proposed location was more visible in terms of its location than the existing caravan site. As a result, it is not considered that the proposal would ensure that the character of the AONB would be protected, maintained or improved and, therefore, the proposal would significantly harm the rural landscape of the AONB contrary to the requirements of Policy B8 of the GUDP.

It was explained that the proposal would not comply with Policy D17 as the site was not less prominent than the existing one and as the application was not considered to be a small extension.

- (b) Attention was drawn to the additional observations received.
- (c) The local member (not a member of this Planning Committee) noted the following main points:-
 - That the intention was to make the site more attractive;
 - Since approving planning permission C13/0532/43/LL, it was concluded that there would only be sufficient space for 6 cabins in field 471 and that it would not be viable;
 - That the proposal did not involve creating a new site or an extension to the site;
 - That it was an application to upgrade and therefore it complied with policy D17 of the GUDP;
 - That it was possible to consider exceptions to policy B8 of the UDP, steps had been taken to mitigate the impact with 2,000 trees planted on the site over the years in order to screen the site;
 - That not approving the application would harm the business and the local economy;
 - That members should consider undertaking a site visit.

RESOLVED to undertake a site visit.

The meeting commenced at 1pm and concluded at 4:10pm