
PLANNING COMMITTEE 02.03.15

Present: Councillor Michael Sol Owen - Chairman
Councillor Anne Lloyd Jones - Vice-chair

Councillors: Stephen W. Churchman (Substitute), Elwyn Edwards, Dyfrig Wynn Jones, Siôn Wyn Jones, Dilwyn Lloyd (Substitute), W. Tudor Owen, John Pughe Roberts, Eirwyn Williams, Gruffydd Williams, Hefin Williams, Owain Williams.

Others invited: Councillors John B. Hughes, Elfed Wyn Williams 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), Gareth Roberts (Senior Development Control Officer), Rhun ap Gareth (Senior Solicitor) and Glynda O'Brien (Member Support and Scrutiny Officer).

Apologies: Councillors Craig ab Iago, Endaf Cooke, Gwen Griffith, June Marshall, Eurig Wyn and Councillors Dafydd Meurig (Local Member) and John Wyn Williams (Substitute).

1. DECLARATION OF PERSONAL INTEREST

The following members declared that they were local members in relation to the item noted:-

- Councillor Eirwyn Williams (a member of this Planning Committee), in item 5 on the agenda (Planning Application C12/1529/35/AM)
- Councillor Elfed Williams (not a member of this Planning Committee), in item 5 on the agenda (Planning Applications C13/0611/19/LL and C14/1198/18/LL)
- Councillor John B. Hughes (not a member of this Planning Committee), in item 5 on the agenda (Planning Applications C14/0172/39/LL and C14/1184/39/LL)
- Councillor R H Wyn Williams (not a member of this Planning Committee), in item 5 on the agenda (Planning Applications C14/0772/39/LL and C14/1208/39/LL)

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

2. MINUTES

The Chairman signed the minutes of the previous meeting of this committee held on 2 February, 2015, 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 Number C12/1529/35/AM – Land at the rear of White House, Lôn Tynllan, Cricieth.

An outline application to construct 4 dwellings, 1 affordable house and create a new vehicular entrance (amended plan to provide an affordable house).

- (a) The Development Control Manager elaborated on the background of the application and noted the proposal to construct five two-storey houses with one of the plots being affordable on a plot of land at the rear of the dwelling known as White House which was located on the unclassified Ty'n Llan Road in the village of Cricieth. Reference was made to all the relevant considerations and policies, along with the public consultations and one letter of objection had been received based on the density of the development in contrast to neighbouring houses and the height of the dwellings. It was noted that matters involving design, finishes and appearance were matters which would be addressed when dealing with a detailed application. Although there was a suggestion by the agent that the maximum height of the houses would be 7 metres, the finished height of the houses, along with the location of the windows would be material considerations when determining an application for reserved matters. However, despite objections to the application, it was not considered that the development of five houses on the site in question would be an over-development. Neither was it considered that the application was contrary to local and national policies or guidelines and there were no other relevant planning considerations that stated to the contrary.
- (b) The Local Member (who was a member of this Planning Committee), supported the application and he noted that the Community Council was unanimously in favour of the proposal also.
- (c) It was proposed and seconded to approve the application.
- (ch) During the discussion, the following observations were noted:
- Disappointment that only one of the plots would be affordable and should not a percentage of 30% be affordable. In response, it was noted that one affordable house was acceptable in this case.
 - Whilst accepting the reasons for the objection regarding the density of the development, it was not considered to be a strong objection.

Resolved: to delegate the powers to the Senior Planning Manager to approve the application subject to the applicant completing a section 106 Agreement regarding providing an affordable house for general local need and relevant planning conditions involving:

1. Five years
2. Submit reserved matters within three years
3. Materials and finishes
4. Access and parking
5. Landscaping
6. Withdrawal of permitted development rights
7. Welsh Water

8. Tree Preservation**9. Development to comply with the approved plans.****2. Application Number C13/0611/18/LL – Rhiwgoch, Clwt-y-bont, Caernarfon**

A residential development of 17 houses (including 2 affordable units), along with a new access.

- (a) The Development Control Manager elaborated on the background of the application and noted the proposal to construct 17 two-storey houses, including two affordable houses on a former industrial site to the south-east of Deiniolen on a plot of land that had been included within the development boundary of the village. The houses would have a floor area of approximately 133m², with a height of 5.2m to the eaves and approximately 7.8m to the roof ridge. After receipt of Natural Resources Wales's initial response, a flooding consequence assessment was submitted because the site was within a Zone A according to the development advice map which was referred to in TAN 15:Development and Flood Risk (July 2004). A previous application for 17 houses on the site had been approved previously (including 2 affordable houses), in July 2010 and that permission had now expired. Reference was made to the relevant policies along with the public consultations and attention was drawn to the late comments form which had been submitted during the meeting. Attention was drawn to the fact that the principle of developing the site for residential dwellings had already been accepted by approving the previous application. In addition, it was noted that policy C3 of the Unitary Development Plan gave priority whenever possible to re-using previously developed land. Reference was made to a lengthy discussion in the report regarding the need in the catchment area and this had been proved and referring specifically to paragraphs 5.3 to 5.5 in the report, stating that the houses would appeal to local people and families and the houses had been priced competitively and consequently they assisted in keeping local people in the area. Therefore, it was considered that a residential development was acceptable on the site. In terms of visual amenities and the previous use of the site, it was considered that the proposal was an improvement to what already existed and it was an opportunity to redevelop a site which was within the development boundary. It was not considered that the development would have an effect on the amenities of neighbouring houses because of its location. No objection had been received from the Transportation Unit, subject to any decision to include relevant conditions. Although there was an initial objection from Natural Resources Wales regarding flooding, additional information had been submitted to demonstrate that flooding risks could be managed by imposing appropriate conditions should the application be approved. Attention was drawn to language and community matters along with educational matters that were acceptable. The recommendation of the planning offers was to delegate the powers to approve the application in accordance with the conditions outlined in the report and an additional Biodiversity condition.
- (b) The Local Member (who was not a member of this Planning Committee), noted the following points:-
- There was no definite evidence of the demand for houses on this site because there were other lands included in the Gwynedd Unitary Development Plan for constructing new houses in Deiniolen including one site for 12 houses not far from the site in question.
 - Another application had been approved for 27 houses on another site in the village which was for sale but no mention had been made of its development.

- There were eight new houses that had already been constructed in the centre of the village and they had been empty ever since they had been constructed over a year ago.
- The previous application had been approved during a more prosperous period
- There was a need for more affordable houses
- No play areas although the polices require them
- No pavement and, therefore, dangerous for children to walk to the village playing fields
- Flooding problems on the site
- A very weak language assessment and it should be ignored as it referred to the 2001 Census and no mention made of the 2011 Census which was more recent evidence.
- The site was far from the centre of the village and consequently it did not conform to the pattern of the settlement
- It was outside the development boundary in the Local Plan and the target number of new houses was much fewer in the Local Plan.

(c) In response to the above observations, the Senior Planning Service Manager noted that it was the Gwynedd Unitary Development Plan which was relevant to this application. It was understood that there was currently a consultation on the Joint Local Development Plan but very little weight could be placed on that in the context of the application to hand. Care had to be taken regarding the decision, considering that a previous outline application had been approved in 2010 and there had been no change in the planning policy. It was noted that the site was within the development boundary and the principle of the development was acceptable and had been established. In terms of the need, the Committee was reminded that the need had to be considered within the Caernarfon dependency area and evidence to prove that the houses were needed within the area in question. The Transportation Unit and Natural Resources Wales had no objection. Whilst accepting the observation that only two affordable houses were proposed, reference was made to evidence which showed that there were viability issues involving this scheme in terms of the possible contribution of affordable housing. The decision was robust and if it was proposed to go against it, the officer would have no choice but to refer the application to a 'cooling off' period.

(ch) It was proposed and seconded to refuse the application, contrary to the officers' recommendation on the grounds of over-development.

The following observations were noted against approving the application:

- No need for houses in the area
- Lack of current information from the 2011 Census in terms of language matters
- There were eight empty houses already in the village
- An over-development
- It would be useful to know the price of the houses as evidence that they would be available for local people
- In similar developments of more than 10 houses, it was usual to request a financial contribution towards environmental elements
- Considering that there were 17 houses to be developed, should a request be made for five affordable houses?
- Concern that the houses constructed further up the hill would contribute towards the possibility of flooding and would impact on the proposed development
- No contribution towards a pavement or a playing field

- There was more justification in creating an industrial site rather than a housing development on the site.

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

- Consideration of housing need for the catchment area had been presented
- The policies had been adopted by the Council
- Young families were eager to have new houses
- The land was within the development boundary and had already received planning permission
- Concern that it would win on appeal if the application was refused.

(ch) In response to a concern expressed regarding land pollution, the Development Control Manager assured the committee that an appropriate condition would be imposed should the application be approved and considering the industry that occupied the site previously further assurance was given that there was no cause for concern. In terms of affordable housing, the matter had been a subject of discussion but only two affordable houses were proposed as part of a previous permission in 2010 and there was justification for the proposal because it was not a green field site and had been previously developed together with the substantial costs of its development. In terms of making a request for a contribution towards play equipment for the playing fields of the village, the Development Control Manager noted that there was an existing playing field approximately 200 metres from the site of the proposed development. In addition, it was noted that the development proposed large gardens and consequently it was decided not to request an additional contribution but it would be possible to return to the developer in this respect if needed.

In accordance with procedural rule 22(6), the following vote to refuse the application was a registered vote:

In favour of the proposal to refuse the application (8): (Councillors Elwyn Edwards, Siôn Jones, Tudor Owen, John Pughe Roberts, Eirwyn Williams, Gruffydd Williams, Hefin Williams, Owain Williams)

Against the proposal to refuse the application (4): (Councillors Stephen Churchman, Anne Lloyd Jones, Dyfrig Jones, Dilwyn Lloyd).

Abstaining: Councillor Michael Sol Owen

Resolved: contrary to the planning officers' recommendation, to refuse the application because of over-development.

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 because the Planning Committee has approved a similar application approximately five years ago, and to bring a further report before the committee highlighting the matters raised above by members in relation to over-development, play areas etc.

3. Application Number C14/0172/39/LL – Land near Cornwall Estate, Mynytho

Six semi-detached dormer bungalows and three detached dormer bungalows (all of the houses to be affordable housing).

- (a) The Development Control Manager elaborated on the background of the application and noted the proposal to construct six semi-detached dormer bungalows and three detached dormer bungalows with all of them being affordable. Each property would have two parking spaces within its curtilage and each property would have its own garden. Reference was made to the relevant policies and the responses to the public consultations and the late additional comments submitted to the Committee.

It was noted that the site was outside the boundary but in close proximity to the development boundary of the village of Mynytho which was shown on the proposals map of the Gwynedd Unitary Development Plan (July 2009). Attention was drawn to the fact that the boundary of the Llŷn AONB was 250 metres to the west. Reference was made to the relevant planning considerations and it was noted that a clear statement had been received from the Cynefin company of their intention to purchase nine units from the applicant to sell them on as affordable houses as part of an equity scheme. If it was not possible to sell all the units some of them would be rented by Cynefin with the option for the tenants to purchase them in the future. It was noted that confirmation from the Cynefin company of their intention to purchase the units strengthened the case and demonstrated the need for the houses and the fact that they had shown an interest reduced the risk of a speculative development. The assessment referred to specific appeal cases and on the basis of all the material information involved with the need for affordable housing, the officers did not believe that there was a strong basis to object to the application. Although the proposal is quite a substantial site, it was considered that the site would form a logical extension to the adjacent estate and therefore would not form an unacceptable extension into the countryside. The proposal would form part of a larger estate and would be set against the built form of the village. The officers had expressed concern that the proposal was not a mixed development but following receipt of confirmation from the Cynefin group of the need that had been identified by them, it was accepted that this was likely to be correct and met the need that they had identified for this type of housing in Mynytho. In terms of the size of the site, it was stated that it was a site that could not be seen as a small site but after weighing it up, it was considered that it would be inappropriate to refuse the application. It was also considered that the size of the houses and the manner in which future affordability was secured would be in accordance with the relevant policies. In terms of visual amenities, the site merged itself logically with the existing housing estate and it was considered that the design of the houses was suitable for this site. It was considered that the proposal would not have a substantial detrimental effect on the Llŷn AONB. In terms of general and residential amenities, it was noted that concerns had been highlighted by local neighbours regarding two specific houses which abutted the site, one in the north and one in the east. Since the application site was on a lower elevation than the adjoining houses, it was not considered that there would be any overlooking stemming from the ground floor windows. By relevant conditions it was considered that biodiversity, transportation and access matters would be acceptable. Confirmation had been received that the language and educational matters were acceptable. On the basis of the assessment and weighing up all the considerations, it was believed that the proposal was in accordance with national and local policies as noted in the report.

- (b) Taking advantage of the right to speak, an objector noted the following main points:
- There were objections to the application because of the lack of need and it was alleged that 12 had noted their desire to live in the area – this was not a sign of need but rather a desire to live in Mynytho and the Cynefin Group had not proved the need.

- No consideration had been given to affordable housing that already existed and reference was made to other specific developments in the area.
 - The site was valuable in terms of the wildlife habitat and a request had been made via the Local Development Plan to retain it and bearing in mind that the process was ongoing, it was premature to consider the application.
 - There was clear evidence from a previous planning appeal that a site for nine houses was not considered small and the planning officers were not convinced from the content of the report that this site was small.
 - The information from the Cynefin Group was mixed because on the one hand, they were convinced that there was a demand for properties for sale but on the other hand, they noted that the units could be rented if the demand was not there. Therefore, it was noted that the housing association was unclear about the nature of the demand which suggested that they could not provide robust evidence of need for a housing development in open countryside and in a special landscape area.
- (c) The Local Member (not a Member of this Planning Committee), supported the application and he made the following main points:
- Many objected because the houses were not needed and looking at the houses that were for sale, it was felt that they were not affordable houses and there was a need to support housing for the young people of the area to secure the future of the language.
 - In terms of concerns regarding the increase in vehicles, there were several other similar sites in the area and there were no problems in these sites and it could be resolved by requesting the Transportation Unit to install a 'No Through Road' sign on the site.
- (ch) Proposed and seconded – to approve the application.

Resolved: to delegate powers to the Senior Planning Manager to approve the application, subject to the applicant signing a section 106 Agreement to ensure that all the residential Units (9) on the site are affordable houses for general local need and subject to relevant conditions relating to:

1. Time
2. Plans
3. Slate
4. Agree on all materials beforehand
5. Removal of permitted development rights
6. No other windows (apart from those shown on the plan)
7. No first floor window on the northern elevation/gable end of the house on plot 1
8. A plan for retaining/protecting/maintaining 'cloddiau'
9. Boundary details to be agreed
10. Welsh Water conditions
11. Highway conditions
12. Biodiversity/wildlife conditions
13. Control working hours
14. Landscaping

4. Application Number C14/0772/39/LL – Haulfryn Talyfan, Abersoch

Change of use of part of a field to extend the boundary of a caravan site in order to relocate six holiday caravans and locate four additional holiday caravans, together with landscaping and environmental improvements.

(a) The Senior Development Control Officer elaborated on the background of the application and reminded Members that they had visited this site in November 2014. It had been proposed to install a total of 10 static caravans (six from the existing site and four additional caravans) which meant creating additional spaces within the existing caravan park and in between units along with siting static holiday caravans of higher quality on the land. It was proposed to landscape inside the site and on its periphery. It was noted that the site was located within the Llŷn AONB. Reference was made to the relevant planning considerations along with the responses to the public consultations when several objections to the proposal had been received and noting that three of them had been withdrawn. Attention was drawn to an additional objection that had been received and it was referred to in the late additional comments form. The main considerations involving the proposal were elaborated upon and attention was drawn specifically to policy D17, which permitted proposals to upgrade existing static holiday caravan sites by means of minor extensions, relocations or a small increase in numbers if they conformed to three criteria. Reference was made to policy B3 of the Unitary Plan which referred to the effect of developments on AONB areas and although the AONB Unit supported the internal work in the site, concern was expressed that increasing the area of the site would have an effect on the setting of the AONB and views within and out of it. Despite this, it was not considered possible to undertake improvements of the type in question within the boundary of the existing caravan site. However, it was not considered that there would be a significant impact on the landscape of the AONB. In terms of general and residential amenities, it was noted that letters had been received from several stakeholders of the site based on concerns regarding loss of views and privacy which were not material to planning. Natural Resources Wales was re-consulted regarding concerns about flooding and confirmation had been received that the site could be managed acceptably in accordance with Technical Advice Note 15 and Policy B29 of the Unitary Development Plan. Based on all the considerations, it was considered that the proposal complied with relevant local and national policies and it was recommended for approval, subject to the conditions listed in the report.

(b) Taking advantage of the right to speak, the objector on behalf of the caravan owners noted the following main points:

- They had invested in the caravans based on the pledge that they would continue to have uninterrupted views across agricultural land
- It was believed that the new pitches were in the most prominent locations possible
- It was alleged that the proposal would assist with reinvestment in the site but the applicant had not contacted and discussed with the caravan owners
- Any site had better pitches than others and the value of units that were exchanged would increase substantially if the location was more attractive and it was felt that the six pitches that were wished to be moved were less attractive
- Some of the units breached the conditions of the current licence because they did not have the correct space between them
- The units were reaching the end of their lifespan in any event and it was questioned whether the applicant, if this application was not approved, would exchange them for substandard units

- Reference was made in the application that the new units would have double glazed windows and central heating and with due respect any units sold these days would possess those features
 - Creating a cul de sac with its own entrance would mean that the opportunity for selling would increase substantially
 - Policy D17 considered approving applications when small extensions were being proposed but it was not believed that 4550m² was small.
- (c) Taking advantage of the right to speak, the applicant's Agent noted the following main points:
- The purpose of the application was to undertake substantial environmental improvements to the holiday park as a whole but there was a need for a small extension for additional pitches which would allow more space in the park
 - Plots of landscaping would replace these caravans and the four additional pitches would be a small increase of 3% and would assist in upgrading the park
 - There was no other land within the boundary of the park where the units could be relocated
 - It was fully acknowledged that Talyfan Park was within the AONB and the visual improvements associated with the proposal were significant in improving the quality of the holiday park and the landscape and complied with the relevant policy
 - The applicant was attempting to improve the visual element of the park for all residents and visitors and to offer a high quality holiday experience
 - The proposed access road had been moved approximately 10-15 metres away from the existing holiday caravans to create a landscape buffer between the proposed pitches and those which already existed
 - Flooding concerns had been addressed by the relevant body
 - The Biodiversity Unit had addressed the concern regarding the extension area and supported planting new hedges
 - There was a programme of improvements to be achieved in 2015 and approving the application would assist with the proposed substantial investment that would assist in providing long term screening for the park and would improve its location in the landscape.
- (d) The Local Member (not a Member of this Planning Committee), supported the proposal and he made the following main points:
- The number and size of the caravans had increased over the years and consideration had to be given to extending sites to ensure that there was space between the caravans from the perspective of health and safety
 - The proposed design before the committee complied with policy D17 and he was of the opinion that upgrading was crucial and improved the design of the site
 - The need to comply with conditions involving restricting the site for holiday use only was welcomed.
- (dd) It was proposed and seconded to refuse the application because it would increase the impact of Talyfan Holiday Park on the character and views of the AONB and thus contrary to national and local policies.
- (e) The following observation was noted in favour of refusing the application:
- Concern that the site was within the AONB and the purpose of attracting visitors to the area was for them to enjoy a beautiful area and it could not be seen how the

application could be approved since it was the duty of elected members to safeguard the area.

(f) The following observation was noted in favour of approving the application:

- The Planning Committee had visited the site and it was obvious that there was a need to relocate caravans.

The vote in favour of the proposal to refuse the application fell on the casting vote of the Chairman.

The vote in favour of the proposal to approve the application was carried on the casting vote of the Chairman.

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

- 1. Commencement within five years**
- 2. In accordance with plans**
- 3. Limit the numbers on the caravan site in its entirety to 122**
- 4. Restrict the use of the caravans to holiday use only**
- 5. Keep a register of names of owners / occupiers and their main home address**
- 6. Agree on the type and colour of every new or replacement caravan located on the site**
- 7. Complete the landscaping work in accordance with the details submitted**
- 8. Restoration scheme for the plots that are to be re-located**
- 9. Separate disposal of surface and foul water from the site**
- 10. No surface water to connect directly or indirectly with the public sewer system**
- 11. No land drainage discharge to be allowed to connect directly or indirectly with the public sewer system.**

5. Application Number C14/1024/16/LL – Bangor Service Station, Felin Hen Road, Llandygai

Demolish petrol station, shop and canopy and construct a petrol station with a shop, ATM and a new 'Subway', install a new canopy and a new HGV pump and construct a 'Starbucks' coffee shop with a drive-through element, parking spaces and installation of underground tanks to replace existing.

- (a) The Senior Development Control Officer elaborated on the background of the above application and noted that the site was known as Llys y Gwynt and was located in open countryside in close proximity to the A55, the A5 and the A4244 and near the Police's western traffic division centre. The proposal was explained and reference was made to the main considerations and the responses to the public consultation. Attention was drawn to the main relevant planning policies and in terms of general and residential amenities an objection had been received stating that the coffee shop and Subway would create more litter which would be blown away from the site. It was considered that a condition could be imposed for suitable bins to be provided for customers around the site along with a commercial bin storage area on the site to mitigate any effect of more litter. No objection had been received from the Transportation Unit and there was adequate parking provision on the site. Therefore, it was considered that the proposal complied with local and national policies and it would not have a detrimental effect on the amenities of the area or any neighbouring property.

- (b) Proposed and seconded – to approve the application.
- (c) The Senior Planning Service Manager responded to the following observations raised by individual Members:
- It would not be possible to make a request to the developer for a community contribution on the grounds of the development but there was nothing to prevent the Community/Town Council from making the request.
 - A message could be sent to the developer to keep the name of Llys y Gwynt on the proposed development but it would not be possible to impose a condition to this end
 - Similarly, a message could be sent to the developer to ensure bilingual signs.

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

- 1. Five years**
- 2. In accordance with the plans**
- 3. Agree materials**
- 4. Contaminated land conditions**
- 5. Archaeological work plan**
- 6. Landscaping maintenance plan**
- 7. Bins plan and ensure that they are installed**
- 8. Provide all the parking spaces in accordance with the plan prior to opening the remainder of the development to the public.**

6. Application Number C14/1184/39/LL – Plot 4, Land near Saint Engan’s Church, Llanengan

A revised design for a house approved by planning permission number C11/1186/39/MG, including extension to curtilage and retaining a caravan for residential use during the construction of the dwelling only.

- (a) The Development Control Manager elaborated on the background of the above application to retain work that did not comply with the plans approved for constructing an affordable two-storey house that had been approved in February 2012. It was noted that the plans attached to the current application showed a two-storey house with a void under the floor of the house and the internal area of the house now measured 130m². It was further noted that the house measured 0.75m long and 0.8m wide and was larger than the house originally permitted but there was no change in the design to what had been approved in 2012. Reference was made to the relevant policies as outlined in the report along with the relevant planning considerations. It was noted that the principle of developing the house had been approved in 2009 along with the estate of residential houses of which it was part. As a consequence of receiving a complaint, it was confirmed that the work of constructing the house was not entirely in accordance with the planning application that had been approved, namely that a void had been created and the area of the house was larger. The current amended application was submitted with confirmation that the void under the house had been closed off completely. It was considered that the additional size of the house was justified by the change in the applicant’s family circumstances and there was now justification for a five bedroom property. It was emphasised that the house continued to be an affordable house

although it had five bedrooms and it was for local need. In addition, the applicant had extended the curtilage of the house in order to install a substantial caravan as living accommodation for him and his family during the construction of the dwelling. It was considered that such a situation complied with the aims and principles of the relevant policy subject to the caravan being removed from the site immediately the house is occupied along with the land being restored. Letters of objection had been received and the concerns had been addressed in the body of the report. Reference was also made to the applicant's observations regarding the objections on the late additional comments form that was submitted to the Committee. It was considered that the proposal complied with all the policies noted in the report and it did not have a substantial detrimental effect on the visual amenities of the Llanengan Conservation Area, the AONB, or neighbouring residents.

(b) Taking advantage of the right to speak, the applicant noted the following main points:

- The void under the house was a matter of requirement in accordance with the report of a structural engineer, and it was not the applicant's choice
- The applicant was a native of the area and he had been trying to purchase a house for approximately 10 years
- He was in favour of the s. 106 Agreement process and agreed with all the conditions
- The house was to be built for him and his family in accordance with their future needs as circumstances had changed with the additions to the family

(c) The Local Member (who was not a Member of this Planning Committee), supported the application and agreed with the contents of the planning officers' report and he was glad that the applicant had accepted the relevant conditions attached to the application. He added that he had personally not received any objection to the development.

(ch) Proposed and seconded to approve the application in accordance with the planning officers' recommendation.

Resolved: to delegate powers to the Senior Planning Manager to approve the application, subject to receiving confirmation from the Legal Unit that there is no need to amend the existing section 106 Agreement and in accordance with the following conditions:

1. Local natural stone on those parts which are shown to have it on the plans
2. Agree on the finish for the remaining external elevations
3. Slates on the roof
4. Remove permitted rights of classes A, C and E from part 1 of the (General Permitted Rights) Order 1995
5. No caravans within the curtilage (after removal of the temporary caravan)
6. Complete the landscaping work in accordance with the details on the plans
7. Surface and foul water discharge to drain separately from the site
8. Surface water not to join the public sewer system
9. Not to allow land drainage surface water to be discharged into the public sewerage system
10. Close-off the internal and external openings to the void under the house permanently with concrete blocks
11. Remove the caravan from the site once the house is occupied or within two years whichever comes first

- 12. Submit a plan showing restoration of the extension to the curtilage to the north of the house to its previous condition within 2 months of the date of the permission and to implement the agreed details within 2 months of removing the caravan from the site**

7. Application Number C14/1198/18/LL - Ger y Coed, Dinorwig, Caernarfon

Construct a two-storey extension to the front of the property.

- (a) The Senior Development Control Officer elaborated on the background of the application and noted that the proposal was to construct a two-storey extension at the front of the single-storey property to provide a lounge on the ground floor and an 'en-suite' bedroom on the first floor. The application had been referred to the Committee because more than two objections had been received based on the impact of an increase in traffic and that the extension was not in keeping with the area, it was too big and the impact on the public footpath. It was not considered that an extension to the property would affect the concerns highlighted above. Confirmation was received that a bed and breakfast service was not available in the property. In terms of a complaint regarding a static caravan on the site, it was confirmed that the matter had been transferred to the Enforcement Unit to investigate further. The main consideration to the proposal were elaborated upon, along with the relevant planning policies and based on the assessments and considerations, it was not considered that the proposal was contrary to local and national policies.
- (b) The application was supported by the Local Member (who was not a Member of this Planning Committee), but it was noted that there was a desire to keep the public footpaths for public use.
- (ch) In response, it was noted that the proposal would not have any effect whatsoever on the public footpath and if there was an obstruction on the footpath, there was a unit within the Council which dealt with such issues.
- (d) Proposed and seconded – to approve the application.

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

- 1. Time**
- 2. Plans**
- 3. Materials**
- 4. Slate**

Welsh Water Note

8. Application number C14/1208/39/LL – White House Hotel, Abersoch

Demolition of existing hotel, construction of a mixed-use structure incorporating a spa facility and a 42 bedroom hotel, a restaurant/bar and 18 residential apartments with associated car parking, servicing areas and landscaping.

- (a) The Senior Planning Service Manager elaborated on the background of the application and noted the proposal to redevelop the site of the old White House Hotel and erect a new hotel along with 18 open market living units. It was noted that the application was a

resubmission of the exact same application which had been refused by the Planning Committee less than 12 months previously. Members were reminded, following a visit to the site in relation to the previous application that the site was in a prominent location in Abersoch. Reference was made to the plans and it was noted that the plan in terms of its design, setting and external materials was a development of very high quality. As context for the discussion on the current application, the importance of reminding the Committee of the decision and the reason for refusing the previous planning application was noted. Only one reason had been given for refusing the previous application, namely that the applicant had not proven with firm evidence that it would not be viable for the plan to include an element of contribution towards affordable housing and that the £150,000 offered late in the day was insufficient. Attention was drawn to the fact that an appeal had been submitted against the refusal and the process was underway. Given that the application before the committee was exactly the same as the application refused (other than the fact that there was no offer of £150,000 for affordable housing with the current application) the main consideration for the Committee was the element involving the viability of the plan in terms of affordable housing. It had already been accepted, in dealing with the previous application, that the development was acceptable in the context of all the other material planning considerations and it was seen from the content of the report that those considerations had been assessed in detail. The main matter for consideration was whether there was firm evidence in line with the requirements of Policy CH4 which proved that it would not be viable for a contribution towards provision of affordable housing to be made. Due to the nature of the application, the opinion of an independent expert had been sought, namely the District Valuer, on matters involving viability and the content of his report noted:

- (i) Confirmation that the information submitted by the applicant in terms of financial details was not robust and that the Council, in accordance with the expert advice provided at the time, had therefore been right to refuse the previous planning application, as the applicant had not proven his case in terms of viability matters
- (ii) That the District Valuer had gone a step further by undertaking his own assessment of the viability of the plan. In light of his assessment, it is confirmed without doubt that it would not be viable for a contribution towards affordable housing to be made.

Therefore, it was emphasised that it was an expert assessment by the District Valuer rather than an assessment by the applicant which had proven that it would not be viable for affordable housing to be provided as part of the plan. It was further noted that the expert opinion of the District Valuer had raised major questions regarding the viability of the plan and the possibility that the plan was likely not to happen at all. In relation to this specific point, it must be emphasised that the possibility that the plan might not happen at all was not a material planning consideration. The only consideration for the Planning Committee was whether there was evidence which proved that it would not be viable for a contribution to be provided towards affordable housing. Given the work undertaken by the District Valuer, there was strong evidence which proved that it would not be viable for a contribution to be provided towards affordable housing and the development complies with Policy CH4. Due to the nature of this application, the previous application and the appeal which was underway, the report of the District Valuer and the report submitted to the Committee by planning officers had been discussed with a Barrister who confirmed that the content of the report of the District Valuer was firm evidence along with the recommendation. Given this, it was recommended that the Planning Committee approved the application subject to material planning conditions as listed in the report.

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

- That the recommendation to approve the application responded to the desire of the residents of Abersoch as he personally had not received any objection to the proposed development
- That approximately 4,500 people were supportive of the application in the form of a petition and on social media
- That the area was advanced in relation to affordable housing with over 30 having been approved already
- It was emphasised that tourism was an essential trigger to regenerate, safeguard and improve the environment in rural and urban areas alike and that an investment of £1.5m in a rural area was extremely important
- In addition, an investment of 65 full-time posts a year was welcomed and in particular given that there were 255 people claiming benefits and looking for work in Gwynedd in the construction field
- The use of local goods and produce was welcomed, which again contributed to the local economy every year
- Attention was drawn to the fact that the Gwynedd Strategic Plan had identified the Llŷn and Eifionydd Employment Plan with the aim of securing varied jobs in the area
- Tourism jobs are without a doubt extremely important to sustain the rural communities of Llŷn
- That the Economy and Community Department had collaborated with the applicant in order to secure the best possible opportunities in the interests of the economy and the area
- Support would be available for the company to collaborate with the local College and schools to ensure that there was a suitable provision of skills available to take advantage of the opportunities resulting from the investment
- It would be possible to raise awareness of local providers and producers along with assistance to promote the Welsh language
- The Committee was strongly urged to support the application and the officers, District Valuer and the company were thanked for the work undertaken in dealing with this application.

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

(ch) An amendment was proposed and seconded to postpone making a decision on the application for three weeks in order to give the Planning Committee time to consider the report of the District Valuer on the viability of the development so that it can satisfy itself that the community would benefit from the development. It was felt that this would be a precautionary principle in order to ensure that the report of the District Valuer was robust.

(d) In response to the abovementioned observation, the Senior Solicitor explained that independent experts with experience in the field had dealt with the viability of this particular development and that there would be consequences should the decision be postponed. It was emphasised that planning officers had spent hours instructing the District Valuer and had submitted a specialist report which dealt with all aspects. Trust must be placed in officers who had challenged the information received and that they were entirely satisfied with the principles. Due to the sensitive nature of the District Valuer's report it had not been published on the website however any member of the Planning Committee could easily request to see the content of the report. Whilst accepting that an amendment had been proposed to postpone, the importance of trusting the content of the officers' report which was before the Committee was emphasised. In addition, the Committee was reminded that planning officers had received the advice of a Barrister on this matter.

(dd) The following points were noted in favour of the amendment to postpone making a decision:

- Would there be assurances that the company would employ local people?
- That several questions regarding the viability of the development needed to be answered
- Concern that this application was being considered when the appeal process was underway
- There was no reference to the opinion of the Barrister in the planning officers' report

(e) In response to the above concerns, the Senior Planning Service Manager explained as follows:

- with any planning application it was not known whether a development would happen or not and this was not a material consideration for planning. Whilst accepting that the information appeared strange with the experts noting that the scheme would make a loss of £4m the Planning Committee must detach itself from this element when deciding on the application. The only aspect which was relevant to the Committee in relation to viability matters was whether the application was viable to provide affordable housing and in the opinion of the planning officers, as a result of the advice and expert and independent assessment by the District Valuer, it was not viable to do so.
- Oral advice had been received from the Barrister due to the sensitive nature of the application and because an appeal was underway with a public inquiry to be held at the end of April. As part of preparing for the appeal there was a need to consult with the Barrister and therefore officers had taken the opportunity to discuss elements of the report of the District Valuer at the same time.
- In relation to the propriety of discussing an application which was part of an appeal, there was no option but to do so in order to avoid another appeal in connection with reaching a decision on the current application.
- That there was a risk to the Council should the Planning Committee go against the recommendation of planning officers and there would be no option but to refer to a cooling off period.

(f) A Member noted that the only argument before the committee was the viability of affordable housing and in accordance with the legal advice it appeared that it was not financially practical to include affordable housing. Therefore, the necessary information had been submitted to Committee.

(ff) A vote was taken on the amendment to postpone making a decision on the application and this amendment fell.

(g) A proposal to approve the application in accordance with the planning officers' recommendation was proposed and seconded and the motion was carried on a vote.

(ng) The following points were noted in favour of the abovementioned proposal:

- That the development was in a tourist area
- That the development would create jobs which was so important to the area
- The application was supported with full trust in the information submitted by the planning officers

Resolved: To approve with the following conditions:

1. Commence the development within five years.

2. In accordance with the submitted plans.
3. Agree on external appearance.
4. Completion of car park prior to commencement of its use.
5. Biodiversity Unit / Natural Resources Wales conditions to protect bats.
6. Conditions to protect trees.
7. Archaeology condition.
8. To submit and agree on a surface water drainage scheme.
9. Welsh Water conditions.

9. Application Number C14/1218/33/LL – Plas yng Ngheidio, Boduan

Change of use of field to form a touring caravan site for 11 caravans and two camping 'pods' along with building a toilet/shower block and installing a new septic tank

The Development Control Manager reported that a late consultation had been received regarding establishing a reed bed within the site and the Committee was asked to postpone considering the application to give planning officers an opportunity to assess the information in the context of the Site of Special Scientific Interest and the Special Area of Conservation nearby.

Resolved: To postpone considering the application in accordance with the planning officers' request.

The meeting commenced at 1.00 pm and concluded at 3.50 pm.