
PLANNING COMMITTEE 24/07/17

Present: **Councillor Anne Lloyd Jones - Chair**
 Councillor Elwyn Edwards - Vice-chair

Councillors: Simon Glyn, Louise Hughes, Siân Wyn Hughes, Eric M. Jones, Huw G. Wyn Jones, Dilwyn Lloyd, Edgar Wyn Owen, Eirwyn Williams, Gruffydd Williams and Owain Williams.

Others invited: Councillors E. Selwyn Griffiths, Dafydd Meurig (Local members).

Also in attendance: Gareth Jones (Senior Planning Service Manager), Cara Owen (Planning Manager), Idwal Williams (Senior Development Control Officer), Gareth Roberts (Development Control Senior Engineer), Rhun ap Gareth (Senior Solicitor) and Glynda O'Brien (Member Support Officer).

Apologies: Councillors Berwyn Parry Jones, Catrin Wager and Gethin G. Williams (Local Members).

1. DECLARATION OF PERSONAL INTEREST

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

- Councillor Eirwyn Williams, in item 5.2 on the agenda, (planning application number C16/1561/44/AM) as he was the owner of a small bed and breakfast establishment.

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 stated that they were local members in relation to the following items noted:

- Councillor E. Selwyn Griffiths (not a member of this Planning Committee), in item 5.2 on the agenda (planning application number C16/156/44/AM)
- Councillor Siân Wyn Hughes, (not a member of this Planning Committee), in relation to item 5.3 on the agenda (planning application number C17/0361/42/MG)
- Councillor Huw Gruffydd Wyn Jones (who was a member of this Planning Committee), in relation to item 5.5 on the agenda, (planning application number C17/0385/11/AM)
- Councillor Dafydd Meurig (not a member of this Planning Committee), in relation to item 5.7 on the agenda, (planning application number C17/0498/16/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. URGENT ITEM

(The following item had not been included on the Agenda, however, the Chairman agreed to consider it under Section 100 (4)(b) of the Local Government Act 1972).

- (a) During the meeting a copy of a letter received by the Planning Service from the Welsh Government Cabinet Secretary for the Environment and Rural Matters was presented regarding an outline planning application for a residential development to include up to 366 residential units and access roads, parking spaces and associated ancillary facilities at Pen y Ffridd, Bangor.

The application was refused approximately 12 months ago and since that decision an appeal hearing had been conducted against the decision. On 22 August 2016, the appeal was recovered for resolution by the Welsh Government, as the proposal concerned a residential development of more than 150 houses or a residential development on more than six hectares of land. It was announced on 12 June that the Minister was in favour of granting the appeal subject to the appellant addressing certain matters. However, in accordance with the Town and Country Planning (Hearing Procedure) (Wales) Rules 2003, the "2003 Rules", if Welsh Ministers, once a hearing has ended, consider any new matters of fact, and if they as a result are willing to disagree with the recommendation made by the Inspector, then they should not make a decision that is contrary to the recommendation without firstly informing those who were entitled to take part in the hearing that they disagree with the recommendation, give reasons why, and give those persons an opportunity to submit written observations or request that the hearing be re-opened.

The appeal was considered in accordance with the Gwynedd Unitary Development Plan 2001-2016, and not much weight was given to the Joint Local Development Plan. The site was designated for housing development purposes in the Unitary Development Plan. Following the receipt of the Inspector's report in relation to the Local Development Plan on 30th June, the weight to consider it from the point of view of the Local Development Plan had increased significantly and therefore the material planning considerations had changed. Under the Local Development Plan the site had not been designated for housing development. The matter would also be submitted before the Council to consider its adoption on the 28th July 2017.

Therefore, as a result of current policies and to defend the appeal and the Planning Committee's decision, the planning officers suggested that the Welsh Government should be requested to re-open the hearing.

- (b) A member who attended the hearing noted that it had been very difficult to defend the Planning Committee's decision to refuse as it was contrary to local policies, but he welcomed the suggestion to proceed and have a new appeal and re-open the hearing.
- (c) In response to a query, the Senior Planning Service Manager explained that the land in question had not been designated for housing development and the designated figure of dwellings would not be included with that designated in the proposed Joint Development Plan.

Resolved: To approve and note the above and support the Senior Planning Service Manager's decision to request the Welsh Government to re-open the hearing for the above appeal in order to give consideration to current planning policies within the Joint Local Development Plan that will be considered for adoption by the full Council at its meeting on 28 July 2017.

3. MINUTES

The Chair signed the minutes of the previous meeting of this committee, that took place on 3 July 2017, as a true record.

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 No. C17/0069/00/LL - Plot at Ffordd Bro Mynach, Barmouth

Erection of detached three-storey dwelling

- (a) The Planning Manager elaborated on the background of the application, noting that a decision on the above application had been deferred in order to conduct a site inspection visit prior to the main meeting. It was proposed to erect a three-bedroom dwelling with a double garage on the ground floor of the house, a turning area would be provided on the southern section of the site as well as provision for two parking spaces off the estate road north of the site. The site was currently used as a domestic garden for Tŷ Mynach, which was south of the site and in the applicant's ownership. The site was located within the development boundary of the town of Barmouth, and it was considered that the principle of the proposal was acceptable and in accordance with the relevant policies. It was noted that the site was fairly extensive in terms of size and the lower level was significantly lower than the nearby estate road, and consequently the dwelling would look like a two-storey property from the estate road. The proposed height of the dwelling to the top was considered to be acceptable. Concerns had been received that the development was oppressive and out of character with other houses on the estate, nevertheless, because of the reasons noted in the report that referred to height, location and existing landscaping there were no concerns to this end. Attention was drawn to the agent's response to the concerns on the late additional comments form that was submitted to the Committee. It was noted that the site was within the Arudwy Landscape of Special Historic Interest, as the site was within the area/built form of the town of Barmouth it was considered that there would be no significant impact on the wider landscape. It was considered that this development would not cause direct, unacceptable over-looking to houses approximately 30 metres away and that there would be no impact on the character of the listed buildings located approximately 60m away. No objection to the proposal was received from the Transportation Unit, subject to the inclusion of material conditions and notes. In response to an enquiry the Biodiversity Unit noted that they had no objection to the principle of the application if appropriate conditions were included. It was noted that the objections raised had received full attention as outlined in the report. Based on the assessment of all the relevant planning considerations, including the objections, it was considered that the proposal was not contrary to policies or local and national guidance and it was recommended to approve the application subject to the conditions outlined in the report.
- (b) Taking advantage of the right to speak, the objector noted that she was objecting on behalf of her mother who was the owner of Brookside. The proposed three-storey dwelling was unsuitable and the photographs were misleading and did not show the location from the southern aspect which was the most sensitive side. The following reasons for objecting were listed in accordance with the Gwynedd Unitary Development Plan 2001-2016:

1. Impact on the amenities of nearby property that the new three-storey building was oppressive and had an effect not only on the property of Brookside but also on Tŷ Mynach and number 4 Bro Myrddin. The building, due to its height, would overlook the back garden, parking site and access of Brookside, the back garden and western aspect of Tŷ Mynach.
2. Loss of privacy - the development would not ensure the privacy of nearby property, as four windows would overlook 4 Bro Mynach with three windows and a door would overlook the back garden of Brookside; two balconies would have an impact on Brookside and Bro Mynach.
3. The design did not respect the site and its vicinity in terms of quality, size, form and aspect - the development would have a significant visual impact. A new development of a high standard should be ensured that would be in keeping with the positive characteristics of the local area. It was noted that a cluster of nearby houses were a collection of distinct architectural grey stone houses that were Grade II listed buildings. It was felt that the rendered house was not in keeping.
4. There was a stream nearby and there was some concern of flooding risk once the proposed house was built.

The applicant was encouraged to propose a scheme that was keeping with the site.

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

- That the site was low compared to the land on the northern side where Branksome Estate was built
- When the estate was developed land on the northern side of the site was raised to be at the same level as the estate road in order to ensure the correct gradient for the road, namely Ffordd Bro Mynach.
- The site was approximately 4 metres lower than the road and therefore a three-storey house on the site would be suitable and acceptable as the site was low.
- Since the site was so low, the ridge level of the new house, despite being three-storeys, was 3 metres lower than the ridge level of Arnant, a two-storey house on the eastern boundary of the site recently approved by the Council despite objections including an objection from the owner of Brookside.
- The site was twice the width of the original estate plots
- The main balcony was on the middle floor.
- That the proposed house had been designed to include windows on the upper floor and these were dormer windows to keep the height of the property down to an acceptable level.
- That there were no windows in the back wall of Brookside facing the site on the first floor and therefore it was impossible to see the site due to the presence of a high stone wall behind the house, with only one window in the rear wall of Tŷ Mynach.
- There were 33 metres between the wall of the proposed house and the Brookside wall.
- There were trees and bushes in the rear garden of Brookside that safeguarded the owner's privacy.
- That there were no valid Planning reasons to refuse the application

(d) The Local Member was not present as he had declared a personal interest.

(dd) It was proposed and seconded to approve the application.

(e) The following concerns were noted by individual Members:

- That a three-storey house was unacceptable bearing in mind that it could be two-storey and it was oppressive with an element of over-looking
- and a rendered house would look out of place considering that surrounding houses had been listed

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

1. Commence the development within five years of approval
2. In accordance with plans
3. Slates on the roof
4. External wall materials to be agreed
5. Remove some class A, B and E developments rights from the Permitted General Development Order 1995 (as amended)
6. Details of planting, landscaping and boundary treatment to be agreed
7. Timetable to implement landscaping plan
8. Outside lighting plan to be agreed
9. Details of disposal and management method for invasive plant species on the site to be agreed
10. Plan for biodiversity improvements to include bird and bat boxes to be agreed
11. A condition that no surface water is connected to the public sewer
12. Building work hours (8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, with no building work on Sunday or Bank Holidays)
13. A 1.5 metre wide foot-way to be provided from one end of the site to the other, parallel to the county highway prior to the occupation of the development
14. Planning and construction of access in accordance with plans submitted prior to the occupation of the development
15. Parking arrangements will be completed in accordance with the plans submitted prior to the occupation of the development
16. Details of the retaining wall to be provided for approval prior to the commencement of any work on the site

Information note

1. No buildings, structures or raising of ground levels within 3 metres to the water course (proposed by Natural Resources Wales)
2. Protect the water course and permission would be required if any work/development on the site affects it (proposed by the Council's Water and Environment Unit)

2. Application no. C16/1561/AM - Land adjacent to Ffordd Penamser, Penamser Industrial Estate, Porthmadog

This was an outline application with all matters reserved apart from access, for the erection of two non-food retail units (Class C1), a 60 bed hotel (Class C1) with integral ancillary café/restaurant, and associated works including associated parking and service areas, a new service access, amendments to the existing site access and ancillary landscaping.

- (a) The Planning Manager elaborated on the background of the application and noted that the application site was currently vacant and located on part of the Penamser Industrial Estate, Porthmadog. The site was surrounded by various business and industrial uses including a petrol filling station, builders merchant and a hotel. Attention was drawn to the rest of the application details in the report together with the comments on the late observations form. In terms of the principle of the development, it was noted that a number of policies were relevant due to its location and land designations. It was noted that the site had a very relevant planning history, planning permission had been granted to erect two non-food retail units and an associated garden centre. The development had commenced by creating a vehicular access to the site and as a result consent was safeguarded. In 2012, planning permission was granted to erect up to five non-food retail units with one food and drink unit and a manager's living unit. Given that one consent had been safeguarded and the other was extant, it was considered that significant weight could be attached to this as a material planning consideration. In terms of the site's designation, although policy considerations had changed since granting the previous permission, the site could still be developed under the extant safeguarded permission and this was considered to be a realistic fall-back position. In terms of the proposed retail units, the intention of the application was not to increase the retail space area that was previously granted. Consequently, the proposal was unlikely to have a greater detrimental impact on the viability and vitality of the town centre than the current fall-back position. Should the application be approved it was considered reasonable and necessary to impose a condition on both units to prevent their sub-division into smaller units and to restrict the net retail floor space. A condition would also be required restricting the use to non-food retail. Attention was drawn to paragraphs 5.29 to 5.33 in the report that assessed the hotel element and this element of the proposal was not contrary to the relevant policies. It was further noted that paragraphs 5.34 to 5.42 dealt with flooding and drainage matters and having given fair consideration to the policies and the fall-back position regarding an extant safeguarded consent, it was considered that the application at this location was acceptable subject to relevant conditions. The report noted that appropriate consideration with clear and reasonable conclusions had been given to amenities, highway impacts, linguistic matters and biodiversity and were acceptable on the grounds of policy, via a condition or other appropriate arrangements.

In the conclusions, it was acknowledged that the proposal did not fully comply with the policies of the Gwynedd Unitary Development Plan or the Joint Local Development Plan. However, in this instance it was considered that the Planning history outweighed other considerations.

Attention was drawn to the accuracy of paragraph 6.1 in the Welsh report that should read "*bod ystyriaethau perthnasol yn bodoli sy'n dweud fel arall gan gyfiawnhau rhoi caniatâd Cynllunio serch y gwrthdaro gyda'r polisi*". Given all the relevant Planning considerations, including the objections and the observations submitted, it was considered that the application was acceptable and the officers' recommendation was that it should be approved.

- (b) Taking advantage of the right to speak, the applicant's Agent noted the following main points:
- That the developer (Morbaine Ltd) had been involved with this site for over 25 years
 - that the application site had been considered as a retail development by

several retailers but the sector was unpredictable

- that the developer had invested a great deal of time and energy to identify the correct development balance and therefore the plan represented a viable mix for retail and a hotel
- the hotel use can contribute to the initial costs of the development that is approximately £1m
- that the developer had cooperated closely with Natural Resources Wales to resolve any flooding issues and drainage matters
- that the developer had received the support of the Local Member and the Town Council as they saw the need to develop the site and it would also contribute to the local economy and create permanent full-time jobs

(c) The Local Member noted his support for the application with the following main points:

- the site had a Planning history
- the Town Council supported the application
- he was anxious for the site to be developed and was of the opinion that it would not have a detrimental impact on the town centre and would have a positive impact on the town
- that another hotel was needed in Porthmadog
- it would be a means to promote the town forward
- the restaurant/cafe would be for hotel residents use only

The Planning Committee was encouraged to approve the application and he took the opportunity to thank the Planning officers for their professionalism in dealing with this application.

(ch) The application was proposed and seconded.

(d) Individual Members noted the following:

- Would it be possible to try and influence the developer to consider that every sign on the proposed development was bilingual.
- The importance that the hotel employed local people
- That clarification was required regarding the use of the restaurant/café in terms of the hotel residents only and / or other persons.

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

1. **Time**
2. **Submit reserved matters**
3. **In accordance with the approved plans**
4. **Welsh Water**
5. **Retail conditions to restrict floor space area, no subdivision into smaller units**
6. **Café/restaurant floorspace within the hotel to be used only for purposes associated with the hotel**
7. **Finished floor levels**
8. **Highways access conditions**

9. **Provision of crossing island on the A497**
10. **Biodiversity**

3. Application no. C17/0361/42/MG - 10 Penrhos, Lôn Pen Rhos, Morfa Nefyn, Pwllheli

Reserved matters for the erection of a dwelling and four parking spaces.

(a) The Planning Manager elaborated on the background of the application and noted that it was an application to approve reserved matters to erect one dwelling with four parking spaces. It was noted that the principle of erecting a house on the site had already been established when outline permission was given for a dwelling. Attention was drawn to the differences between the plans submitted with the outline application when compared with the current detailed application. The difference was mainly limited to showing the location of the house approximately five metres closer to the county highway and further away from the objector's property. In the current application the house's roof ridge would be approximately half a metre higher. It was felt that the change in location was an improvement and it was considered that raising the roof ridge by approximately half a metre would not have more significant impact on the amenities of the neighbours or the area than what had already been supported via the outline permission. It was noted that the reserved details application dealt with matters relating to design, roads and the impact on local residents only and matters of principle should not be re-discussed.

In terms of the objections received, due to the residential nature of the area, the development was not considered to be out of character or detrimental to the area's visual or residential amenities.

It was considered that the proposal met with the policy requirements dealing with road safety and the provision of private parking with appropriate conditions. The planning officers recommended to approve the application subject to relevant conditions.

(b) The Local Member noted:

- When the application was discussed previously by the Town Council in 2016, that a garage was to be added with a parking area for six vehicles.
- There was concern that the development would be elevated and look out of place in the area.
- The Transportation Unit noted that there was access by foot to the highway, but it was noted that the track had daily use.
- It was asked if it would be possible to impose an affordable dwelling / local need condition on the development bearing in mind that there were several houses on the open market in the village

(c) In response to the observations, the Planning Manager noted that it was not possible to consider the above as the principle had already been established for development and further that the garage had been withdrawn from the application with parking spaces subject to the application before them.

Resolved: To approve – conditions

- 1. In accordance with plans.**
- 2. Slate roof.**
- 3. Reduce the height of the site's wall/hedge that borders with the county**

highway to 1 metre above the parallel carriageway.

4. Application no. C17/0371/39/AM - Land adjacent to Berthwen, Bwlchtocyn, Pwllheli

Demolition of building and construction of house

- (a) The Senior Development Control Officer elaborated on the background of the application and noted that this was an outline application to demolish a building and construct a new dwelling-house and the only matters that required consideration were the principle of developing the site together with access. The site was located in the rural village of Bwlchtocyn in terms of the Gwynedd Unitary Development Plan, however, in the proposed Local Development Plan the site is situated in the countryside. It was also located within an Area of Outstanding Natural Beauty and a Landscape of Outstanding Historical Interest. The footprint shown on the indicative plan indicated a house with a ground floor area of approximately 104m² and therefore as this would be a two-storey dwelling the floor area would double to approximately 208m². The internal floor area would not correspond to the size of affordable dwellings as recommended in the Supplementary Planning Guidance - Affordable Housing and therefore the proposal would be contrary to the requirements of criterion 4 of policy CH5 of the Gwynedd Unitary Development Plan. It was considered that the proposal would be acceptable in relation to criterion 5 as the proposal did not impair the existing natural boundaries.

Additional observations had also been received in support of the application and these were submitted separately to Committee members.

In relation to criterion 6, a request had not been made to the applicant for a Tai Teg assessment or to sign a 106 agreement that would tie the property as an affordable house, as it was not considered there was a need for an affordable house as the applicant owned two other houses adjacent to the application site. The proposal was considered to be contrary to relevant policies on the grounds that no local community need for an affordable house had been proven and that the indicative size of the property was substantially larger than an affordable house.

Attention was drawn to the fact that there was a difference in the housing policies in the Gwynedd Unitary Development Plan and the proposed Local Development Plan. Bwlchtocyn had not been included as a cluster in the Local Development Plan and therefore the site would be in open countryside where it would only be possible to develop housing for people employed in agriculture, forestry or other land-based industry on the site. The proposal would be contrary to these requirements as there was no agricultural, forestry or other land-based need for the proposed house.

In terms of general and residential amenities, it was considered that a suitably designed house could be sited on this plot in a way that would not cause significant harm to the amenities of the local neighbourhood.

Whilst recognising the applicant's personal circumstances in terms of his son's disability, and having weighed-up the proposal against the relevant policies, it was noted that the principle of the development did not meet with the requirements of the Council's housing policies that require that sites in rural villages are used to satisfy affordable needs only. No evidence was submitted to this end. It was further noted that the Council had not been convinced, based on the information

submitted, that there were worthy reasons to deviate from the Council's policies or national policies relating to Affordable Housing.

The planning officers recommended that the application was refused for the reasons stated in the report.

(b) Taking advantage of the right to speak, the applicant encouraged the Committee to grant the outline planning application to construct a home free from planning conditions and the following main points were noted:-

- Following her stepson's accident in 2011 there would come a time when he would be confined to a wheelchair and their current home Bwthyn y Ffrwd had been adapted for his long-term needs.
- Her husband's parents lived in the nearby property namely Glan Ffrwd, and his mother now required increasing care and support
- The applicant and her husband were eager to build their own house in order that their son could remain at Bwthyn y Ffrwd without having to worry about a suitable house when his health deteriorates.
- If they lived opposite they could offer care to their son and the parents and as a result could enable four generations of the family to live in Bwlchtocyn.
- The committee was asked to make an exception to the affordable housing policy as they could not afford the development, it would not be viable to be built and the building costs would be more than the value of the house and they could not get a mortgage to finance the building work.
- That the family had considered different options
- The son had one child and was keen to extend his family. If there was an addition to the family then this would restrict independence and privacy and would lead to overcrowding of the existing home.
- The family was eager to remain at Bwlchtocyn with the applicant's business based on rural agriculture, and as a family they contributed to the local area and the economy.
- An appeal was made to the committee to give favourable consideration to the application as a house without an affordable condition would enable the family to provide a house for the needs of a local person and the design would respect the local landscape, amenities and neighbours' privacy.
- The circumstances were exceptional for a local need and key worker.

(c) The Local Member was not present

(ch) It was asked if it was possible to consider this application due to the unique circumstances as had been done in a previous planning committee for a specific application at Rhiw.

(dd) In response, the Senior Planning Service Manager explained that each application had to be considered on its own merits and the application mentioned above was an exception. Whilst accepting that the family's wish was to live close to their son and parents who require care, the proposed house could not be justified and it would be very difficult to treat this application as an exception to policy. The only option would be for the Committee to support a local community need affordable house on the site based on a 106 agreement and of an affordable size. The Committee's attention was drawn to the fact that it would not be possible to permit an affordable house at Bwlchtocyn, not to mention an open market house, following the adoption of the policies of the new Joint Local Development Plan.

- (e) It was proposed and seconded to approve the application subject to further discussion with the applicant for an affordable house for local community need with its size tantamount to an affordable house and signing a Section 106 Agreement.
- (f) In response to several enquiries regarding the needs of the individual, the Senior Solicitor emphasised that an open market house would not be acceptable on the site under the current policies namely the Gwynedd Unitary Development Plan. The only way a house could be approved on this site was to approve an affordable house for local community need with the matter to be discussed further between the officers and the applicant together with a Tai Teg assessment. If this was not acceptable to the applicant then it would be possible to reconsider the application in accordance with the new planning policies within the Joint Local Development Plan.
- (ff) A member noted that he was not comfortable with demanding that the family should have an affordable house bearing in mind the difficulties outlined by the applicant in terms of the financial position. It should be recognised that the applicant's son was himself a father and generations of the same family had lived at the site in question. It was noted that the owner of the other two houses was a very active member of the community and had worked with the Lifeboat, together with his wife, for many years. He had worked from this location throughout his life and it was not anticipated that he would build the proposed house and then sell it on. It would be possible to get a third house on the site by interpreting the exceptional situation namely that the applicant's parents and his son required care.
- (g) In response, the Senior Planning Service Manager explained that it would be difficult to deal with the application as exceptional circumstances as there was insufficient evidence and if the committee were to approve it, there would be no option but to refer the application to a cooling off period.
- (ng) The Senior Solicitor added, whilst he understood the family's situation and the fairly profound matters, the committee was in a difficult position. It would be a very dangerous precedent to approve the application and use the reason that the banks were not willing to finance / offer a mortgage as grounds for approval. In this context, there was no direct evidence of the financial position bearing in mind that the application would be contrary to current policies.
- (h) An amendment was proposed and seconded to approve the application with conditions as it was an exceptional matter considering the financial complexities but the officers should discuss the size of the house with the applicant.
- (i) A vote was taken on the amendment, however, it fell.
- (j) A vote was taken on the original proposal to delegate powers to the officers to discuss the matter further with the applicant in order to agree on a house that was tantamount to the size of an affordable house for local community need. The applicant / occupier should also be assessed by Tai Teg in order to establish the need.

Resolved: (a) To delegate powers to the officers to discuss and agree with the applicant on a house that was equivalent to the size of an affordable house for local community need and to approve that house subject to the applicant signing a 106 Agreement that reflects this and to standard conditions.

(b) To request a Tai Teg assessment to assess the applicant / occupier's needs.

5. Application No. C17/0385/11/AM - The Garage, Garth Hill, Bangor

Outline application to erect one dwelling.

- (a) The Planning Manager elaborated on the background of the application and noted that the proposal was an outline application to demolish a former commercial garage and erect one dwelling-house. It was noted that the indicative plans submitted were to erect one house, between 6m and 7.9m in height, on the parcel of land between the rear of the existing terraced houses on Garth Road and Trem y Castell, Bangor with the intention to provide a new vehicular access for Allt Garth and create a new parking and turning area.

The application site was in a residential area within the development boundary of the city of Bangor.

When considering the relevant policies, it was noted that there was strong policy support for the principle of the development, but it was also essential that the development conformed to other policies in the development plan. It appeared from the plans that the design, size and materials of the proposal were fairly standard and would be in keeping with other properties in the area with no detrimental impact on visual amenities or the general amenities of the area.

Attention was drawn to the metal industrial building that currently covered the whole site, and it was considered that constructing a modern building on a portion of the site would clearly be a substantial improvement to the site's appearance.

In terms of general and residential amenities, reference was made to the detailed assessment in paragraphs 5.13 to 5.16 of the report.

Regarding the objections that the development could make the surrounding land unstable, it was noted that any development would have to go through the Building Control process to ensure its safety and ultimately it was a matter for the developer to ensure that the construction work was completed safely. Matters in relation to walls between private properties are dealt with via the Party Wall Act.

Having considered all the relevant planning matters, the application was considered to be acceptable and satisfied the requirements of the relevant policies. It was recommended to approve the application subject to the conditions noted in the report.

- (b) The local member stated that no objector had contacted him or Bangor City Council, and there was support by residents in his ward to the proposal.
- (c) It was proposed and seconded to approve the application.

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

- 1. Standard condition at the time of an outline application**
- 2. Development to comply with the approved plans**

3. **The height of the ridge of the main house to not exceed 106.55m as shown on the submitted plans**
4. **Final materials to be agreed, including a natural slate roof**
5. **Opaque glass windows only on the north-western and south-eastern elevations**
6. **Welsh Water Condition**
7. **These include the treatment of the site's boundaries in the detailed application**
8. **Withdrawal of permitted development rights**
9. **The parking arrangements must be completed before residing in the property**

Notes

Welsh Water

Natural Resources Wales

Highways

Party Walls Information

6. Application No. C17/0432/11/LL - Old Glan, Glanrafon, Bangor

Change of use of the building's ground floor from a four bedroom flat to student accommodation with five bedrooms together with building an extension and external alterations.

- (a) The Senior Development Control Manager elaborated on the background of the application, noting that the existing building had been empty following its recent use as a public house with a flat above. The proposed accommodation would include five bedrooms, two bathrooms and one open-plan kitchen and dining room, all on the first floor.

Reference was made to the relevant policies in the report along with the responses to the consultation.

In terms of the principle of the development, it was noted that there was no specific policy in the Unitary Development Plan that dealt with a development of this type. However, the proposal complied with the requirements of policy C3 that relate to the use of previously used sites.

It was noted that the merits of the application had to be considered against the current situation, namely continuation of the use of the ground floor and converting the existing four bedroom living unit into student accommodation with five bedrooms. Whilst acknowledging that student accommodation developments were a concern in Bangor, the scale of this application was considered to be fairly small compared to previous applications submitted and was therefore unlikely to have a damaging or significant impact on the student accommodation situation or the city's housing stock. In order to ensure satisfactory arrangements for letting the units, a condition may be imposed that accommodation agreements should be agreed in advance with the Local Planning Authority.

It was noted that the existing flat provided four bedrooms, with the intention of adding one more bedroom and it was unlikely to cause a significant different impact to the present. It was considered that the proposal would not be an over-development and would not have a significant detrimental effect on the residential amenities.

In terms of transportation and access matters, no objection had been received from the Transportation Unit regarding road safety and parking provision.

Having assessed all the relevant planning considerations, the proposal was considered acceptable and complied with relevant local and national planning policies and guidelines and it was recommended to approve the application subject to appropriate conditions.

(b) It was proposed and seconded to approve the application.

(c) During the ensuing discussion, the following points were noted by individual members:

- That that it was important to keep an eye on this type of provision and it was felt that the proposal was oppressive as there would be only one kitchen for five units and they were packing in more units in order to make profit.
- were more student units needed
- concern regarding safety in terms of fire safety and exits as no comments had been received from the fire service / police
- That the facility of one kitchen between five units was fairly acceptable, and regarding fire the upper floor of the building had been regularly used in the past for concerts for approximately 70 persons.

Resolved: Approve with conditions

1. **Five years**
2. **In accordance with the Flood Consequence Assessment**
3. **External finishes to match the existing building**
4. **Agreement on the accommodation contracts to include students only, a public contact point and a restriction on the use of cars.**

Welsh Water Note
Bats discovered note

7. Application No. C17/0498/16/LL – Parc Bryn Cegin Dairy, Parc Bryn Cegin, Llandygái

Erection of cheese factory / dairy together with a café and ancillary visitor area.

- (a) The Planning Manager elaborated on the background of the application and noted that the proposal was to erect a cheese factory / dairy including an ancillary café and visitor area at the designated industrial estate of Bryn Cegin, Bangor. The new facility would include a two-storey building with a series of silos for the storage of milk and water. The rest of the site would be divided into one area for loading and business activity, parking spaces for 135 vehicles and a landscaping area around the site's boundaries.

Reference was made to the rest of the details in the report.

In terms of the principle of the development, it was noted that the policies identified Bryn Cegin estate as an industrial site to be protected, and this application for industrial use in use class B2 was in accordance with what was encouraged by the policies. It was deemed that the principle of developing on this site was acceptable, however, there were a number of additional policy considerations to be considered.

Although it was a large development, the new building would be of a size, design and

materials expected of a modern industrial building on a substantially sized estate, and therefore it was considered to be in keeping with its location. Landscaping would assist to mitigate the visual impact of the development and it was deemed that it would not have a significant detrimental impact on the visual amenities of neighbourhood.

Reference was made to the late observations form that stated that the Public Protection Unit confirmed their support subject to conditions, and therefore the proposal was considered to be acceptable in terms of the aspects of the policies that deal with safeguarding the neighbourhood's amenities.

Attention was drawn to the fact that transportation, land drainage, archaeology and biodiversity matters were all acceptable.

In terms of the economy and linguistic matters, it was noted that the assessment was positive and the proposal would create high value opportunities.

It was noted that there was no objection to a shop or café ancillary to the main use and conditions may be imposed regarding this.

Having assessed all the relevant planning considerations, the proposal was deemed to make appropriate use of a site designated for such uses and it was recommended to approve the application in accordance with the additional conditions of the Public Protection Unit concerning ventilation / extraction system, noise levels and hours of operation.

(b) Taking advantage of the opportunity to speak, the applicant noted:-

- This was an enterprise by a group of young farmers and he was one of the founders
- The enterprise specialised in the production and selling of cheese
- That Bryn Cegin site was central to north Wales and would be a good starting place for the venture
- The factory would use renewable technology and the system would meet with the requirements
- That approximately 20 jobs would be created on the site.
- The site would be closer to the consumers
- It was trusted that farmers would receive a better price for their milk with the industry moving forward

(c) The local member expressed his support for the development and noted:

- That this huge site within his ward had been empty for approximately ten years.
- That the government had invested in the site's infrastructure
- The site was in an excellent location for the A55
- There was local support for a tenant to the site in order to create employment

(ch) It was proposed and seconded to approve the application.

(d) During the ensuing discussion, the following points were highlighted by individual members:

- It was excellent to see enterprising young people and more enterprises such as Bryn Cegin were to be welcomed
- The applicants were congratulated for their entrepreneurship and best wishes were given to the future of the enterprise.

- Whilst supporting entrepreneurship, it was trusted that the development would not affect the success of another milk / cheese factory in the north.

(dd) In response to the above, the Senior Planning Manager noted that competition was not a planning matter.

Resolved: To approve the application with the following conditions:

Conditions

1. **Five years**
2. **Work to be in accordance with the plans**
3. **Materials / colour**
4. **Welsh Water Condition**
5. **Implementation to be in total accordance with the Protected Species Assessment**
6. **The shop / visitors' facility has to be ancillary to the industrial use and the retail floor area will be limited to that shown on the submitted plans.**
7. **Only goods produced in the industrial unit will be sold in the shop.**
8. **Agree on a lighting plan**
9. **Landscaping condition**
10. **Details of ventilation / extraction, noise levels, control of operation hours.**

Notes

**Natural Resources Wales
Welsh Water**

8. Application No. C17/0505/25/LL - Bryn Gwredog Uchaf, Lôn Bryn Gwredog, Waen Wen, Bangor.

Erection of a new dwelling for an essential agricultural worker together with an agricultural building and vehicular access.

(a) The Senior Development Control Officer elaborated on the background of the application, and noted that the application site was in open countryside outside any development boundary and the proposal was to erect a three bedroom bungalow and an agricultural shed and to modify the existing agricultural access off the unclassified road that passed the site.

Reference was made to the relevant planning policies within the report and it was noted that additional information had been received from the Land Drainage Unit and noted on the additional observations form.

Regarding the principle of the development, it was noted that new houses in rural sites would only be approved under very special circumstances, i.e. when the dwelling was required as a home for a full-time worker mainly employed in agriculture, forestry or other rural land-based industry.

Attention was drawn to the requirements of Technical Advice Note 6 and policy CH9 of the Unitary Development Plan that require information relating to the following:

- The Functional Test

- The Time Test
- The Financial Test
- The Alternative Dwelling Test

and it was recognised that the development met with the above requirements.

In terms of design and visual amenities, it was considered that the plan for the house was fairly small and unobtrusive. On the whole, it was considered that the design of the house and shed were quite inconspicuous and reflect the expected design of such buildings in the Welsh countryside. Although it was accepted that it was a fairly prominent location and the new development would be visible from nearby public areas, it was considered that the site was not within a designated landscape and the development would be typical of this area.

Despite the objections of the residents of Tyddyn Hir, namely the house nearest to the site, because of the distance between the site and the fact that there were mature hedgerows between these sites, it was considered that the proposal would not cause direct unacceptable harm to the amenities of the residents of Tyddyn Hir.

It was noted that the road serving the site was quite narrow. However, although the proposal was likely to give rise to the need for agricultural vehicle movements in relation to the activities on site, it was not anticipated that these would be any worse than the expected level of traffic with regards to the agricultural business should the land be farmed by an owner living outside of Waen Wen. It was confirmed that the Transportation Unit had expressed its satisfaction with the plan.

Following an assessment of all the relevant planning considerations, including matters raised by objectors, it was considered that the development was suitable for the site and it was recommended to approve the application subject to the conditions noted in the report together with the Land Drainage Unit condition.

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

- Of the opinion that the statement in paragraph 5.3 of the planning officer's report was fundamentally flawed
- That the proposed guidance of the Joint Development Plan that had not thus far been adopted, continued to refer to TAN6 guidance for developments in rural communities
- That the application failed both tests outlined by TAN6;

1. Functional Test - the application was for a large agricultural building together with a rural enterprise dwelling on the basis that there was a functional need. The site comprised a mere 6 hectares of non adjacent land from a farming enterprise of 97 hectares of land which represented less than 6% of the business area. The agricultural appraisal referred to ownership control of 500 head of cattle. The proposed shed had a capacity for 40 head of cattle representing less than 8% of the livestock. On this basis we contend that the site is not capable of meeting the functional need indicated as the 6 hectares plays an insignificant part in the business. The proposed use of the shed would increase a rise in animal haulage traffic, the delivery of large quantities of supplies needed for the whole farming enterprise to this small site by HGV's will create a significant need for onward transport to other sites and therefore creating a distribution centre by stealth. We believe that the 105 degree angle for the junction at Pentir to Caerhun road with its 20 ft road width is inadequate for HGVs without significant damage to the road and verge, and the tarmac along the approach road in places is inadequate for frequent heavy agricultural usage.

2. Alternative dwelling - A current Right Move property survey identified two three-bedroom properties in the area for sale above £185k. Following TAN 6 guidance an extended search of a further three mile radius identified 116 properties at below £150k. On this basis we contend that the application fails under the alternative dwelling test.
3. We oppose the application since the site is unsustainable and should be refused.

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

- That he was a tenant of a farm that was not far from the application site and the field was in his occupation and he used the land with the land of Pen Hower and other fields for farming
- That he had started farming from nothing and had farmed for many years and farming had always been in his blood.
- That he, his wife and two little girls did not have a home and they lived in a caravan that was far from ideal, they had lived there for three years and the application submitted was for an agricultural home.
- That they could not buy nearby houses as their prices were excessive and beyond their ability
- That the nature of agriculture meant that it was necessary to live as close as possible to the farm
- Whilst he accepted that neighbours had objected for various reasons the planning department had responded to the objections
- He was a native of the area and one of the few that farmed locally as land had been sold or let for rent.
- That farming was important for the welfare of the area and certainly to maintain the Welshness of rural Wales.

(d) It was noted that the Local Member supported the application.

(dd) It was proposed and seconded to approve the application.

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

Conditions

1. **Five years**
2. **Only an agricultural worker to reside in the house**
3. **Work to be in accordance with the plans**
4. **Materials / Slates on the roof of the house**
5. **Removal of general permitted rights**
6. **Agricultural use only for the shed**
7. **The shed must be erected before the house**
8. **Surface water to be disposed in accordance with the requirements of TAN 15 and pollution management**
9. **Archaeological mitigation work programme conditions**

Notes

Note by Natural Resources Wales highlighting the relevant regulations with regards to dealing with foul water and pollution management.

9. **Application No. C17/0541/14/LL - Land adjacent to 4 Rhosbodrual Terrace,**

Caernarfon,

Erection of two semi-detached dwellings and associated works

- (a) The Senior Development Control Officer elaborated on the background of the application and noted that the proposal was to erect two semi-detached dwellings and associated works to include provision of parking spaces and erection of a 1.8m high wooden fence around the site. It was proposed to create parking spaces for two cars for each house opposite the gable-ends, with the access to the site as it was now off the private road that was in the applicant's ownership.

The site was located on a plot of land that formed part of the residential curtilage of 4 Rhosbodruall and within the Caernarfon development boundary in the Gwynedd Unitary Development Plan.

Reference was made to the relevant planning policies and the responses to the consultations within the report as well as a response by the applicant's agent to the comments of the objectors noted on the additional observations form.

It was considered that the proposal as submitted as a full application was acceptable in principle, and in terms of visual amenities it was deemed that it would not create incongruous structures in the street-scape and was acceptable and in compliance with the relevant policies.

Attention was drawn to the objections received on the grounds of:

- Current parking difficulties
- Over-development
- Suitability of the sewerage system
- Prevention of access to Haven
- Detrimentially affects the amenities of local residents

It was noted that the Gwynedd Unitary Development Plan stated that a building density of at least 30 units per hectare was used for residential development sites in order to make best use of the land. However, this figure may vary from site to site based on physical restrictions or the area's general character. In this particular case the site development density for two houses came to approximately 33 houses per hectare which corresponded to the relevant requirements and therefore it would not be an over-development of the site.

In terms of the loss of light to the property called Haven, it was noted that both houses had been set back at the rear of the site in order that the northern elevations of both houses were set back from the northern elevation of Haven. Although it was recognised that there would be some crossing (approximately 2m) between the gable-end of Haven and the gable-end of one of the proposed houses and some shadowing would be inevitable, it was deemed that it would not be at a substantial or significant scale.

The site was located within a residential area that close to a class 1 county highway, although it was recognised that locating two additional houses on the site could create an element of disturbance, it was deemed that it would not be of a significantly higher scale than currently existed in the application site's catchment area. It was noted that it was also proposed to erect a 1.8m high wooden fence along the western, northern and eastern sides of the site for the benefit of the privacy of local residents. It was also confirmed by the applicant's agent that the existing trees and shrubs would be retained.

In the context of transportation matters, access would be gained to the site from a private road in the applicant's ownership and it was proposed to provide four parking spaces on the site for the two proposed houses. The Transportation Unit had no objections to this application on the grounds of road safety and the parking provision together with the fact that it was a private road that served not only the site but also other nearby dwellings.

It was emphasised that the objections had received full consideration as part of the assessment and having considered all the relevant planning matters it was considered that proposal was not contrary to local and national policies or relevant guidance. It was therefore recommended to approve the application.

(b) It was proposed and seconded to approve the application.

Resolved: To approve subject to the following conditions:

- 1. Five years.**
- 2. In accordance with the plans.**
- 3. Natural slate.**
- 4. Withdrawal of permitted development rights and no additional windows**
- 5. Safeguard the trees and privet on the verges of the site.**
- 6. Parking provision**
- 7. Agree on external materials.**
- 8. Welsh Water Condition.**

The meeting commenced at 1.00pm and concluded at 3.15pm.

CHAIR