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## PLANNING COMMITTEE 5/2/18

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

**Councillors:** Stephen Churchman, Simon Glyn, Louise Hughes, Berwyn Parry Jones, Eric M Jones, Huw G. Wyn Jones, Dilwyn Lloyd, Edgar Wyn Owen, Catrin Wager, Eirwyn Williams and Gruffydd Williams.

**Others invited:** Councillor Cemlyn Williams (Local Member).

**Also in attendance:** Gareth Jones (Senior Planning Service Manager), Cara Owen (Planning Manager), Gareth Roberts (Senior Transportation Development Control Officer), Rhun ap Gareth (Senior Solicitor), Eurnyn Williams (Senior Rights of Way Officer [Arfon] for item 5 on the agenda) and Bethan Adams (Member Support Officer).

**Apologies:** Councillors Sian Wyn Hughes and Owain Williams.

### Condolences

Condolences were extended to Councillor Simon Glyn following the recent death of his father.

### 1. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

- (a) No declarations of personal interest were received from any members present.
- (b) The Senior Solicitor declared a personal interest in item 6.5 on the agenda (planning application number C17/1240/14/LL), because he was friends with the applicant's husband.

The officer was of the opinion that it was a prejudicial interest and he left the Chamber during the discussion on the application.

- (c) The following members stated that they were local members in relation to the items noted:
- Councillor Eirwyn Williams (a member of this Planning Committee) in relation to item 6.4 on the agenda, (planning application number C17/1134/35/AM);
  - Councillor Cemlyn Williams (not a member of this Planning Committee), in relation to item 6.5 on the agenda, (planning application number C17/1240/14/LL).

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

- (ch) Members noted that they had been lobbied by individuals in relation to items 5 (Application to register a public footpath) and 6.3 (planning application number C17/1117/20/AM) on the agenda.

### 2. MINUTES

The Chair signed the minutes of the previous meeting of this Committee, that took place on 15 January 2018, as a true record.

### 3. APPLICATION TO REGISTER ON THE DEFINITIVE MAP A FOOTPATH IN FRONT OF MAWDDACH CRESCENT TO BARMOUTH BRIDGE, COMMUNITY OF ARTHOG

The Senior Rights of Way Officer (Arfon) noted that due to local interest on the item, it was recommended to defer in order to consider it at the next meeting to be held in Dolgellau on 26 February.

The local member noted that she supported deferring the item due to the local interest and it would be better to consider it when the meeting was held in Dolgellau.

It was proposed and seconded to defer the item. A vote was taken on the proposal and it carried.

A member suggested that a site visit should be undertaken. The Senior Solicitor asked on what grounds it was suggested to hold a site visit, considering that written evidence and photographs of signs in the location had been included in the agenda. He emphasised that evidence of use of the footpath or prevention of use was what was under consideration when discussing such an application.

A proposal to undertake a site visit in order to see the site in its context was made and seconded. A vote was taken on the above proposal, but it fell.

In response to a question from a member in relation to whether additional information was available on the application, the Senior Solicitor noted that if the members had any questions about the application, they should contact the Senior Rights of Way Officer (Arfon) and they could ask to view additional information.

**RESOLVED to defer the application.**

#### **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 policy aspects.

**RESOLVED**

##### **1. Application number C16/1258/39/MG - 21, Ystâd Braich, Mynytho, Pwllheli**

Application for approval of reserved matter details for siting of holiday chalet and parking provision, replacing a septic tank with private treatment plant following the granting of outline approval C13/1218/39/AM.

- (a) The Planning Manager elaborated on the background of the application and noted that the reserved matters application only dealt with the scale and appearance of the holiday unit, and the site's landscaping.

She noted that the site was located amongst 23 existing holiday chalets within an obscured valley in the countryside.

She noted that the principle of the proposal had already been approved through the outline application. The proposed building was substantial but, due to land levels, it was not considered to appear larger than the other units on the site.

It was confirmed that the Local Member did not object to the application.

The development was acceptable in terms of relevant local and national policies for the reasons noted in the report.

**RESOLVED to approve the application.**

Conditions:

1. External finish to match the rest of the state's units

2. Slate on the roof

Note: Welsh Water

**2. Application number C17/0966/15/LL – HSBC Bank House, 29 High Street, Llanberis**

Change the use of a bank into two flats and change the existing maisonette into two flats with associated changes.

- (a) The Planning Manager elaborated on the background of the application and noted that the application was to convert a former HSBC bank building in Llanberis into four self-contained flats.

She explained that two of the flats would be on the ground floor and there would be one flat on each of the other floors.

She noted that confirmation had been received from the Joint Planning Policy Unit, on the grounds of the financial information submitted as part of the application, that it would not be viable to provide affordable housing on the site. She added that projected figures for the units showed that they would be affordable without the affordable housing commitment. Consequently, the recommendation had been amended to what was noted in the report and the recommendation now was to approve the application with conditions.

She drew attention to the fact that the Transportation Unit had no objection to the proposal and, although observations have been received in regards to the lack of parking provision in this part of Llanberis, it was not considered that the situation created by four flats would be more detrimental than the situation created by the building's former use as a bank and maisonette.

The development was acceptable in terms of relevant local and national policies for the reasons noted in the report.

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

During the ensuing discussion, the following main points were noted by members:

- Would it be required to provide an external fire escape as this was a three-storey building?
- Not against the development but concerned about the parking provision, especially overnight, considering that individuals were parking for a short period during the day when going to the bank
- That the proposal that would provide one bedroom and two bedroom units was welcomed as there was a need for more flats
- Banks closing was sad but the development would be a good use of the building
- The proposal would bring an empty building back into use, it would provide units for young people and contribute towards the need identified in the Joint Local Development Plan (LDP)
- Would it be possible to impose a local housing condition on the development should it be approved?

In response to the above observations, the officers noted:

- Providing a fire escape was a matter for building control;
- Acknowledged that there were parking problems in Llanberis, but in terms of its existing use, it should be taken into consideration that the bank's staff parked for long periods of time, in addition to customers coming and going. The need for a car would possibly be less as the site was in a town centre location, close to facilities with public

transportation passing by frequently. It would be a matter for any prospective buyer to consider

- It would not be possible to impose a local housing condition on the development.

**RESOLVED to approve the application.**

Conditions:

1. The commencement time of the development
2. Development in strict accordance with the plans
3. Welsh Water Condition

Notes:

Welsh Water

Highways

**3. Application number C17/1117/20/AM – Pant Erys, 34 Glan y Môr, Y Felinheli.**

Outline application, with some reserved matters, to erect three dwellings, including one affordable dwelling, together with the creation of a vehicular access, pedestrian access and parking for up to nine vehicles. Demolition of existing store-room and erection of new building in its place to include store-rooms. (revised application to previously refused application - C16/1235/20/AM).

- (a) The Planning Manager elaborated on the background of the application, noting that according to the current version of the Development Advice Maps (maps were updated on a quarterly basis), the front of the site in question lay within a C2 Flood Zone. She noted that Technical Advice Note 15 "Development and Flood Risk" (TAN 15) stated clearly that a highly vulnerable development within a C2 zone should not be approved. She explained that "highly vulnerable developments" included all types of residential buildings.

She highlighted that previous appeal decisions, including a decision letter from the Welsh Government Minister for Natural Resources Wales, makes it explicitly clear that highly vulnerable developments should not be approved within a C2 Zone. Therefore, it was considered that there was no option but to refuse this application as the development was contrary to the requirements of TAN 15.

She noted that Policy ARNA 1: Coastal Change Management Area of the LDP stated that proposals for new housing within the Coastal Change Management Area (CCMA) would be refused. She drew attention to the fact that, as the site was within an area under threat of marine flooding near a coastline registered as a CCMA, in accordance with Policy ARNA 1 of the LDP, the application must be refused.

She emphasised that there were concerns in terms of the design in addition to highways matters relating to parking and access over a steep ramp that led directly over the pavement that ran past the site.

She noted that, having considered all the relevant matters, including the local and national policies and guidance and the observations received, this application was considered to be unacceptable as it failed to satisfy the basic requirements of national and local planning policies, specifically relating to floods but also in terms of transportation and design.

- (b) Taking advantage of the right to speak, the applicant's agent noted the following main points:
- The site was already a mixed use of businesses and a dwelling;
  - The proposal would make use of brownfield
  - The parking provision was on a high level with a ramp and an escape route for residents should there be extreme floods

- The measurements noted in paragraph 1.2 of the report were incorrect - the floors of the houses would be raised 2.52m above the level of Ffordd Glan y Môr to a level of 6.22m Above Ordnance Datum.
- It was only the front of the site that was within a C2 Flood Zone, which was less than 20% of the surface area of the site. It would only affect the entrance from the highway
- The proposal was acceptable in terms of Policy ISA 4 of the LDP subject to further discussions on the design and transportation matters
- There was a need to weigh up the wording of the policy for floods against the reality of this proposal, given that it would only affect the site entrance
- Many houses and property in Felinheli would be under water before this site.

(c) It was proposed and seconded to refuse the application.

During the ensuing discussion, the following main points were noted by members:

- Would it be possible to receive an explanation in regard to the agent refuting the policy?
- Would it be possible to see an enhanced image of the design?
- Would it be possible to provide an alternative entrance to the site from the rear?
- Concern about how much water would accumulate at the entrance, meaning that emergency services would be unable to access the site.

(ch) In response to the above observations, the officers noted that:

- They recognised the agent's observations in relation to paragraph 1.2 - if what was noted in the report was incorrect, it would not change the situation. It was extremely important that there was an access in and out of the site in case of an emergency
- Natural Resources Wales (NRW) notes that this type of development was highly exposed and that such developments should not be granted within a C2 Flood Zone. NRW had no objection to the proposal on grounds of flooding as this was a policy matter for the planning officers
- An appeal on a site opposite the Garddfôn pub had been refused on the grounds that the entrance was within a C2 Flood Zone
- It was a matter of principle, it would be possible to overcome design matters, but the officers had not contacted the applicant to discuss this aspect because the proposal was going against principles
- In terms of highways, the Transportation Unit had raised a concern about elements of the application, and had asked for additional information but, due to flood matters that could not be overcome, the planning officers had not contacted the agent
- The rear of the site, namely the Caernarfon-Bangor former railway, was on a slope and it was presumed that the land was not owned by the applicant. It was impractical or impossible to have another entrance
- The flood risk was unacceptable in terms of any residential use on the site. The whole site was not wholly within the C2 Flood Zone but the crucial part was within the zone, namely the entrance.

**RESOLVED to refuse the application.**

Reason:

A residential development on this site would be contrary to the guidance provided in TAN 15: Development and Flood Risk as the development site is partly located within a C2 flood zone as identified by the 'Development Advice Maps' produced by Natural Resources Wales. A C2 flood zone is an area where it is acknowledged that a flood risk exists and so the application is contrary to Policy PS6 of the Gwynedd and Anglesey Joint Local Development Plan which states that new developments should be located away from areas at risk of

flooding. In addition, the nearby coast had been identified as a Coastal Change Management Area in the West Wales Shoreline Management Plan and therefore, any residential development on the site would be contrary to Policy ARNA 1 of the Gwynedd and Anglesey Joint Local Development Plan.

**4. Application number C17/1134/35/AM - Helidon, Merllyn Road, Cricieth.**

Outline application for the erection of a two-storey house.

- (a) The Planning Manager elaborated on the background of the application and noted that the application was an outline application for the construction of a two-storey house within an existing curtilage of a property called Helidon. She highlighted that the site was located within the development boundary of Cricieth and within an area containing a mixture of detached and semi-detached housing within fairly substantial curtilages.

It was considered that siting a residential property with its own curtilage and access within this curtilage would leave sufficient amenity space for the existing dwelling and proposed dwelling and would be in keeping with the area's development pattern in terms of location and size of the site.

She drew attention to the fact that the Transportation Unit had no objection to the proposal.

She noted that objections had been received involving the size of the proposed house; as the houses around the site were two-storeys high, it would be reasonable to impose a condition to ensure that only a two-storey house would be erected on the site.

The development was acceptable in terms of relevant local and national policies for the reasons noted in the report.

- (b) Taking advantage of the right to speak, the Local Member (a member of this Planning Committee), noted that he had no objection to the application or to the recommendation.
- (c) It was proposed and seconded to approve the application.

In response to an observation by a member, the Planning Manager confirmed that this application was for a two-storey house with roof space, and not for a three-storey house.

**RESOLVED to approve the application.**

Conditions:

1. Time
2. Reserved Matters
3. Slate
4. Welsh Water
5. Highways/Parking
6. Windows
7. Finished floor levels
8. Boundary treatments / landscaping
9. Two-storey property only.

Note: Water

**5. Application number C17/1240/14/LL – Glan Rhyd Farm, Cae Garw Road, Rhosbodrual, Caernarfon**

Conversion of an external building into a holiday unit (an amended plan to what was refused under application number C17/0945/14/LL).

- (a) The Planning Manager elaborated on the background of the application and noted that the application was to convert an external building into holiday accommodation and construct a porch to the western elevation of the building, and construct the roof ridge 500mm higher than the existing ridge.

She noted that the nearest dwellings were situated approximately 66m south along the unclassified county highway of Ffordd Cae Garw. Although a petition had been submitted objecting to the application on the grounds that the proposal would be likely to undermine the community's well-being - bearing in mind the density, use, nature and scale of the proposal it was deemed that there would be no significant disruption to the existing and general amenities of nearby occupants due to noise nuisance and loss of privacy considering that it was proposed to provide only one holiday unit.

The development was acceptable in terms of relevant local and national policies for the reasons noted in the report.

- (b) Taking advantage of the right to speak, the applicant noted the following main points:
- She had informed nearby residents of the application in advance
  - 59% of the individuals who signed the petition submitted did not live on Cae Garw Road therefore they would not be affected
  - It would be a two bedroom holiday unit for four people
  - It was intended to retain the character of the existing property
  - The development would not affect Cae Garw Road.
- (c) The following main points were made by the local member (not a member of this Planning Committee):
- A young family wanted to develop a building that would contribute to the local economy
  - Older residents were objecting on the grounds of the general impact on the community. They were concerned that the application would set a precedent
  - He did not object to the application if the application conformed to the conditions recommended.
- (ch) It was proposed and seconded to approve the application.

During the ensuing discussion, the following main points were noted by members:

- The proposal was acceptable because it would make use of an unused agricultural building. There was no need for residents to be concerned about the development setting a precedent
- The proposal would contribute to the area and economy in addition to removing the pressure in the area in terms of summer houses
- The impact on residents would be low
- The building would be developed sensitively and would make good use of the building
- It was sad that it was not possible to approve applications to convert agricultural buildings into houses for local people rather than holiday units only.

### **RESOLVED to approve the application.**

Conditions:

1. Five years.
2. In accordance with the plans
3. Natural slate.
4. Holiday use only and a register of visitors must be maintained
5. Complete the work in accordance with the mitigation measures in section 5.1 and 5.2 of the Mitigation Measures and Improvements of the Protected Species Survey by Green Man Ecology dated 19 August 2017.

6. A condition to comply with British Standards regarding the suitability of the existing private sewage treatment equipment.
7. Condition to remove permitted rights regarding extensions.

**6. Application number C17/1145/18/LL – Coed Bach Pengraig, Argraig, Seion, Llanddeiniolen, Caernarfon**

Shed for forestry use, a trackway and parking space (part-retrospective application)

- (a) The Planning Manager elaborated on the background of the application, noting that the trackway to serve the shed was already in place and had a slate/shale stone surface. She noted that the intention was to use the shed to keep tree trunks dry for the applicant's personal use.

She noted that she did not believe that the shed would be a substantial incompatible structure within the local landscape considering its setting, design and appearance in the coppice.

She drew attention to the fact that the closest dwelling to the site of the shed was located approximately 60m to the south-east, and other residential dwellings within the settlement of Seion lay approximately 120m away to the east. Considering the scale and nature of the shed along with its use for carrying out forestry activities, it was believed that the development would not substantially impact the general and residential amenities of nearby residents on the grounds of noise nuisance.

The development was acceptable in terms of relevant local and national policies for the reasons noted in the report.

**RESOLVED to approve the application.**

Conditions:

1. In accordance with the plans.
2. External elevations to be in dark green.
3. Restrict the use to forestry use.
4. Restrict the development to the applicant's personal use and not for business use.
5. Steel profile covering to be of a dark green colour.

The meeting commenced at 1.00pm and concluded at 2.00pm.

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**CHAIR**