
PLANNING COMMITTEE 14/05/18

Present:

Councillors: Stephen Churchman, Elwyn Edwards, Siân Wyn Hughes, Anne Lloyd Jones, Berwyn Parry Jones, Eric M. Jones, Huw Wyn Jones, Dilwyn Lloyd, Edgar Wyn Owen, Catrin Wager, Eirwyn Williams, Gruffydd Williams and Owain Williams.

Others invited: Councillors Dafydd Owen and Aeron Maldwyn Jones (Local Members).

Also in attendance: Gareth Jones (Senior Planning Service Manager), Cara Owen (Planning Manager), A. Rhys Roberts (Development Control Officer), Gareth Roberts (Senior Development Control Officer - Transport), Rhun ap Gareth (Senior Solicitor) and Lowri Haf Evans (Member Support Officer).

Councillor Anne Lloyd Jones expressed her gratitude for the support she had received from her fellow members and Planning Service officers during her time as Chair.

1. ELECTION OF CHAIR

Resolved: To elect Councillor Elwyn Edwards as Chair of this Committee for 2018/19.

2. ELECTION OF VICE-CHAIR

Resolved: To elect Councillor Eric Merfyn Jones as Vice-chair of this Committee for 2018/19.

3. APOLOGIES:

Apologies had been received from Councillors Simon Glyn and Louise Hughes.

4. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

(a) The following members declared a personal interest in the following items for the reasons noted:

- Councillor Catrin Wager, in items 7.2 and 7.6 on the agenda (planning application numbers C17/0903/16/LL and C18/0266/44/LL) as she was friends with the applicants.
- Councillor Stephen Churchman, in item 7.3 on the agenda (planning application number C17/1094/36/LL) as the Cross Foxes was a property located near his home. The applicant was a neighbour and a friend of the Councillor.

The Members were of the opinion that they were prejudicial interests, and withdrew from the Chamber during the discussion on the items noted.

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

- Councillor Dafydd Owen (not a member of this Planning Committee), in relation to item 7.1 and 7.2 on the agenda, (planning application number C17/1266/16/LL and C17/0903/16/LL)
- Councillor Aeron Maldwyn Jones (not a member of this Planning Committee), in item 7.4 on the agenda (planning application number C17/0967/39/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.

5. MINUTES

The Chair signed the minutes of the previous meeting of this Committee, held on 16 April 2018, as a true record.

6. URGENT ITEMS

None to note

7. 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 C17/1266/16/LL – Land at Bryn Cul, 2 Tal Gae, Tregarth, Bangor

Erect a 17.5m high telecommunications mast, including three antennae, two broadcast satellites, two equipment cabins and one measuring cabinet and associated work.

Attention was drawn to the additional observations that had been received

The Members had visited the site.

- a) The Development Control Officer highlighted that this was an application to erect a high telecommunications mast on rough agricultural land to the west of the development boundary of the village of Tregarth. It was noted that the mast would be a monopole, set on a concrete base with three antenna and two transmission satellites on the top; three equipment cabinets near its base, and a 1.2m high fence around it to create a compound. It was intended for two companies, such as Telefónica UK Ltd (O2) and Vodafone Ltd, to use the facility to improve 2G and 3G provision, and offer a 4G service due to the lack of existing local provision. It was reiterated that the applicant was attempting to satisfy Welsh Government's desire of having an improved digital infrastructure in rural communities.

The Members were reminded that the decision made on the application at the Planning Committee meeting on 26/02/18 had been deferred in order to hold a site visit. At that meeting, Members had made a request for the applicant to respond to some of the matters raised during the discussion and reference was made to that response in section 1.7 of the report. The application had been deferred for the second time at the Committee on 16/04/18 in order to re-arrange a site visit (the first visit had been deferred due to inclement weather). It was highlighted that correspondence had been received from an objector questioning the validity of the process of dealing with the application and reference was made to the response in section 1.8 of the report.

In the context of assessing the application, it was noted that visual amenities and biodiversity matters were the main material planning considerations. It was accepted that the proposed structure would, unavoidably, be partially visible from public viewpoints due to the need for it to be located in a relatively open location to ensure that it worked to its full capacity. As the proposed site was wooded, the mast would be relatively concealed from the majority of public places and it would not overbear or dominate any private property. It was reiterated that a number of narrow and high structures already existed in the area which included substantial trees, telegraph poles and a row of electricity pylons. It was highlighted that the Biodiversity Unit had asked for additional reports regarding the impact on ecology and trees as the

development was located on a site of unimproved agricultural land and that mature native trees were located nearby.

It was considered that the proposal was acceptable and that it complied with the requirements of the relevant policies.

- b) Taking advantage of the right to speak, the Local Member (not a member of this Planning Committee) made the following points;
- That the application did not comply with policies - contrary to NCT19
 - Insufficient attention had been given to special landscape areas
 - An objective assessment had not been completed - the proposal depended on an objective interpretation
 - That the site selection study was weak and unsatisfactory
 - The area was often used by local people
 - The application's failing in showing an understanding of the site
 - That Welsh Government requirements had 'set the right' and that the Committee was an obstruction in the process
 - That the application included incorrect facts
 - A strong suggestion to refuse the recommendation
 - No objection to masts - this mast was in the wrong place
- c) In response to the observations, the Senior Planning Service Manager noted that more information had been provided and that alternative sites had been considered. He reiterated that the policies supported this type of development and that he was confident that the assessment considered all material planning matters.
- ch) It was proposed and seconded to approve the application.
- d) During the ensuing discussions, individual Members highlighted the following points:
- Was it possible to consider 'sharing' nearby masts / pylons?
 - A suggestion to place a Tree Preservation Order on the tree in front of the site
- dd) In response to a comment regarding sharing pylons, it was noted that safety matters were a consideration as well as ensuring that the pylons were in the correct place to ensure the best possible effect. It was reiterated that the site met the need and that the applicant had addressed the rationale behind selecting the site.
- e) **Resolved to approve the application subject to material planning conditions**
1. **Time**
 2. **In accordance with the plans**
 3. **Remove the mast and associated equipment and restore the land should its use end.**
 4. **An Environmental Construction Method Statement must be submitted before commencing the development**
 5. **Work on trees must not be undertaken unless previously agreed with the Local Planning Authority.**
 6. **Condition regarding the colour of the mast and the antenna/satellite dish**
 7. **Condition regarding the colour of the fence and cabinets**
 8. **An archaeological survey must be undertaken before work commences**
 9. **A hedge / tree protection area must be fenced-off before commencing any other work on the site**
 10. **The recommendations of the Ecological Assessment Report must be strictly observed**
 11. **A Planting Plan must be submitted and strictly observed.**

2. Application number C17/0903/16/LL – Carreg y Fedwen, Sling, Tregarth, Bangor

Creation of sacred healing acoustic research and enterprise centre including the erection of four new buildings, the formation of parking areas and erection of 2.3m high boundary wall (revised application to one previously withdrawn - C16/1158/16/LL)

The Members had visited the site.

- a) The Development Control Manager elaborated on the background of the application, noting that this was a full application to create a new research centre for a social enterprise company. It was highlighted that the decision had been deferred originally at the Planning Committee on 15 January 2018, in order to arrange a site visit. It was reiterated that additional information had been received from the applicant, providing a more detailed explanation of the nature of the proposed development, including an application to change the description of the proposal to "Office, Multi-purpose Room and Research Facility" in line with the Design and Access Statement submitted.

It was explained that there would be three elements to the facility:

- An office
- A multi-purpose room (the main dormer) - to be used to play and record acoustic instruments and voices to test their effects on human health. The building had been designed to provide high quality sound and it had mitigating measures so that the sound would not be heard externally.
- Three small dormers designed to resonate with specific frequencies.

It was reiterated that the intention was for the individual buildings to be "tuned" so that the impact of any frequency would be maximised in the hope of providing architectural models that could be reproduced for installation in existing buildings. It was confirmed that there was no intention to treat patients on the site, but rather research to understand, model and test the efficiency of acoustic features.

It was noted that the site was in an isolated location in a mixed forest and it was considered that the buildings, due to their size and materials, would be in keeping with the site and concealed from distant viewpoints. In terms of general intervention, it was confirmed that it was expected for two members of staff to be on the site initially (possibly increasing to five), with the number of customers in "low single numbers" at any given time.

It was not considered that the proposal was contrary to any material planning policy within the Local Development Plan. It was reiterated that it was appropriate use of the site and that it was unlikely to cause unacceptable detrimental impacts in relation to those policies. It was also noted that the new information submitted by the applicant did not change the recommendation.

- b) Taking advantage of the right to speak, the Local Member (not a member of this Planning Committee) made the following points;
- That there was no future to the enterprise
 - That the residents of the Pentir area were gravely concerned about the visual impact of the development
 - That he was dubious of the word 'research'
 - That the straw and timber huts were out of character
 - Should the enterprise fail, what use would be made of the site?
 - That the business was vague
 - Recommend refusing
- c) It was proposed and seconded to approve the application.

- ch) During the ensuing discussion the following points were highlighted by individual Members:
- Glad to receive additional information confirming that only research would be provided here, and not the treatment of patients
 - An igloo shape was inappropriate in the area
 - Why was there no requirement for this business to be located in an industrial estate?
 - The development's design was not in-keeping with the area
 - Visual impact
 - That there were no scientific grounds to the research
 - If the enterprise was unsustainable and failed as a business, what would happen to the buildings?
 - Suggested imposing a condition to demolish the building should the enterprise end
 - Request to protect public footpath (number 59) during and after the development.

d) **Resolved to approve the application subject to material planning conditions.**

1. **The commencement time of the development**
2. **Development in full accordance with the plans**
3. **Materials**
4. **Biodiversity Condition**
5. **The parking provision must be completed before the site becomes operational**
6. **Regulation of hours of operation - 09:00 - 17:00 Monday to Saturday**
7. **Noise control measures must be submitted and agreed upon before the resource is operational.**
8. **Condition to restrict the level of noise that could reach the nearest residential property.**

3. Application number C17/1094/36/LL - The Cross Foxes, Garndolbenmaen, Gwynedd

Change of use from public house to dwelling house

Attention was drawn to the additional observations that had been received

- a) The Planning Manager elaborated on the background of the application, noting that the decision had been deferred at the committee on 16 April 2018, in order to ask the representatives of the Garndolbenmaen Community Group for further information, in the form of a realistic financial package, for their proposal to purchase the building and keep it as a public house, along with evidence of a reasonable financial package to purchase the property.

Since this decision to defer, it was expressed that the application was now the subject of a formal appeal to the Planning Inspectorate for non-determination within the appropriate timescale. It was noted that there was a formal procedure for dealing with non-determination appeals and it was highlighted that the relevant regulations within Planning Legislation noted the following:

For Planning appeals where an appeal had been made regarding the Local Planning Authority's failure to come to a decision on the application within the specified period, there is a period of four weeks from the receipt of the appeal where a Local Planning Authority has an opportunity to continue to determine the application.

In this case, the appeal had been submitted to the Planning Inspectorate on 18 April and a decision was required by 16 May. Members were reminded that the application had also been deferred at the Planning Committee on 26 February 2018 in order to give the local community group an opportunity to present evidence of their intention to purchase the building in order to retain its use as a public house.

It was noted, that it was reasonable to consider that the existing use was not viable as a public house. Information had been received with the application from an accountancy firm, confirming that there had been a decline in the business' turnover for some years.

It was expressed that the officers' recommendation was clear in that the application should be approved; however, reference was made to three options, included in the report, highlighting the risks to the Council, and these were open for the Committee to consider.

- b) It was proposed and seconded to approve the application in accordance with the officers' recommendation that would mean that the appeal would end without any further action, thus avoiding costs to the Council.
- c) During the ensuing discussion, the following points were highlighted by individual Members:
- That community assets received much more attention in England under the Localism Act.
 - That the Committee had already given the Community Group nine weeks - they should keep to their word and keep to the timetable.
- ch) In response to a question regarding the timetable, the Senior Planning Service Manager noted that the Committee was being forced to discuss the application due to appeal arrangements. He reiterated that he would wish to see the public house continue as a public house, but the business had been on the market since 2011, and no purchaser had come forward. He noted that the Community Group were attempting to purchase the site, but there was no realistic financial package or any robust offer made.
- d) In response to an observation regarding the likelihood of the Community Group reaching its target, the Planning Manager noted that the additional information received was included in paragraph 5.14 of the report. It was reiterated that a community meeting had been held and it was accepted that the intentions of the community group were valid and it had a very ambitious business plan that was to be praised. Nevertheless, it was noted that only a few thousand had been pledged to the campaign, to date, which was way off the target.
- dd) In response to a concern that the community could challenge the Committee's decision in terms of changing its mind about the timetable, the Solicitor noted that the challenge would be unfounded as the Committee needed to come to conclusions sooner due to the statutory timetable. He noted also that nothing prevented the Community Group from making an offer for the building.
- e) A request was made for a registered vote

In accordance with the Procedural Rules, the following vote to approve the application was recorded:

In favour of the proposal to approve the application, (8) Councillors: Anne Lloyd Jones, Huw Wyn Jones, Berwyn Parry Jones, Edgar Wyn Owen, Dilwyn Lloyd, Eric Merfyn Jones, Siân Wyn Hughes, Owain Williams

Against the proposal to approve the application, (2) Councillors: Gruffydd Williams and Eirwyn Williams

Abstention (1) Councillor Catrin Wager

- f) **Resolved to approve the application**

Conditions

1. Time
2. Compliance with plans
3. Removal of permitted development rights

4. Application number C17/1011/24/LL - Fron Deg Site, Rhostryfan, Caernarfon

Full application for the construction of four new two-storey dwellings to replace four previously approved bungalows

Attention was drawn to the additional observations that had been received

- a) The Planning Manager recommended deferring the decision on the application as difficulties had been experienced in registering to speak on the application, as well as a suggestion to conduct a site visit.
- b) Taking advantage of the right to speak, the Local Member (not a member of this Planning Committee) made the following points;
 - That the site had suffered from flooding in the past and that insufficient further preparation work had been done.
 - The need to ask the developer to improve surface water arrangements.
 - Firm conditions needed to deal with the flooding and surface water overflow situation.
 - Too many houses on the site would lead to too many cars
 - The need to consider the privacy of nearby houses - overlooking
 - Number of parking problems here
 - No access to emergency services - solutions had already had to be made with the waste collection
 - Remaining with four bungalows would be more in-keeping and would look natural
 - No reference to affordable housing in the application
 - Agreed with the suggestion to visit the site
 - The site needed to be considered in the evening - possible to circulate photographs
- c) It was proposed and seconded to defer the application.
- ch) **RESOLVED to defer the application**
- difficulties experienced in registering to speak on the application therefore there was a need to ensure a second chance
- a site visit needed to be arranged

5. Application number C18/0233/15/LL - Land near Tŷ Du Road, Llanberis, Caernarfon

Change of use of land to provide five formal parking spaces, new footpath and garden areas

- a) The Development Control Manager elaborated on the background of the application, noting that this was an application to provide five formal parking spaces that would be let to local residents, and provide a footpath to the site from Fron Goch and changes to the arrangement for gardens and access to the proposed houses.

It was highlighted that this would be a private parking site and that any arrangements regarding parking rights would be a private matter between the users and the owner. It was reiterated that there could be some disturbance to neighbouring properties due to car lights and noise from the low number of parking spaces proposed, the location and lay of the parking site, as well as regular use of the nearby road. It was not considered that the development would change the situation in terms of private amenities in a significant way compared with what had already been approved.

It was noted that the parking spaces would extend up to 1.2m to the tree root protection zone identified in the previous site plan, but it was explained that work to the land surface had already occurred at this location as part of Welsh Water's sewerage improvements scheme. It was highlighted that the trees to be planted on this part of the site would be planted in another place.

It was reiterated that all material planning matters had been considered and that the changes proposed were acceptable.

- b) It was proposed and seconded to approve the application.
- c) **RESOLVED to approve the application**

Conditions

1. Time
2. In accordance with the plans
3. Welsh Water Condition

6. Application number C18/0266/44/LL - 26, Y Ddôl, Porthmadog

Erection of two-storey gable-end extension and single-storey rear extension

- a) The Planning Manager elaborated on the background of the application, noting that the application had been amended since its original submission, by removing a Juliet balcony on the first floor in the rear elevation. It was noted that this application was submitted to the Planning Committee as the applicant was the Local Member.

The proposal involved extending an existing single-storey extension to the rear in order to create a larger living and dining room. The new extension would provide a bedroom and bathroom to the first floor without changing the existing ground floor interior.

Having considered all material Planning matters, including local and national policies and guidance, it was considered that the proposal would not have a detrimental harmful impact on the area and nearby houses and that the amended design of the proposal was acceptable.

- b) It was proposed and seconded to approve the application.
- c) **RESOLVED to approve the application**

Conditions

1. Commence within five years.
2. In accordance with the plans.
3. Slate
4. Finishes of walls
5. Removal of PD rights – windows

The meeting commenced at 1.00pm and concluded at 2.15pm.

CHAIR