
PLANNING COMMITTEE 20/10/20

Present:

Councillors: Stephen Churchman, Elwyn Edwards Simon Glyn, Louise Hughes, Anne Lloyd Jones, Berwyn Parry Jones, Eric Merfyn Jones, Gareth T Jones, Huw G. Wyn Jones, Dilwyn Lloyd, Edgar Wyn Owen, Gareth A. Roberts, Eirwyn Williams, Gruffydd Williams and Owain Williams.

Also in attendance: Gareth Jones (Assistant Head of Planning and Environment), Cara Owen (Planning Manager), Rhun ap Gareth (Senior Solicitor), Gareth Roberts (Senior Development Control Engineer), Iwan Evans (Head of Legal Section / Monitoring Officer - for item 7.4 only) and Lowri Haf Evans (Democracy Services Officer).

Others invited: Councillor John Pughe Roberts (Local Member)

1. ELECTION OF CHAIR

RESOLVED to re-elect Councillor Eric M. Jones as Chairman of this Committee for 2020/2021

2. ELECTION OF VICE-CHAIR

Councillor Gareth A Roberts was proposed and seconded
A second name, Councillor Louise Hughes was proposed and seconded

A vote was taken on the proposals

RESOLVED to elect Councillor Gareth A Roberts as Vice-chair of this Committee for 2020/2021

3. APOLOGIES

Apologies were received from Councillor Linda A W Jones and Councillor Elin Walker Jones (Local Members)

4. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

- a) Councillor Berwyn Parry Jones (who was a member of this Planning Committee), in item 7.4 on the agenda, (planning application number C19/1072/11/LL), as he was an Adra Board member.

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

The Solicitor, Rhun ap Gareth, in item 7.4 on the agenda (planning application number C19/1072/11/LL) as his parents-in-law lived near the site.

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

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

Councillor John Pughe Roberts (not a member of this Planning Committee) in item 7.2 on the agenda, (planning application C19/1197/02/LL)

Councillor Gareth A Roberts (a member of this Planning Committee), in item 7.4 on the agenda (planning application number C19/1072/11/LL)

5. URGENT ITEMS

None to note

6. MINUTES

The Chair signed the minutes of previous meetings of this committee, held on the 10th and 24th of September 2020 as a true record, subject to noting that Councillor Gareth T Jones was present at the meetings.

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

7.1. Application Number C19/1028/03/LL Wynnes Arms Hotel, Manod Road, Manod, Blaenau Ffestiniog LL41 4AR

Application to convert a public house into five flats, along with the erection of a rear extension and parking spaces

Attention was drawn to the late observations form.

- a) The Planning Manager elaborated on the background of the application, and noted that it had been submitted to committee in September, where it was resolved to defer consideration as a result of receiving concerns regarding flooding on the site. In the meantime, it was reported that the applicant had informed the Council that he had submitted an appeal to the Planning Inspectorate due to a lack of decision by the Council on the application (closing date 20/10/20).

Following the Committee's determination (10 September 2020 meeting), to defer the decision in order to receive more information regarding drainage matters, the Flood Risk and Coastal Erosion Management Unit was consulted. A response was received noting their objection as they were aware that a culverted watercourse ran through the development site, which had not been identified in the application. The developer was advised to establish the exact path and condition of the culvert prior to undertaking any work on the site. It was noted that there was strong evidence that the watercourse had caused historical flooding to the cellar floor of the existing building. The developer was advised to establish the exact path and condition of the culvert and to prepare a limited Flooding Consequences Assessment (FCA) to consider if the site may be developed safely in accordance with TAN15. Until an acceptable flooding assessment would be produced, the Unit would object to the development on the grounds of flooding risk.

In light of the information received, it was reported that the only option would be to recommend to refuse the application.

- b) It was highlighted that the Local Member objected on the grounds of flooding concerns

- c) It was proposed and seconded to refuse the application

RESOLVED to refuse the application on the grounds that the proposal to convert the building into five flats was within an area with a history of flooding, and no information had been submitted as part of the application to show that the risk of flooding can be managed safely; and therefore the proposal was considered to be contrary to policy ISA 1 and PS 6 of the Anglesey and Gwynedd Joint Local Development Plan and Technical Advice Note 15: Development and Flood Risk.

7.2. Application Number C19/1197/02/LL Corris Craft Centre, Upper Corris, Gwynedd

Create a touring caravan site for 11 touring units together with siting a toilet block and landscaping.

- a) The Planning Manager elaborated on the background of the application, noting that this was a full application to create a touring caravan site for 11 touring units together with siting a shepherd's hut as a washing facility.

It was explained that the principle to establish the touring caravan site was based on Policy TWR5 of the LDP and such developments would be permitted if they can conform to relevant criteria. It was noted that the site was located in a field with the lie of the land and existing landscaping on the boundaries, creating a site that was fairly hidden. In terms of visual amenities, it was considered that the proposal had no detrimental impact on the rural character and atmosphere of the local landscape, which was designated as a Special Landscape Area.

In the context of general and residential amenities, it was considered that the proposed use would not generate substantially more noise and disturbance than the existing circumstances bearing in mind that the site location was near a busy Trunk Road and the Corris Craft Centre. The observations of the Transportation Unit and the Welsh Government's Trunk Road Unit confirmed that they had no objection to the revised plan.

In the context of biodiversity matters, it was considered that the proposal involved the use of reclaimed land and the land had no current use. Reference was made to the tree report stating that the development had been designed carefully in order to retain the existing screen around the site with the intention of improving this screen with additional planting along the boundaries.

It was highlighted that the Biodiversity Unit had no objection to this proposal provided that measures were taken to avoid damage to species and that the site was managed to create a wild flower meadow. It was noted that mitigation measures had been outlined in the ecological report.

- b) Taking advantage of the right to speak, the applicant's agent noted the following points:-
- Corris Craft Centre was a long standing tourist attraction
 - The application in question was an opportunity for diversification of a small facility for 11 touring units and to ensure the viability and secure the future of the craft centre
 - The applicant had received several requests for such a provision. The facility would allow visitors to the centre to stay on for a few days to enjoy what the centre has to offer, as well as the surrounding area.

- That it was proposed to retain the trees along the boundary and to create an additional screen
 - It was an opportunity to create an additional source of income, to secure employment and a resource that was needed in the area - that would contribute to the local economy and would be a means of supporting other local businesses
 - They had collaborated closely with the Planning Department; and had used the response to the consultation period observations to ensure a suitable design and plan
- c) Taking advantage of the right to speak, the Local Member made the following points:-
- He was supportive of the application.
 - There was a demand for this type of facility in the area
 - That it would create additional income for the Craft Centre
 - It was an opportunity for the business to diversify
- ch) It was proposed and seconded to approve the application
- d) During the ensuing discussion, the following observations were made by members:
- The facility may prevent people from using the parking lay-bys for overnight parking
 - Welcomed the use of a screen and additional landscaping to ensure that it was not intrusive and visible in the landscape for village residents
 - That one shower and one toilet was not a sufficient facility for the site
 - That approving a site for touring units would add to congestion in the area - there was no need for more sites - need to re-visit the policies
 - Holiday restriction - holidays were now taken throughout the year

(dd) In response to a comment regarding the number of toilets and showers, it was highlighted that it was the responsibility of the Licensing Unit to determine if the provision was insufficient.

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

1. **Five years.**
2. **In accordance with the revised plans and specialist reports.**
3. **Limit the numbers to 11 touring units**
4. **Holiday season / siting**
5. **Restrict the units for holiday use.**
6. **No touring units to be stored on the site**
7. **Biodiversity**
8. **Restrict to the holiday season.**
9. **A register to be maintained.**
10. **No tree felling, hedge cutting or clearing of vegetation within the nesting season.**
11. **Agree/control lighting.**
12. **Agree details of the 'clawdd'.**
13. **Agree details of washing facilities unit prior to being sited on the site**
14. **Landscaping**
15. **Landscape maintenance**
16. **Provide a Biodiversity Improvement Plan**
17. **No ground clearance during the reptile winter hibernation season**

Contaminated Land Note

7.3 Application Number C20/0190/19/AC Seiont Brickworks, Seiont Works, Seiont Mill Road, Caernarfon, Gwynedd

An application for works associated with the construction of the proposed A487 Caernarfon to Bontnewydd bypass, including;

- Use of land as an extension to the existing site compound area and provision of a maintenance shed, office accommodation, welfare and car parking facilities, fuel store, sewage storage tank, mobile concrete batching plant, mobile asphalt batching plant and construction of a haul route (temporary use).
- Construction of a new haul route along the northern boundary of the existing quarry with a temporary connection to the route of the proposed bypass, the A487 Caernarfon to Bontnewydd, during the construction period,
- Continue to excavate for minerals, to remove material from mineral working deposits and stockpile of materials that already exist,
- Provide hard standing and locate equipment and machinery to process and screen materials,
- Dispose of non-reactive waste materials for engineering/restoration work in the long term.
- (Application under Section 73 to vary Condition 3 on planning permission number C17/0011/19/MW to reach the ground levels agreed upon in restoration plan number 3030/16, and for residual excavation materials for the requirements of the Caernarfon to Bontnewydd bypass project, as well as materials excavated from other sources, to be disposed on the site in accordance with NRW permit)

Attention was drawn to the late observations form

- a) The Planning Manager highlighted that application C17/0011/19/MW (approved in June 2017) was subject to conditions for development proposals associated with the construction of the Caernarfon to Bontnewydd bypass. It was highlighted that the application sought, under Section 73 of the Town and Country Planning Act 1990, to vary one of those conditions. It was explained that Condition 3 restricted the import of surplus materials from other areas to what was generated by the bypass construction project.

It was explained that Section 73 enabled the applicant to submit an application to develop land without complying with conditions attached to an extant planning permission. Under this section the Local Planning Authority may amend or remove conditions, but may not amend any other part of the permission. A successful s.73 application results in the grant of a new planning permission and therefore the original permission remained intact. When determining a s.73 application, the LPA may impose conditions beyond those proposed in the application. However, the conditions imposed should only be ones that could have been imposed on the original permission. Previously, it was held that the amendments permitted should not amount to a “fundamental alteration” of the proposal put forward in the original application. The reasons why the officers considered that undertaking such a change would not be appropriate via a Section 73 application, were elaborated upon.

The Solicitor highlighted that the applicant had shared information / additional opinion with the Members and the response of Council officers to this opinion had been shared with the applicant in April 2020.

- b) It was proposed and seconded to refuse the application

c) During the ensuing discussion, the following observation by a member was noted:

- Why had a new application not been submitted?
- Concern that it would have an impact on the timetable to complete the bypass
- That a new application should be submitted as a means of controlling what was placed in the quarry pit

ch) In response to an observation regarding the submission of a new application, it was noted that extensive discussions had taken place over the last few months and there were differing opinions regarding the right way forward.

d) In response to the observation regarding the application possibly preventing the completion of the bypass work, it was noted that the application related to filling a quarry pit with materials and it should not impair the bypass timetable.

RESOLVED to refuse the application due to the reason that the proposal changes the scale or nature of the previously approved development for "*works associated with the construction of the proposed A487 Caernarfon to Bontnewydd bypass ...*" and, therefore, the Authority considers that condition 3 should not be varied in accordance with s.73(2) (b) of the Town and Country Planning Act.

7.4 Application Number C19/1072/11/LL Land off Pen y Ffridd Road, Penrhosgarnedd, Bangor

A residential development of 30 units (to include 12 affordable units) together with infrastructure, parking areas, access, paths and an open space.

a) The Planning Manager elaborated on the background of the application and explained that the proposal was located in Penrhosgarnedd and was a site previously used by Bangor University as a horticulture field centre. Currently, it was a plot of derelict and abandoned land that was overgrown and the site of the former field centre building, demolished some time ago. Residential housing surround the site, in the form of an estate and the site was within the Bangor development boundary.

It was reported that the construction of housing on a site within the development boundary was acceptable. In the context of the application, it was highlighted that the proposed density of the housing development was a little lower than expected, however, bearing in mind the limitations of the site that included the need to create a wildlife corridor, retaining the copse, providing open amenity spaces together with safeguarding an area for land drainage, it was considered that providing 30 units would be acceptable for the site.

It was highlighted that Policy TAI 1 stated that housing would be delivered through housing allocations together with suitable windfall sites within the development boundary. It was true that the land in question had not been allocated for housing, but was entirely located within the development boundary and there was an element of recognition regarding the growth of Bangor via windfall sites.

It was noted that the Bangor indicative supply level over the term of the Local Development Plan was 969. In accordance with more recent figures (as a result of regular monitoring), that considered completed units, the number in the current land bank and the number in the application, the capacity/indicative target for the site was 10 units. To provide more than the indicative target, it was explained that the applicant had to submit a justification that satisfied the Council that the proposal addressed the recognised need for housing. In this case, 12 of the proposed units would be affordable

housing (a higher percentage than policy requirement) together with 18 units to be sold on the open market. It was noted that the housing mix statement corresponded to the need and the Council's Strategic Housing Unit had confirmed that the 30 units were on the list of contingency schemes to receive Welsh Government Community Housing grant bearing in mind that such a development was a priority.

It was also noted that the applicant had stated there was potential for some open market housing to be offered as intermediate rented housing or as an equity sharing scheme that would increase the number of accredited affordable housing that would be offered. It was added that there was an element of certainty that the proposal would be realised soon and address the recognised need for housing in the area. It was reported that the plan was of high quality with the feeling and form of an estate that would provide housing for families with plenty of surrounding green areas.

Attention was drawn to the main objections - concerns regarding the additions in traffic and access, flooding, land drainage and pollution levels. Although the Transportation Unit recognised the concerns, they had no objection to the proposal. It was highlighted that flooding matters had received attention and the comments regarding the water pipe were recognised (conditions imposed by Welsh Water and Natural Resources Wales). It was added that the Public Protection Unit had offered observations concerning pollution issues and qualified officers had stated that it was possible to control pollution by imposing planning conditions.

The observations of the Welsh Language Unit on the development were received and they were of the view that the proposal would have a neutral or non-significant negative impact on the Welsh language on the grounds that the development would not represent a major change in the city's existing position in terms of the Welsh language.

Consequently, it was considered that the proposal to develop 30 houses of two and three bedrooms, with 12 of these as affordable housing, was a positive response to the various housing needs that had been identified in the area. Based on the above assessment, it was not considered that the proposal was contrary to local or national policies and there was no material planning matter that outweighed the policy considerations.

- b) Taking advantage of the right to speak, an objector noted the following points:-
- He represented the residents of Pen y Ffridd
 - Gors Du was the area's original name - it was extremely wet land with a fault in the rock where water rises
 - The road would not be able to cope with more traffic as a result of doubling the size of the street. Each of the new houses would have one car, if not two, and everyone would try to squeeze in and out via Ffordd Pen-y-ffridd, including emergency vehicles.
 - The plan would remove four parking spaces that exist on the street, and would remove a plot of green land the Council itself had retained and carefully planted since 1958.
 - There would be an increase in cars that would add to the traffic levels on Ffordd Penrhos
 - There were no objections to social housing, but there was no need to justify building on every available plot of land, suitable or otherwise. Building homes should alleviate community problems, not add to them.
 - Objected the element of open market private housing that was part of the application - it was not possible to control this

- The land had not been allocated for residential development in the Unitary Development Plan - there was already plenty of land in the Bangor area earmarked for this purpose.
- c) Taking advantage of the right to speak, the applicant noted the following points:-
- The proposal addressed the need for open market housing and affordable housing in the area
 - It was proposed to develop 12 affordable houses, representing 40% of the units on the site
 - Of the 18 open market units, it was proposed to target local families who have the means to get a mortgage, to live locally - addressing the needs of local people
 - In addition, five units would be available via the Rent to Own scheme to enable eligible families to rent a house with the option to buy in the future.
 - In response to several concerns regarding the suitability of the existing road, transportation consultants were commissioned to respond to traffic concerns and the results of that work predicted there was sufficient capacity to take more additional traffic - the Transportation Unit accepted the result.
 - 16 parking spaces had been included for the residents of Pen y Ffridd
- ch) Taking advantage of the right to speak, the Local Member made the following points:-
- That public meetings had been held, and 74 dwellings had signed a petition in objection.
 - The plan offered poor access that would add to traffic levels on Ffordd Penrhos
 - Pollution and historical flooding on the site - the land should not be disturbed
 - The access road was not of a sufficient length to be considered as a 'carriage way' - why had this not been addressed in the assessment?
 - Social housing should be for local people and not for the open market
 - Other sites were available
- d) Taking advantage of the right to submit observations, the neighbouring local member noted the following points via a statement read by Councillor Elwyn Edwards:-
- She, as a number of local residents objected to the development
 - She supported the idea of creating affordable homes in Bangor and realised the need, but not on this site
 - There was a lack of suitable access to the new estate
 - The location of the new footpath to be created at the gable-end of an existing property at Pen y Ffridd would impair the residential amenities of the occupants of that property. It would be necessary to relocate the footpath further away from the curtilage of the residential property.
 - It was an example of over development in this part of Bangor.
 - It was not appropriate to build more housing without considering how services would be provided such as surgeries, sewerage, water, roads and schools
 - The language assessment was insufficient and dated
 - The site was a habitat for wildlife, birds, animals and wild plants - a very scarce resource in Bangor now.
 - Concern regarding privacy, as well as disturbance, noise and traffic during the construction period
- dd) It was proposed and seconded to refuse the application

- e) During the ensuing discussion, the following main observations were noted by members:
- That Penrhos Road was extremely busy / full capacity / the situation was getting out of hand
 - Factors such as redundancies at Bangor University, no Wylfa B and a reduction in the number of students as a result of Brexit and Covid, had not been considered in the data.
 - It was a linguistic assessment that had been submitted not a language statement - the report was defective
 - Would there be any control over open market housing?
 - The report did not report sufficiently on the condition of the soil / contaminated land - the health and safety of the area's residents had to be considered and that the site was safe to live on
 - The size of the access road was insufficient - too narrow
 - It was necessary to have an area for children to play on the estate that included equipment
 - The site was completely unsuitable
 - There was a long list of people waiting for affordable housing within the development boundary
 - Additional parking spaces had been included in the plans
- f) The Assistant Head of Environment and Planning noted that there were risks to the Council linked to each of the reasons for refusal proposed. He highlighted that the report addressed the concerns raised and members were reminded of the need for evidence of the reasons for refusal, noting the evidence in the report and the responses received from Council experts in the Transportation, Public Protection Services, Strategic Housing Unit, Water and Environment Unit as well as other external bodies such as Natural Resources Wales etc. He stated that the application would have to be referred to a cooling-off period in order to submit a report that would highlight the risks to the Council on appeal, if the application was refused for several reasons that could not be evidenced. He also highlighted that every reason for refusal included associated costs if the application went to appeal and the proposer and seconder would be expected to defend the appeal and the reasons for refusal on behalf of the Council.
- g) In response to transportation concerns, the Senior Development Control Officer highlighted that the width of the access road would meet with requirements although accepting a change in standards over the years. It was explained that when it was clear, the width of the road was sufficient. He added that the increase in congestion and the addition to Ffordd Penrhos traffic would be for short periods only. He also noted that the site was close to workplaces and therefore there may be less dependency on car use.
- h) In response to a request from the Monitoring Officer for members to offer reasons for refusal, the following were listed:
- Lack of need
 - Insufficient Language Assessment
 - Land Pollution / contamination
 - Flooding
 - Transportation / access
 - Insufficient provision of children's play areas

RESOLVED:

To refer the application to a cooling off period

To refuse the application for the following reasons

- **Lack of need for housing**
- **Insufficient Linguistic Assessment**
- **Flooding matters**
- **Land contamination matters**
- **Transportation matters - Penrhos Road junction and also Pen-y-ffridd Road**
- **Insufficient provision / contribution of open spaces**

The meeting commenced at 11:00am and concluded at 1:30pm.

CHAIR