
PLANNING COMMITTEE 01-03-21

Present: Chair: Councillor Eric M. Jones
Vice-chair: Councillor Gareth A Roberts

Councillors: Stephen Churchman, Elwyn Edwards, Simon Glyn, Louise Hughes, Anne Lloyd Jones, Berwyn Parry Jones, Gareth T Jones, Huw Wyn Jones, Dilwyn Lloyd, Edgar Owen, Eirwyn Williams and Owain Williams

Also in attendance: Gareth Jones (Assistant Head - Planning and the Environment), Cara Owen (Planning Manager), Iwan Evans (Head of Legal Services), Gareth Roberts (Senior Development Control Engineer), A Rhys Roberts (Development Control Officer), Dafydd Gareth Jones (Senior Officer Planning Minerals and Waste) and Lowri Haf Evans (Democracy Services Officer)

1. APOLOGIES

Apologies were received from Councillor Linda A Wyn Jones and Councillor Annwen Daniels (Local Members)

2. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

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

Councillor Gareth M Jones (a member of this Planning Committee), in relation to item 5.1 on the agenda (planning application number C20/0898/42/DT)

Councillor Eirwyn Williams (a member of this Planning Committee) in relation to item 5.2 on the agenda, (planning application number C18/0698/35/LL)

Councillor Simon Glyn, (a member of this Planning Committee), in relation to item 5.3 on the agenda, (planning application number C19/0746/46/LL)

3. URGENT ITEMS

None to note

4. MINUTES

The Chair signed the minutes of the previous meeting of this committee, held on 1 February 2021, as a true record.

5. 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

5.1. Application number: C20/0898/42/DT - Tŷ Pen Lôn Las, Morfa Nefyn, Pwllheli, Gwynedd

Extensions and alterations to existing dwelling.

Attention was drawn to the late observations form.

- a) The Development Control Officer expanded on the application's background and noted that the application had several elements for extensions and alterations to the existing two-storey house, comprising:
- Erection of a first-floor extension on the front of the dwelling
 - Changing the ground floor extension at the front / side of the property to have a hip roof rather than a gable roof
 - Demolishing the chimney
 - Erection of a first-floor extension at the rear of the property
 - Replacing two existing pitched roof single-storey extensions at the rear with a flat roof extension - the new extension would extend 1.2m further to the rear than the existing extension

This application was discussed at the Planning Committee on 21/12/2020. The decision on the application was deferred in order to receive further information about the potential impact of the balcony, which was part of the original plan. It was explained that the balcony had by now been removed from the plans and the intention now was to include the installation of a 'living' flat roof. It was added that a screening wall would be constructed in response to concerns regarding overlooking. A second consultation was conducted, however, no further observations were received.

It was considered that the planning application met with the requirements of local and national planning policy.

- b) Taking advantage of the right to speak, the Local Member made the following points:
- That the balcony was the main concern in the original plans - it was welcomed that the balcony had been removed from the amended plans.
 - It was hoped that the 'living' flat roof would not be used as a terrace - it was necessary to emphasise that condition 4 was of key importance
- c) It was proposed and seconded to approve the application
- ch) During the ensuing discussion members made the following observations:
- That a green / living roof could be problematic
- d) In response to an observation regarding the maintenance of the living roof, it was noted that this depended on the seeds used and it was possible to attach a condition to confirm use

RESOLVED to approve the application

Conditions:

- 1. 5 years**
- 2. In accordance with the amended plans**
- 3. Details of materials for the walls and roofs to be agreed**
- 4. THE USE OF ANY FLAT ROOF CREATED AS PART OF THIS DEVELOPMENT AS A BALCONY OR TERRACE IS NOT PERMITTED**

Note - Welsh Water

5.2. Application Number C18/0698/35/LL - The Pines Care Home, Ffordd Penpaed, Cricieth

Application to extend the nursing home building and car park together with confirming the location of the existing biomass unit

Attention was drawn to the late observations form.

- a) The Planning Manager highlighted that the site was located in a central location within the town of Cricieth and the existing building had already been substantially extended and was used as a nursing home. It was explained that the proposed main extension measured a maximum of 28m by 16m, 7.9m high to the ridge and 5m high to the eaves; and would be located on a section of the site that is lower than the highway and the front part of the building. This extension would provide 11 rooms together with linked staff/nurse rooms on the ground floor as well as 9 additional rooms on the first floor together with a reception and other associated rooms. It was added that the proposal involved extending the existing car park to a section of green land situated directly next door to the site to provide 14 parking spaces and a parking space for the disabled. It was proposed to retain the remainder of the green land for wildlife.

While Policy TAI 11 deals with proposals for developing new / additional / specialist residential Care Homes, the principles and criteria of this Policy should be considered with this application. It was explained that criterion (1) of the Policy refers to the fact that the proposal is located within the development boundary of a Sub-regional, Urban or Local Centre. It was noted that Cricieth had been identified as a Local Service Centre in the Plan. In addition, criterion (4) refers to the need to ensure that the proposal does not lead to an over provision of care accommodation compared to the needs of the local area. It was reported that Gwynedd Council Social Services had confirmed that there is a scarcity of homes in Gwynedd that can provide nursing care, specifically dementia nursing care. It was added, as commissioners, they were glad to see a Home that offers this type of care, looking to develop and increase future capacity.

In the context of the open area, it was noted that this open space in the town centre of Cricieth was important, and the views out of the site towards the coast, had been highlighted in past planning decisions on / near the site. It was stated that the area had been protected as an open space in the Unitary Development Plan but it did not have the same formal protection under the current Local Development Plan. It was explained that the term 'open space' as referred to in policy ISA 4, included green amenity spaces, allotments, public parks and gardens, open-air sports grounds and play provision for children and young people, as described in Technical Advice Note 16: Sports, Leisure and Open Spaces. The open space here was considered to be a green amenity space and the requirements of policy ISA 4 were relevant to the proposal. It was added that the policy stated that applications that would lead to the loss of existing open spaces should be refused unless the proposal meets with the criteria. It was noted that the 'open space' in question was private land and had no public access.

In the context of visual, general and residential amenities, it was noted that the proposed extensions were fairly substantial, however, they are located on a level below the existing building and were two-storey and single-storey only. Due to the existing size of the site and location as well as the proposal's size and design, it was considered that the extensions did not appear oppressive compared to the existing building. It was not considered that the proposal would be tantamount to an over-development of the site as the location plan indicated that there were empty spaces around the building. Reference was made to the location of the nearest houses to the site (Mona Terrace) that are situated across a narrow track to the site boundary where it is proposed to erect a single-storey extension only.

It was highlighted that the proposal included matters relating to the biomass boiler that was situated on the site and plans had been submitted to confirm the location of the boiler recognising that no planning permission exists for the current situation. It was noted that concerns had been highlighted by the public regarding pollution deriving from the boiler and the visual impact. It was added that the Public Protection Unit had confirmed that the type of boiler proposed was suitable for a residential area and it was stated that a landscaping condition should be attached to partially mitigate any visual impact.

It was reported that a number of observations had been received regarding the noise emanating from the existing home together with cases of antisocial behaviour at times. It was stated that the nursing home currently exists and that measures to deal with public nuisance were matters beyond planning enforcement. Although the site is located within a busy area of Cricieth, it was not considered that the proposal in question would be likely to have a significant impact on the amenities of local residents in terms of anti-social behaviour. It was added that the application's agent has confirmed the intention to provide ventilation units within the rooms that would entail that it would not be necessary to open windows in the summer/at night. This would reduce the noise impact and in accordance with the Public Protection Unit's wish, it would be necessary to agree on the details of the provision via a suitable planning condition.

It was reported that a number of objections had been received from the public regarding the existing parking situation, together with concerns regarding the future parking situation as a result of the extension. It was highlighted that the proposal offered an extension to the car park and the Transportation Unit confirmed that the provision satisfied the statutory parking requirements. The Transportation Unit also noted that there was provision available on the street and in public car parks that would be sufficient to deal with a parking arrangement deriving from the development.

Confirmation had been received from the Biodiversity Unit stating that the proposal was acceptable subject to planning conditions to ensure that the mitigation measures proposed are carried out. Confirmation was received that archaeological and historic matters were also acceptable.

In the context of language matters, as this was a Committee application, the SPG 'Maintaining and Creating Unique and Sustainable Communities' requires applicants/agents to provide a statement to explain how the proposal gives consideration to the Welsh language. It was reported that the language statement had received attention by the Hunaniaith Unit who had confirmed that the impact of the development was positive.

Having considered all the relevant planning matters, including local and national policies and guidance, the proposal to extend the existing home was considered to be acceptable and in compliance with policy requirements.

- b) Taking advantage of the right to speak, an objector to the application made the following points:
- He was speaking on behalf of several residents in the area who strongly object the application
 - There was not enough space on the site for the vehicles of visitors and staff, ambulance parking, goods vehicles and refuse lorries that call. Consequently, the vehicles at the Pines park everywhere on the nearby main roads causing confusion and a hazard near the entrance to the site - extending the Home would exacerbate these issues.
 - There were a number of waste bins and a large skip on the car park.

- According to the national CSS Cymru parking standards, the proposed provision (14 spaces for visitors and 2 for staff) was sufficient. There is a requirement of 15 spaces for visitors and 19 for staff together with room for refuse bins, for refuse and goods lorries to unload and turn around. The space in the new car park is not sufficient.
- The proposal would have an adverse impact on the Cricieth Conservation Area.
- The new car park would extend to an open area in the Area and the parking, the bin compound and the skip looks like a refuse yard and has a great impact on the Area's character and the special views from there.
- The boiler shed has been constructed of metal sheeting with a large steel chimney - materials that are totally unsuitable in a Conservation Area.
- Under the Act, the Local Council has a formal duty to safeguard and enhance the character and appearance of the Conservation Area - allowing the extension would affect the area
- The commercial biomass boiler is unsuitable to be located in a residential area and near a Nursing Home as a constant humming noise emanates from it and fine black dust comes from the chimney covering everything in the vicinity.
- A study by the Westminster Government states that a biomass boiler creates 13.5% more pollution than an oil boiler and 300 times more than a gas boiler. It is claimed that small polluting particles from a biomass boiler can get into people's blood stream and organs causing long-term risks to their health and has an affect on respiration and causes asthma difficulties.
- That the Welsh Government expects Planning Authorities to take air pollution seriously when considering planning applications and if it is not possible to mitigate pollution, the development should be refused.
- It is important for the Committee to consider the reasons to object to this, together with others that have been detailed in full in the agenda prior to reaching a decision.

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

- The company operated two homes providing specialist 24 hour nursing care for individuals living with Dementia. The Porthmadog Home and the Cricieth Home operate to the best of their ability and often bed availability is limited due to the significant demand.
- The homes provide 84 specialist dementia nursing care beds for Dwyfor and Meirionnydd (population of 62,000)
- Over the last three years the Cricieth Home has maintained a waiting list with up to 10 persons who require a residential placement, however, since the Penrhos Polish Home near Llanbedrog closed recently, the waiting list had doubled.
- It is expected that the number of individuals who require residential nursing care will double over the coming years. The intention is for the home in Cricieth to provide 20 extra nursing beds that will meet the demand.
- That the specialist nursing home in Cricieth is an essential community resource that allows families to be close to their loved ones
- The Cricieth Home currently employs 55 staff. The proposed extension will create 21 additional full time jobs to include 15 Health Care Assistants, Dementia Care Specialist and Registered Nursing Jobs.
- They sought Welsh speaking staff to support the residents. 67% of the existing staff spoke Welsh as a first language - pleased that they take a pro-active attitude to ensure that the language is an integral part of care
- A response had been given to the concerns raised by the community during the consultation process, in the context of noise emanating from the home.
- They intended to install a ventilation system and install a new double purpose lift designed for medical facilities.

- Approving the application would enable the management team to prepare and modernise the home for the future
 - That they provided an essential community resource, was a key and important local employer, and played an essential part of the health care economy of North Wales.
- ch) Taking advantage of the right to speak, the Local Member made the following points:
- That he objected the application
 - He considered that the proposal was an over development of the site
 - The proposal was located within a conservation site
 - The proposal would have an impact on the amenities of nearby residents
 - The site was unsuitable for the application
- d) It was proposed and seconded to approve the application.
- dd) During the ensuing discussion, the following observations were made by members:
- There was a real need for the provision in the County
 - The population was ageing and therefore required quality dementia care
 - New jobs were welcomed in the area
 - The development did not appear to be obtrusive
 - More effort was required to increase the number of Welsh speaking employees
 - The proposal addressed policy matters - no grounds for refusal
- e) In response to the concerns regarding the arrangements for bins and goods lorries, it was noted that the officers had consulted with the Waste Unit, however, no response had been received. Attention was drawn to condition 11 - the need for a waste plan
- f) In response to concerns regarding the parking situation, the Senior Development Control Engineer noted that a response to parking concerns had been noted on page 38 of the agenda. He added that the provision, considering all the factors, offered a fair balance
- ff) In response to concerns regarding condition 7 - *Windows that open will not be permitted on the extension that is subject to this permission, it was noted that this had been included as a direct response to local concerns.* Following consultation with the Public Protection Unit, it was highlighted that they had suggested a condition in response to complaints received regarding noise from the patients.
- g) In response to a suggestion to consider an alternative boiler to the biomass one due to concerns regarding emissions, the Solicitor highlighted that it was the location of the current biomass unit that was under discussion. Reference was made to the Public Protection observations regarding the biomass unit. If it was necessary to consider an alternative boiler, then an amended application would have to be submitted. There was no planning reason to refuse the re-location of the biomass unit.

RESOLVED: To approve the application

Conditions:

1. 5 years
2. In accordance with the plans and reports
3. Slate
4. External finish
5. Welsh Water conditions
6. Agree on the details and position of external ventilation unit(s) prior to installation

7. Windows that open will not be permitted on the extension that is subject to this permission
8. Noise condition - sound rating 25 between 2300 - 0700 and 35 at any other time
9. Archaeological conditions
10. Landscaping
11. Waste Plan
12. Parking to be completed in accordance with the approved details and to be fully operational prior to commencement of building use
13. Boiler / flue type biomass
14. Waste plan to be implemented in accordance with the approved details

5.3 Application Number C19/0746/46/LL - Trefgraig Isaf, Rhydlios, Pwllheli, Gwynedd, LL53 8LR

Provision of 10 touring caravans and 4 tents

Attention was drawn to the late observations form.

- a) The Planning Manager highlighted that amended plans had been submitted. A request was made for the determination to be deferred to re-consult and re-assess the amended plans.
- b) It was proposed and seconded to defer the application.

RESOLVED: Defer in order to re-consult and re-assess amended plans.

5.4 Application Number C20/0757/03/AC - Nant y Mynydd Cae Clyd, Cae Clyd, Blaenau Ffestiniog, Gwynedd

Application to vary conditions 2 and 13 of planning permission C14/0248/03/LL relating to the site setting and housing design

Attention was drawn to the late observations form.

- a) The Planning Manager elaborated on the background of the application, noting that this was a full application to vary condition 2 (compliance with plans) and condition 13 (completion of estate road in accordance with the plans) of planning permission C14/0248/03/LL. It was highlighted that the site was located in the Manod area of Blaenau Ffestiniog and within the development boundary as included in the LDP.

The application in question would change some aspects of the previous application approved, namely to modify the setting and design of 3 of the open market houses and part of the estate road. There was no intention to change the number, type or mix of houses to what had already been approved and remains extant.

In the context of the visual amenities, general and residential amenities, it was highlighted that the application entailed changes to the elevations of the open market housing only, based on design. It was noted that the design continued to be contemporary, by modifying some features on the front elevation. It was added, that the property on plot 5 had been set somewhat back within the site and the houses on plots 3 and 4 will change their setting and form. It was considered that these adaptations were acceptable as they were not significantly different to what had been previously approved and would not lead to more impact than had already been approved. It was

considered that the proposal would not create incompatible structures in the local area and the houses would lie comfortably within the landscape.

As a result, it was considered that the proposal was acceptable based on the requirements of policy PCYFF 3 of the LDP and the requirements of TAN 12: Design, and complied with the requirements of local and national planning policies.

- b) It was proposed and seconded to approve the application.
- c) In response to a question, it was noted that no observations had been received from the Community/Town Council

RESOLVED: To delegate powers to the Senior Planning Manager to approve the application subject to the following conditions:

1. 5 years
2. In accordance with the plans
3. Slate as roofing material
4. Samples of materials and colours for the buildings to be agreed with the LPA.
5. Highway conditions for parking / access.
6. Soft and hard landscaping.
7. Agree on details regarding a Welsh name for the development together with advertising signage informing of and promoting the development within and outside the site.
8. Removal of the general development rights of the affordable units.
9. Submission of a comprehensive drainage scheme for the site
10. Work arrangements / working hours matters
11. Wildlife boxes condition

Notes

1. **NOTE: The estate road/roads and access must be designed and constructed in accordance with the 'All Wales Guidance' (copies of this document for the design of estate roads and developments are available from the Planning and Transportation Department).**
2. **NOTE: The applicant is instructed to write to the Street Works Manager to obtain permission under Section 171/184 of the Highways Act 1980 to carry out any work within the pavement/green verge, which is necessary to construct the access.**
3. **The applicant's attention is drawn to the letter from Welsh Water dated 23/10/20 and the need to ensure that the development complies with the advice contained therein. The letter can be viewed under the reference number for this application on the track and trace pages on the Council's website.**
4. **Due to the size and nature of the development, an application will need to be provided to the Sustainable Drainage Systems Approval Body for approval before construction work commences. These systems must be approved by Gwynedd Council in its role as the SuDS Approval Body prior to the commencement of the construction work.**

5. **NOTE: The applicant is instructed to sign an Agreement under Section 38, Highways Act 1980 with the Council if it is proposed for the road to be adopted.**
6. **NOTE: We draw the applicant's attention to the requirements of the section 106 agreement associated with C14/0248/03/LL and the need to ensure that the development is in complete accordance with the details of this legal agreement.**

6. Biodiversity Note

5.5 Application Number C20/0979/03/RA - Spoil Heap 557m From Quarry Tours Ltd, Llechwedd Slate Caverns 115m from Unnamed Road, Bodafon, Blaenau Ffestiniog

An application under Section 73 to remove condition 2 (time limit) and vary condition 3 (updated plans for the removal of material, restoration and aftercare of the site) on planning permission C99M/0105/03/MW for the removal of material from a mineral-working deposit

Attention was drawn to the late observations form.

- a) The Senior Planning Manager – Minerals and Waste expanded on the background of the application, noting that it was an application to vary conditions on the existing permission to extend the lifespan of the mineral works and the removal of material from slate waste tips from the Maenofferen mineral works, Llechwedd Quarry. It was noted that the Quarry extended over 8.3 hectares of operational land and was situated north of Blaenau Ffestiniog on the A40 trunk road towards Moel Bowydd and Ffridd y Bwlch.

It was explained that following a further discussion with the applicant, it was agreed that any application for planning permission had to reflect the tonnage of material that was available. Based on the current level of output, it was anticipated that approximately 3.4 million tonnes of slate was available which would ensure a reserve of workable material for up to 40 years. It was agreed to vary the time limit of the current conditions to secure permission up to 2058 with an additional two years to complete the restoration plan.

It was explained that the tip had been worked since approximately 1999 and it was described as one that did not include overload and dirt and was therefore useful material. It was highlighted that the application included a comprehensive, scheme of progressive restoration to favour Upland Oakwood scrub/pioneer woodland community including heathland/woodland edge shrubs that will act as a nursing community. It was added that the key objectives of the restoration scheme would integrate/ fit in with the site's environment; improve biodiversity and strengthen the patterns of the landscape in keeping with the objective outlined in the landscape character assessments.

In considering the workings surrounding the area together with the work that has already been undertaken there, it was not considered that there would not be much change in the area's character in moving the spoil heap in the context of visual amenities. It was not considered that there would be any detrimental impact on the landscape or on the National Park with no significant impact on the Ffestiniog Historic Landscape or the location of the Proposed World Heritage Site.

Attention was drawn to late observations from the Rights of Way Unit regarding Public Footpaths that passed through the quarry. Although the Unit did not object to the development in principle, they recommended that the path needed to be safeguarded during and following the completion of the proposed development. A condition was recommended stating that safety signage should be erected near the path track to warn staff operating on the site of the path's location, and also warning path users of the fact that quarry traffic are operating near/on the right of way. It would be necessary to agree in writing on the contents of these signs within a specific time, to erect them on the site and maintain them in an acceptable condition prior to undertaking any further development work.

It was reported that there were no significant planning policies to justify refusing planning permission with the matters relating to noise controls, nuisance and dust already in existence to mitigate the possible environmental effects of the development. The intention was to duplicate these conditions. It was noted that the applicant had agreed to limit the current operational hours from 06:30hrs - 20:00hrs' to '07:00hrs - 19:00hrs' in order to comply with the guidelines provided in Technical Advice Note MTAN1 to reduce noise levels during the day, conditional on having some flexibility for essential maintenance work, servicing, testing or emergencies outside these hours,

It was stated that Planning Policy Wales also promoted using recycled materials where possible to reduce the pressure on primary resources. In terms of using an alternative supply of material e.g. available slate waste, the principle of moving the slate was acceptable as a result of local and sub-regional needs. It was confirmed that the development was in compliance with the sustainability criteria of Policy PS 22 of the Anglesey and Gwynedd Joint Local Development Plan, Criteria for Mineral Working MWYN 3, Policy PCYFF 2 and the Restoration Requirements of Policy MWYN 9.

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

RESOLVED:

To delegate powers to the Assistant Head of Department to approve the application, subject to the following amendment to Conditions 2 and 3 of planning permission C99M/0105/03/MW, to reflect the tonnage of mineral reserve available within the application area:

The extraction of mineral waste and ancillary operations shall cease by 31/12/2058. All plant, machinery, buildings and structures related to or sited as a consequence of this planning permission shall be removed by that date. Restoration of the site shall be completed by 31/12/2060.

Unless otherwise required by a planning condition or a written agreement by the Local Planning Authority, the development shall be carried out only in accordance with the details of the application Drawings, Reference '19-404-D-002, 19-404-D-002' and supporting information registered with the authority on 27 November 2020, the Restoration and Aftercare Strategy registered on 29 December 2020, and the Planning Statement of Case registered on 21 January 2021 and any such other details as may subsequently be approved in writing by the minerals planning authority.

The development shall be subject to the same schedule of conditions under the previous grant of planning permission C99M/0105/03/MW to control noise, dust and

protect the water environment. However, the schedule of conditions was updated with the agreement of the applicant, as follows

1. Hours of operation amended to 07:00hr - 19:00hr, to reflect the daytime noise limitations in MTAN1
2. Best practicable means and/or 'white noise' reversing alarms shall be fitted to mobile plant and vehicles used on site.
3. Proposed landform, and scheme of progressive restoration to favour Upland Oakwood scrub/pioneer woodland community including heathland/woodland edge shrubs, in accordance with the submitted scheme of restoration and aftercare
4. Review of operations to tie into the aftercare proposals and shall include provision for annual aftercare meetings to discuss restoration requirements and invasive plant management plan and monitoring
5. Archaeological work to follow the recommendations for appropriate recording as per original scheme of archaeological investigation, which will be appended to the decision notice.
6. Public footpath signs

Note to the applicant to advise that public footpaths should remain open and to contact Gwynedd Public Rights of way should any issues arise.

Consultation response from Natural Resources Wales attached to the decision notice, advising that they should be contacted direct in respect of the specific environmental and operational controls and the provision of utility within their remit.

The meeting commenced at 11.00am and concluded at 12.40pm.

CHAIR