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## PLANNING COMMITTEE 30/11/15

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**Present:** Councillor Michael Sol Owen – Chair  
Councillor Anne Lloyd Jones – Vice-chair

**Councillors:** Endaf Cooke, Simon Glyn, Gwen Griffith, June Marshall, W. Tudor Owen, John Pughe Roberts, Eirwyn Williams, Gruffydd Williams, Hefin Williams, John Wyn Williams (reserve), Owain Williams and Eurig Wyn.

**Others invited:** Councillor Jason Humphreys (Local member).

**Also in attendance:** Gareth Jones (Senior Planning Service Manager), Cara Owen (Development Control Manager), Gwawr Teleri Hughes (Development Control Officer), Gareth Roberts (Senior Development Control Officer – Transport), Rhun ap Gareth (Senior Solicitor) and Bethan Adams (Member Support and Scrutiny Officer).

**Apologies:** Councillors Elwyn Edwards and Dyfrig Wynn Jones and Councillors Aled Ll. Evans, Charles Wyn Jones, Ioan C. Thomas and R. H. Wyn Williams (Local Members).

### 1. DECLARATION OF PERSONAL INTEREST

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

- Councillor Eirwyn Williams (a member of this Planning Committee), in relation to item 5.2 on the agenda (planning application C15/0847/35/LL);
- Councillor Jason Humphreys (not a member of this Planning Committee), in relation to item 5.7 on the agenda (planning application number C15/0748/44/LL).

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

### 2. MINUTES

The Chair signed the minutes of the previous meeting of this committee held on 9 November 2015, as a true record.

### 3. PLANNING APPLICATIONS

The Committee considered the following applications for development.

Details of the applications were expanded upon and questions were answered in relation to the plans and aspects of the policies.

#### RESOLVED

#### 1. Application number C15/0759/41/LL – Land at Rhosgyll Fawr, Chwilog

Installation of solar photovoltaic (PV) farm on the land with a capacity of 5mw on 9.05 ha of agricultural land, along with ancillary equipment, access track, building compound, security fence and landscaping improvements.

- (a) The Development Control Manager elaborated on the background of the application and noted that the development complied with the Gwynedd Unitary Development Plan (GUDP) along with Strategic Policy 9 for the provision of renewable energy sources for the reasons noted in the report.

Correspondence had been received from the occupiers of nearby houses objecting to the proposal mainly on the grounds of the impact on the landscape and views from their properties. Whilst acknowledging that parts of the site was visible from the property, due to the form of the land, existing vegetation and the distance of the property from the site, it was not believed that the development would be a dominant feature for residents and that the impact on the landscape would not be so harmful as to justify refusing the application.

It was noted that objections had also been received on the grounds of the development's impact on road safety. It was considered that there would only be an increase in traffic flow during the construction period. It was added that the development was acceptable in principle by the Transportation Unit but that it noted the need to reach agreement on a Transport Management Plan prior to the commencement of the development.

Reference was made to objections received raising concern regarding the impact of the development on biodiversity and the presence of protected species in the area. It was noted that the Biodiversity Unit or Natural Resources Wales did not have any objections to this aspect of the application, provided that appropriate mitigation and controlling measures were ensured for the site and the vicinity to protect the interests of biodiversity features.

(b) Taking advantage of the right to speak, the applicant's agent noted the following main points:-

- That the development would generate clean, locally generated renewable energy for approximately 1,300 houses;
- It was intended to plant additional trees to strengthen existing hedges and plant wildflowers, install nesting boxes for birds, bats and beehives;
- That the installation of the solar panels had been amended in response to an objection;
- That grazing use continued on the site;
- That the development would provide a stable income for the business and thus safeguard its future;
- A public consultation had been held and 22 feedback forms were used and only three of these were against the development;
- He asked the Committee to approve the application.

(c) It was reported that the Local Member had no objection to the application.

It was proposed and seconded to approve the application.

(ch) The following main points were noted during the discussion:

- That the application should be deferred due to the increasing number of solar development applications, the need to establish an appropriate size for such developments, considering the importance of tourism for Gwynedd and the impact on the area's beauty;
- That English councils were refusing such applications that would deform the landscape;
- Concern in terms of the accumulative impact of such developments on the landscape and the resulting economic impact;
- That the development was within the current policies but it was uncomfortable that there was no Supplementary Planning Guidance. Consequently, the Council should place a moratorium on applications for solar development in order to understand the implications and identify the features of the developments;
- Supportive of renewable energy developments;
- The need to ensure that the mitigation measures in relation to biodiversity were in place for the lifespan of the development;
- The need for Farmers to diversify as their grants were reducing;

- That tourism was important to the area but there was a need to reflect on the local people in order to keep the Welsh language and Welsh culture alive.

(d) In response to the abovementioned observations, officers noted:-

- Decisions were made on applications in accordance with current policies. It was noted that Gillespies had recently been commissioned to assess the sensitivity and capacity of the landscape to cope with specific types of development;
- That there was no evidence to justify refusing based on tourism;
- That the service had been mapping solar farm developments along with domestic developments across Gwynedd. The existing picture would be considered when the accumulative impact of solar panels was considered in regards to the landscape's capacity to cope with further developments;
- A Biodiversity Plan had been submitted as part of the application and a condition was recommended noting that the development would be completed in accordance with the plan.

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

Conditions:

1. Commencement date of the development.
2. To complete the development in accordance with the plans.
3. The panels must be located in the locations shown on the plans or as agreed in writing with the Local Planning Authority.
4. 30 year permission; method statement to clear the site and restore the land.
5. To agree on materials/ colour of the frames and anti-glare cover.
6. To agree on materials/ colour of the fence and camera poles.
7. To agree on and complete a landscaping plan and a landscaping management plan.
8. To agree on and implement an Archaeological Work Programme.
9. Any electrical cables emanating from the development to the electrical connection should be installed underground.
10. To agree on any site lighting systems.
11. Highways Condition – Transport Management Plans.
12. To complete the development in accordance with the biodiversity management plan and monitoring plan.
13. To agree and implement an Environmental Building Management Plan.
14. No vegetation clearing work to be undertaken over the bird nesting season.
15. To agree on the external materials of all buildings.

## **2. Application number C15/0847/35/LL - Cilan, Caernarfon Road, Cricieth**

Erection of two-storey rear extension to dwelling.

- (a) The Development Control Manager elaborated on the background of the application and noted that the application had been deferred at the Committee meeting held on 9 November 2015 in order to undertake a site visit. The members of the Committee had visited the site prior to the meeting.

It was noted that the development did not comply with the requirements of policies B22, B23 or B24 of the GUDP due to its considerable size, bulk, location, form, scale and design and its unacceptable impact on the personal amenities of nearby residents due to shadowing and overlooking.

- (b) The local member (a member of this Planning Committee), made the following main points:-
- That he was grateful that members of the Committee had visited the site;
  - That this was an application to extend to enable a local family to continue living in their home;

- That neighbours had not objected to the application;
- That the Town Council supported the application;
- He asked the committee to approve the application.

A proposal was made to refuse the application and it was noted that it was possible to erect an extension to the house in a different form without affecting the neighbours' amenities. It was noted further that the applicant and the Planning Service should discuss alternative acceptable plans should the application be refused. The proposal was seconded.

(c) The following main points were made during the discussion:

- That the family's circumstances had changed and that the extension would meet its needs;
- That the window where overlooking would occur was essential;
- That the right to light was not an argument for refusing;
- No objection had been received from neighbours and any future prospective buyers would be aware of the situation;
- That the proposed extension was acceptable in terms of its surface area;
- That the setting of the house was more set in than the nearby houses;
- That there would be no overlooking into 1 Victoria Terrace as the extension would extend back over the garden;
- If the application was refused, there was room to discuss an acceptable form of extension with the applicant;
- That the application should be approved to enable the family to stay in the area to ensure the continuation of Welsh communities.

(ch) In response to the abovementioned observations, officers noted:-

- Consideration was given to whether or not there would be unacceptable shadowing on nearby properties when applications were assessed;
- That the extension would have a surface area of 84m<sup>2</sup>;
- The new window would look into the rear curtilage of 1 Victoria Terrace which was a private area;
- That future residential amenities had to be considered when applications were assessed;
- That the proposed extension would be almost stuck to the boundary of the property next door, thus having an unacceptable impact on amenities;
- That developments had to respect their boundaries in terms of scale and size;
- A willingness to discuss with the applicant in relation to alternative plans to meet the needs.

(d) In accordance with the Procedure Rules, the following vote was registered to **refuse the application**:

**In favour of the proposal to refuse the application, (6)** Councillors: Gwen Griffith, Anne T. Lloyd Jones, June Marshall, Michael Sol Owen, Hefin Williams and John Wyn Williams.

**Against the proposal to refuse the application, (7)** Councillors: Endaf Cooke, Simon Glyn, W. Tudor Owen, John Pughe Roberts, Gruffydd Williams, Owain Williams and Eurig Wyn.

**Abstaining, (0)**

(dd) It was proposed and seconded to approve the application contrary to the officers' recommendation because there would be no impact on the amenities of nearby houses, it was not considered that the extension was intrusive or dominating and that the proposal complied with Policy B22, B23 and B24 of the GUDP.

In response to a member's question regarding not considering what would happen in the future, the Senior Solicitor noted that considering the impact of developments on the amenities of nearby houses was an element to consider when assessing an application regardless of whether or not objections had been received.

- (e) In accordance with the Procedure Rules, the following vote was recorded to **approve the application**:

**In favour of the proposal to approve the application, (7)** Councillors: Endaf Cooke, Simon Glyn, W. Tudor Owen, John Pughe Roberts, Gruffydd Williams, Hefin Williams and Owain Williams.

**Against the proposal to approve the application, (6)** Councillors: Gwen Griffith, Anne T. Lloyd Jones, June Marshall, Michael Sol Owen, John Wyn Williams and Eurig Wyn.

**Abstaining, (0)**

**RESOLVED to approve the application contrary to the officers' recommendation.**

Conditions:

1. Time
2. In accordance with the plans
3. Slates
4. Materials to match

**3. Application number C15/0915/18/LL - Cil Fynydd, Penrhos, Bethel**

Application for the conversion and extension of attached garage to an annexe and erections of new garage.

- (a) It was reported that a request had been received from the applicant and the local member to defer the discussion on the application so that the applicant could take advantage of the right to speak.

**RESOLVED to defer the application.**

**4. Application number C15/0922/23/LL – Land near Cil y Bont, Crawia, Llanrug**

Change of use of existing caravan club site into a site for 12 touring caravans and erection of toilet block with associated drainage.

- (a) The Development Control Officer elaborated on the background of the application and noted that the proposed development was acceptable in terms of its scale and layout and that the existing and proposed landscaping would be of assistance to ensure that there would not be an excessive harmful impact on the visual amenities of the nearby area.

Attention was drawn to the fact that the Transportation Unit did not object to the application and it was confirmed that the proposal was acceptable and complied with the current required standards.

The development complied with the GUDP for the reasons noted in the report.

- (b) It was noted that the local member supported the application.

It was proposed and seconded to approve the application.

- (c) In response to a member's observation in relation to an increasing number of applications for touring caravan parks, the Development Control Officer noted that when applications

were being considered in accordance with policies that consideration was given to whether or not the specific application area could cope with developments. It was added that there were not many similar developments in the nearby area and that there was no significant visual impact.

**RESOLVED to approve the application.**

Conditions:

1. Time
2. To comply with plans
3. Materials/slates
4. Landscaping
5. To restrict the use of the site to touring use only and only for 12 touring units on the plots shown
6. To restrict the season
7. To keep a register
8. No storage of touring units on any part of the site
9. Work to the entrance to be carried out before the commencement of the remainder of the proposal/before bringing the site into use

Note: Instruction to follow advice submitted by the Caravans Officer.

**5. Application number C15/0954/39/LL - Roslyn, Lôn Rhoslyn, Abersoch**

Change of use of the remainder of the building to form part of an existing shop along with the creation of associated facilities such as storage, office and canteen for staff along with the minor external blocking of windows on the side elevation.

- (a) The Development Control Officer elaborated on the background of the application and noted that the property was located in a central and prominent site in the centre of the Abersoch shopping area.

It was noted that it was considered that the principle of the proposal to create an extension to the existing shop in the village was acceptable, that it would not harm the street scene or visual amenities of the Area of Outstanding Natural Beauty (AONB) or cause significant harm to the amenities of the local neighbourhood.

The development complied with the GUDP for the reasons noted in the report.

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

A member noted that renovation work had commenced on the property and that he had been given to understand that the unit was being advertised by an estate agent as two units. In response, the Senior Solicitor noted that the application should be considered as submitted for a single unit and that the applicant's intention to lease a section of the shop was not a consideration.

The Development Control Manager added that a condition was recommended to restrict the property's use to a single retail unit only. She noted that in response to local concerns that a condition was recommended to ensure that the door facing Lôn Rhoslyn was not used for distribution and delivery of goods or as a customer access to the shop so as to secure the amenities of nearby neighbours.

**RESOLVED to approve the application.**

Conditions:

1. Five years

2. In accordance with the amended plans
3. Any external adaptations to be finished so as to match the existing property.
4. The site to be used as a single retail unit.
5. To install shutters on the internal side of the ground floor windows on the northern elevation facing Lôn Rhoslyn. The shutters to be in place whilst the shop use continues and nothing to be displayed between the shutters and the window's glass.
6. Not to use the doors facing Lôn Rhoslyn for the distribution and delivery of goods or as a customer access to the shop.
7. Not to keep waste and bins in the curtilage facing Lôn Rhoslyn.

**6. Application number C15/0960/14/LL - Block A, Victoria Dock, Caernarfon**

Change of use of part of second floor of Block A into six residential units together with changing the use of the ground floor of Block C into a car park for 23 cars.

- (a) The Development Control Manager elaborated on the background of the application and noted that the principle of this development was acceptable as mixed use had already been established on the site.

It was noted that the applicant had stated that it would be impractical to provide affordable houses as part of this latest proposal as the prospective owners of the units would have to contribute towards the management costs of the site and also considering the nature of the occupancy of existing units in Victoria Dock. In terms of the development's viability, it was not considered appropriate to include an affordable element in the development.

It was noted that the local member supported the application.

The development complied with the GUDP for the reasons noted in the report.

- (b) It was proposed and seconded to refuse the application contrary to the officers' recommendation because approving the application would set a dangerous precedent in terms of reducing the number of holiday homes in a site designated for another use.

The Senior Planning Service Manager noted that applications had to be determined based on the evidence submitted. He added that if members were of the opinion that insufficient information had been submitted in the context of the affordable housing provision then a further explanation could be sought from the applicant.

An amendment was made to defer the application in order to receive further justification in the context of the affordable housing provision as part of the development. The amendment was seconded.

- (c) During the ensuing discussion, the following main points were noted:
- That affordable housing had been promised when the site had been developed as part of the original plans; however, these had not been realised;
  - That there was a need for affordable units;
  - Concern that it was noted that the development was not viable to accommodate affordable houses considering that the GUDP noted the need for an element of affordable houses in such developments;
  - That making such developments exempt from providing an affordable element was dangerous as any developer could justify not including an affordable element by saying that a maintenance fee was charged;
  - The need for an affordable provision as part of the development or if it was not viable, the need for a financial sum to satisfy affordable housing needs on an alternative site.

- (ch) The Senior Planning Service Manager noted that there were some circumstances where it was not viable to include an affordable element in developments but that the applicant had to submit evidence.

In response to a member's question regarding the additional parking spaces, the Development Control Manager noted that it was believed that they were for the site as a whole rather than specifically for this development. A member noted that there was no parking provision for the surgery located on the site and that the additional parking spaces were to be supported.

A vote was taken on the amendment.

**RESOLVED to defer the application in order to receive further justification in relation to the affordable housing provision as part of the development.**

**7. Application number C15/0748/44/LL - Former Hamdden Caravan Premises, Stryd Madog, Porthmadog**

Conversion and extension of former caravan repair premises into car sales, MOT centre and vehicle repair garage.

- (a) The Development Control Manager elaborated on the background of the application and noted that the application had been deferred at the Committee meeting held on 19 October 2015 in order to hold a site visit. The members of the Committee had visited the site prior to the meeting.

Attention was drawn to the fact that late observations had been received from the applicant's agent proposing to reduce the height of the building in the front by approximately 400mm along with changes to the parking and lighting arrangements for the site to mitigate the concerns of objectors.

It was noted that there was mixed land use in the application area which varied from residential use to employment sites and considering that the proposed development was on a site previously used in the past for the storage and repair of caravans, it was not considered that a significant change would be caused to the area's amenities.

It was noted that after receiving observations from the Public Protection Service it was recommended to impose conditions to restrict the operating hours on the site should the application be approved. It was added that no time restriction had been in place on the previous use of the site and the conditions would give more control over the site.

It was reported that the current recommendation was to delegate powers to approve the application subject to dealing with the amended plans and to relevant conditions as noted in the report.

- (b) The local member (not a member of this Planning Committee) made the following main points:-
- That he was grateful that the members of the Committee had visited the site;
  - That the applicant had submitted an amended Traffic Management Plan which he felt that was worse than the original;
  - That there were speeding and parking problems on the street. The development would contribute to the problem;
  - That he supported local businesses;
  - That he was against the development as he considered that it was an overdevelopment on a small site as the business would operate as an MOT and car sales centre.



- (c) In response to the local member's observations in relation to traffic management, the Senior Development Control Officer – Transport noted that lengthy discussions had been held in the context of speeding in the area and that improvements had been made; however, further methods to slow down traffic could be considered. It was noted that the proposal would not result in a detrimental increase in traffic.

It was proposed and seconded to approve the application.

The seconder to the proposal noted an amendment to alter condition 7 to 'to restrict the operating hours of the car sales unit to 08:00 – 19:00 every day' rather than 18:00. The proposed accepted the amendment.

The Development Control Manager confirmed that condition 8 in the report should not 'To restrict lighting hours – no lighting between 18:30 and 07:30', rather than 07:70.

- (ch) During the ensuing discussion, the following main points were made:

- Traffic flow would increase as a result of the development and stricter conditions should be imposed if the application was approved;
- Concern regarding speeding in the area;
- That the observations of the local member and Town Council needed to be considered;
- That there were other more suitable locations for the development;
- That it was important to support a new business;
- That it was an ideal site for the family business that would operate in line with the standards;
- That the applicant was making a substantial investment in the site and that the development would create new jobs;
- That the time restrictions allowed for better control of the site.

- (d) In response to further observations from members in relation to traffic management, the Senior Development Control Officer – Transport noted that there would be a need to follow a statutory consultation process if a change in traffic management in the area was considered. He added that this would include discussions with the local member.

**RESOLVED to delegate powers to approve the application subject to dealing with the amended plans and to relevant conditions relating to:**

Conditions:

1. Time – Five years
2. In accordance with the plans
3. To agree on the exterior finish and colour.
4. Welsh Water conditions
5. Highways / Parking conditions (to be agreed)
6. To restrict the operating hours of the MOT centre / vehicle repair building to 08:00 - 18:00 Monday to Friday, 08:-13:00 Saturday, closed Sundays and Bank Holidays
7. To restrict the operating hours of the car sales unit to 08:00 – 19:00 every day
8. To restrict the lighting hours – no lighting between 18:30 and 07:30

The meeting commenced at 1.00pm and concluded at 3.00pm.