
PLANNING COMMITTEE 18.05.15

Present:

Councillors: Endaf Cooke, Elwyn Edwards, Gwen Griffith, Anne Lloyd Jones, June Marshall, Michael Sol Owen, Eirwyn Williams, Hefin Williams, John Wyn Williams (Substitute), Owain Williams and Eurig Wyn.

Others invited: Councillors E. Selwyn Griffiths, John B. Hughes, Gweno Glyn, (Local members).

Also in attendance: Gareth Jones (Senior Planning Service Manager), Cara Owen (Development Control Manager), Idwal Williams (Senior Development Control Officer), Gareth Roberts (Senior Development Control Engineer), Rhun ap Gareth (Senior Solicitor) and Glynda O'Brien (Member Support and Scrutiny Officer).

Apologies: Councillors Craig ab Iago, Dyfrig Wynn Jones, W Tudor Owen, John Pughe Roberts, Eric Merfyn Jones (Substitute) and Gethin Glyn Williams (Local Member).

1. ELECTION OF CHAIR

Resolved: To re-elect Councillor Michael Sol Owen as Chairman of the Planning Committee for 2015/16.

2. ELECTION OF VICE-CHAIR

Resolved: To re-elect Councillor Anne Lloyd Jones as Vice-chair of the Planning Committee for 2015/16.

3. DECLARATION OF PERSONAL INTEREST

(a) Councillor Owain Williams declared a personal interest in Item 7 on the agenda (planning application number C14/1107/34/LL) as he was the owner of a section of land near Graianog Farm, Llanllyfni, where the applicant had another caravan site and that he also owned a caravan site.

The Member was of the opinion that they were prejudicial interests and withdrew from the Chamber during the discussion on the application noted.

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

- Councillor John Wyn Williams (not a member of this Planning Committee) in relation to item 7 on the agenda (planning application number C14/1111/25/LL);
- Councillor June E. Marshall (a member of this Planning Committee), in relation to item 7 on the agenda (planning application C14/1234/11/LL);
- Councillor Aled Evans (not a member of this Planning Committee) in relation to item 7 on the agenda (planning application C15/0158/39/AM);

- Councillor E. Selwyn Griffiths, (not a member of this Planning Committee) in relation to item 7 on the agenda (planning application number C15/0164/44/LL);
- Councillor Gweno Glyn (not a member of this Planning Committee) in relation to item 7 on the agenda (planning application C15/0201/32/RC).

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.

- (c) The Senior Solicitor declared a personal interest in Item 7 on the agenda (planning application number C14/1012/14/LL) due to a close personal connection with the objector and he left the Chamber during the discussion on this application.

4. MINUTES

The Chair signed the minutes of the previous meeting of this committee held on 27.04.15, 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 aspects of the policies.

RESOLVED

1. Application No. C14/0240/15/MG – Land near Tŷ Du Road, Llanberis, Caernarfon

Reserved matters application for erecting 11 residential dwellings as approved under reference C11/1103/15/AM.

(a) The Development Control Manager expanded on the background of the application noting that the proposal involved a reserved matters application to include size, appearance and landscaping. It was proposed to erect 11 two-storey dwellings with a vehicular access and road from the adjacent public road with houses of varying size to include a mix of three and four bedroom houses.

Reference was made to the relevant local and national policies. Attention was drawn to the public consultations which included objections from local residents but having given full consideration to the concerns it was not believed that the design and layout of the houses were likely to affect the area's general and residential amenities to an unacceptable degree. It was also noted that the site had overgrown and developing the site would involve eradicating invasive species in a safe manner.

It was considered that transportation matters were acceptable along with the formal biodiversity assessments that had been submitted. It was noted that the site was wet due to the lack of watercourse maintenance in the past. Concerns had been submitted regarding flood impact especially on nearby houses and on land set lower down from the site, however, there were no objections from Natural Resources Wales, Welsh Water or the Council's Land Drainage Unit and appropriate conditions had been proposed in order to safeguard the situation. In light of the concerns submitted, Natural Resources Wales had been requested to provide further information in relation to the strategy for the discharge of surface water within and away from the site and subsequently the information was submitted by the applicant and it was acceptable.

Attention was drawn to the additional comments received by the Council's Land Drainage Unit on the late observations form distributed to the Committee which supported the proposed scheme subject to appropriate conditions. Based on all considerations, the recommendation of the planning officers was to approve the application subject to the conditions relating to site drainage, and undertaking the work in accordance with the recommendations in the trees report and the Biodiversity report.

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

(c) In response to an enquiry regarding a lack of direction for affordable housing, the Development Control Manager noted that the application in question related to reserved matters and that the principle of establishing the 11 houses had been approved in 2012 and the main reason for not allocating a percentage of the houses as affordable homes related to the viability of the development in terms of the nature of the land and costly drainage matters.

(ch) A Member added that there was a lack of houses and land in Llanberis for Building and that she was aware that the Local Member supported the application.

Resolved: To delegate powers to the Senior Planning Manager to approve the application subject to receiving a favourable response from the Land Drainage Unit regarding arrangements for safeguarding the watercourse on the site and to relevant conditions relating to:

1. Relevant drainage condition
2. Carrying out the work in accordance with the recommendations in the Trees and Biodiversity Report (as updated since the outline application).

2. Application No. C14/1012/14/LL – Welcome Furniture, Cibyn Industrial Estate, Caernarfon

A full application to install new biomass burner unit within existing enclosure, erection of new chimney together with creating an extension to house a shredder.

(a) The Senior Development Control Officer expanded on the background of the application, noting there were three elements to the development which were to install a new biomass unit to replace the current one, install a new chimney above the biomass unit and to create a small extension to the rear of the property for the shredder. A number of aspects were considered in assessing the application in the context of existing enterprises and it was believed that the principle was acceptable. It was not believed that the development would cause detrimental damage to the area surrounding the site, despite the receipt of objections that referred to existing problems that caused concern for local residents based on noise disturbance and pollution. It was emphasised that the principle of establishing the site had been approved since 2002 and that the latest proposal was located within the curtilage of the industrial site. It was also believed that the scale of the proposal would not substantially impact the environment given the location of the work directly opposite the current structure. Reference was also made that the abovementioned objectives had also been reflected nationally by the Welsh Government.

In terms of visual amenities, although the majority of the equipment was located under the ridges of the unit's roofs, one chimney/extractor stood approximately 2m above one of the roof ridges. It was noted that the location of the equipment and associated structures, the materials and their designs were controlled and shaped by the statutory

requirements of regulatory bodies and it was not possible to cover them with cladding. It was not very easy to assimilate such industrial structures within the environment due to the nature of the buildings themselves. However, it was noted that the applicant had sought to reduce the visual impact of the additional structures in order for the proposed extension to match the existing extension.

The objections to this application involved noise and disturbance and the concern that the existing biomass unit was in operation 24 hours a day, 7 days a week, which was contrary to the planning conditions of previous applications which limited the operating times of the equipment and also set a cap on noise levels. It was evident from the objections that there had been a breach of conditions. It was noted that the Council's Public Protection Department together with the Enforcement Unit were aware of this situation, but as the current application had been submitted, it would refrain from taking enforcement steps for the time being. Should the application be approved, it was seen as an opportunity to undertake mitigating measures to ensure that the new equipment would conform to statutory noise levels requirements, in the hope that as a result there would be no significant substantial impact on the residential and general amenities of nearby residents. It would be possible to include planning conditions for the equipment's hours of operation, together with setting maximum noise levels that would emanate from the biomass unit and the shredder. In future, should a situation arise where a breach in planning condition occurred, it would be possible to undertake adequate enforcement investigations at that time.

Also, objections were received regarding the release of pollutants into the air and it was confirmed that the Public Protection Department had undertaken assessments and had concluded that there was no danger to the local population on the grounds of a decline in air quality.

In response to the objections, it was noted that the applicant had submitted amended plans showing that the shredder would be located within the enclosure.

It was noted that the planning officers' recommendation was different to that contained within the report:

- To change a standard condition of five years to a year in order for the applicant to implement the permission as soon as possible and in order to overcome the current problem of breaching conditions.
 - To ask the Committee to give the officers the power to hold further discussions with the Public Protection Department on including conditions (4 and 5 in the report) relating to operating hours and noise levels (also giving consideration to the working hours that had already received planning permission through previous applications).
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- (b) Taking advantage of the right to speak, an objector noted the following main points:
- That he represented the residents of Llain y Felin, Rhosbodrual, Caernarfon
 - Whilst accepting that the houses adjoined an industrial estate and that Welcome Furniture had the right to run their business and that they employed local people, their objection was not unreasonable
 - The objector had no problems with the noise during weekly working hours but he objected to the noise outside working hours and on weekends, evenings and bank holidays
 - That the problem was historical and the operator had been breaching the planning condition since 2002

- Planning permission had been granted in 2011 for a wood burner and the operating hours had been agreed, however it was now operated on a 24 hours a day, seven days a week basis.
- The noise was likened to a constant swarm of bees and it was not possible to open the windows during the summer months or sit outside in the garden in the evenings
- The operator had noted that the noise would be no greater than 23dB, however the significance of this was not known and the current noise levels were a problem and were causing a nuisance
- He urged the Committee to refuse the application or restrict working hours especially during the night, on weekends and on bank holidays

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

- That it was intended to reduce the noise of the biomass unit to 23dB and that it would be used for waste that would otherwise have to go to a landfill site, which was costly
- That the business currently employed 140 individuals
- The extraction unit was operated on a 24 hour basis and in order to mitigate the noise problem the unit had been located as far as possible from the houses
- That there was already a biomass unit and the proposed scheme was to include a new biomass unit in order to be much more effective

(ch) It was proposed and seconded to approve the application subject to appropriate conditions to alleviate noise for nearby residents and it was asked for the site to be monitored in order to ensure compliance with the operating conditions.

(d) In response, the Senior Planning Service Manager explained that the Public Protection Unit had expertise in terms of noise levels and referred to the opinion of the Unit within the report that it was satisfied with the proposed development but there was a need to ensure that strict conditions were imposed in relation to the units' operation. Attention was drawn to the fact that the impact of the noise varied and was dependent on the operation of the different units such as the biomass unit which would be 23dB and the extraction activity which had been problematic in the past. It had to be remembered that this was an attempt to rationalise activity that had been problematic over the years and it was difficult to balance the impact for the residents with employment on the industrial estate which had existed for many years. However, it had to be ensured that the activities did not have an unacceptable impact on the amenities of neighbouring residents. It was considered that the application was an opportunity to rationalise the situation and should the application be approved it was an opportunity to ensure the Public Protection Unit's conditions would control the operating times of the proposed units therefore ensuring the protection of local residents while also ensuring that the viability of the business was not affected.

(e) Members made the following observations:

- They sympathised with the applicant as employment was very important to the area and there was also sympathy for the objectors in terms of amenities and there was a need to find a balance and a method for monitoring the site
- Concern that the applicant had not adhered to conditions in the past and that a year was a long time to put up with noise
- A Site Visit would be useful in order for Members to be able to hear the noise for themselves
- Whilst accepting that the biomass unit would be operated on a 24 hours a day basis and there were also many ancillary activities, would it be possible to analyse the

exact level of noise emanating from the site and would it be possible to reduce the noise to 23dB as the applicant suggested?

(f) In response to these observations, the Senior Planning Service Manager explained that:

- The reason for limiting the implementation to a year was because the applicant was eager to implement arrangements to rationalise the noise situation as soon as possible and it would be unreasonable to grant temporary permission
- The condition would be formulated in consultation with the Public Protection Unit to ensure that the work that mitigated the noise impact was implemented as soon as possible.
- It would be possible to take steps in terms of planning enforcement or under Public Protection legislation should it not be possible to comply with the relevant conditions and there would be a need to be much firmer in relation to any breach of condition.
- There would be no benefit from visiting the site apart from to hear the background noise that already existed and this would cause a delay in taking action to alleviate the noise problem that was the subject of the application in question.
- That the Public Protection Unit had undertaken a thorough noise assessment where the noise levels varied according to the activity.
- The proposed new biomass unit was more modern and it would be possible to ask the applicant to confirm that the figures for the noise levels were correct
- That the Local Member had stated verbally that he supported the application

(ff) One Member noted his objection to the application and was disappointed that the applicant and the Public Protection Unit had been aware of the breach of conditions in the past and it was questioned whether there was any guarantee that this would not happen again.

Resolved: To delegate powers to the Planning Service Manager to approve the application, subject to further consultation with the Council's Public Protection Unit regarding appropriate conditions relating to noise levels/ the operating hours of the biomass unit, the dust extraction unit and the shredder and in accordance with the following conditions:-

1. 1 year.
2. In accordance with the plans.
3. Submit details relating to external finishes.
4. The biomass unit, the shredder and the dust extraction unit must not be used on any Sunday or Bank Holiday.
5. Prior to using the biomass unit to any purpose, a full noise monitoring assessment must be completed by an independent company which is to be agreed upon in writing with the Local Planning Authority. This will enable the Authority to ensure that any noise emanating as a result of operating the biomass unit and any associated equipment is not higher than the agreed noise levels.
6. Only fuel that is acknowledged as appropriate by the manufacturers of the biomass unit and deriving from the Welcome Furniture business can be incinerated in the biomass unit. Fuel must not be carried in from any external location without first receiving written permission from the Local Planning Authority.
7. Lorries waiting in the loading area (in the area highlighted in green in the plan appended to this permission) or lorries unloading must not leave the engine running while on site.

8. **The height of the chimney must not be less than 5m above the ridges of the roofs of the industrial estate (a combined height of 15m) in order to ensure adequate dispersion of pollution emissions from the chimney itself.**
9. **Any conditions that derive from further discussions with the Public Protection Unit relating to the days and hours of operating the units/machinery which are subject to this application and operate within the relevant noise levels.**

(g) Application No. C14/1107/34/LL – Touring Caravan and Camping Site, Cae Clyd, Clynnog Road, Pontllyfni, Caernarfon

Full application to vary condition Number 3 of planning permission C11/0863/34/LL to allow 15 touring caravans and 15 mixed touring units in lieu of 15 touring caravans and 30 tents.

- (a) The Senior Development Control Officer expanded on the background of the application, noting that the application included a new internal arrangement for the units using the site along with landscaping work and tree planting in order to improve the screening from outside and to raise the quality of the internal environment.

Reference was made to the relevant local and national policies together with the additional observations received from the Community Council and the Council's Policy Unit.

It was considered that the application to exchange 30 tents for 15 mixed holiday units was acceptable and the recommendation of the planning officers was to approve in accordance with the conditions outlined in the report along with two additional conditions namely to restrict the use to touring holidays only and for the owner to maintain a register.

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

- (c) In response to a Member's concern regarding assurances that the caravans would not remain on the site, the Senior Development Control Officer noted that both abovementioned conditions would address this.

Resolved: To approve the application in accordance with the following conditions:

1. **Five years**
2. **Work in accordance with the plans**
3. **Landscaping conditions**
4. **Limit on numbers – 15 touring caravans and 15 mixed touring units only**
5. **Seasonal restriction – 1 March to 31 October**
6. **Restrict the use to touring holidays only**
7. **Owner to maintain a register**

(h) Application no. C14/1111/25/LL – Coed Fodol, Y Felinheli

Full application to provide a permanent gypsy site comprising eight hardstanding pitches with permanent units, creating an access and vehicular track and a bridge, erecting a toilet block and bin storage together with drainage work and sewerage treatment works and landscaping

- (a) The Development Control Manager reported that the abovementioned application had been postponed and it would be discussed at the next meeting of the Planning

Committee due to instructions received from the Welsh Government in relation to private gypsy sites.

Resolved: To defer consideration of the application.

(i) Application No. C14/1234/11/LL – Maes Glas, Brailsford Centre, Ffriddoedd Road, Bangor

Full application to retain a hard standing and proposed bike stand.

(a) The Senior Development Control Officer expanded on the background of the application, noting that the application in question was part retrospective with the intention of retaining a slate waste hard standing and installing eight bollards along the north easterly side of the area along with a bike stand that formed part of the Bangor University campus.

It was noted that the area had recently been used as an informal parking area.

A previous planning application to improve the centre had been approved and during the construction phase, a hard standing had been established on an area of green land to site containers on it. Following the completion of this work the containers had been moved, however, the hard standing, which was the subject of this application along with the proposed bike stand, remained.

Reference was made to the relevant strategic policies and it was considered that the application was acceptable in principle.

In terms of visual amenities, it was considered that the development was acceptable and that it did not have an unacceptable detrimental impact on the form and character of the nearby townscape or the historic environment.

It was noted that nearby residents had raised concerns that the land would be used for parking vehicles. A letter had been received from the university stating that there was no intention to use the hard standing as a car park and the bollards would be installed to prevent access for this purpose. However, the University had noted that it was intended to use it for outdoor "activity", namely events held by students on open days. In order to resolve the residents' concerns, it was considered that conditions should be included with any permission to prevent the hard standing from being used as a car park or for the University's events, occasions or activities. Should such conditions be included, they would overcome any planning objections to the application and consequently the development would be acceptable and would comply with the relevant policy. The officers' recommendation was to approve the application subject to the conditions outlined in the report.

(b) Taking advantage of the right to speak, a representative of the resident of number 26 Ffriddoedd Road noted the following main points:-

- That the land had previously been undeveloped and the University's agent was mistaken in referring to it in policy terms as previously developed land.
- The policy presumed that it would be returned to its status as undeveloped land and there were suspicions that the University was gaining permission for development by encroaching a little at a time.

- In policy terms, the main justification provided was to park bikes and it was believed that the University's agent had suggested a bike stand for that exact purpose and without justification the policy did not support this application
- That the bike stand was small compared with the slate waste area and that it was near the sports hall and it could be provided without a hard standing or slate waste area
- That there were plenty of bike storage areas already, which were empty and if any additional places were required, the best place to install them would be at the main entrance to the Sports Hall and not the proposed site which was next to the building
- If the University had wanted more room for bikes it could have included them when redeveloping this site recently.
- That the garden of Number 26 Ffriddoedd Road was on two levels, one under the University's land, and the other lower down
- The resident of Number 26 and neighbours would be affected by constant noise and loss of privacy should the application be approved
- Should the bike stand be sited there, it would encourage people to convene next to number 26's garden
- The garden of number 26 had been used in the past as a short cut to the bus stop adjacent to number 26
- In the past, people had been seen throwing slate waste into the garden
- The University noted that it was an opportunity to create a site that had not been used previously that had a more beneficial use such as outdoor activities that had taken place and that it had been used to fold tarpaulin in addition to a boot camp class and the noise had been terrible and that it would increase.
- Despite the fact that the University's Project Officer had noted on 14 December that it would prevent access for car parking, vehicles had been parking there regularly on the site with very recent evidence from 16 April
- There had been no problems with parking vehicles when the area was open green land and the simplest and most environmentally friendly solution for the University would be to return the area back to green land
- Should the application be approved, it would be an opportunity to further develop the site in future

(c) The Local Member (a member of this Planning Committee) noted the following main points:

- The land in question was green land and acted as a buffer between the Brailsford Sports Centre and the residential property
- The university recently undertook work and had used the land to store containers on the condition that the land would be restored as green land as soon as possible after the completion of the work
- The land had not been restored to its original condition, and it had been used as an unauthorised car park for vehicles and buses
- Following receiving complaints the land was no longer used as a car park and the University submitted the planning application
- The report stated that this land was previously developed land and that its redevelopment was approved under strategic policy 6 however it was noted that there was an exception to the policy that if the land was used as a buffer, it should not be developed.
- The aim of Strategic Policy 6 was to protect amenities and green land – to ensure that new land was not developed and the need to redevelop land that had already been developed in the past

- It was also emphasised that the area surrounded by slate waste under permitted development rights had to be restored to its original state once the temporary use had come to an end and therefore the university should re-seed this area
- The conditions to retain the hedges, install bollards and prohibit parking were welcomed
- If these conditions were to be imposed, why should the area be a slate area, should it not be restored to its original state?
- The committee was asked to ensure that the University restored the green land

(ch) Proposed and seconded to refuse the application for the following reasons:

- That the green land had not been restored to its original state
- Approving it would affect the residential amenities of nearby residents

(d) In response to the above, the Senior Planning Service Manager explained that the application to retain the hard standing was retrospective and that the University was trying to regulate the situation following the completion of the work. There was no requirement for the developer to restore the green land and it was not a planning reason to refuse the application. There was a need to consider the impact of the hard standing with planning conditions to prevent parking and events being held by the University as opposed to its impact in the past when it was green open land without any planning conditions controlling its use. It was further explained that in its previous use as green land, the likelihood was that part of it could have been used without any planning condition at all. The Committee's attention was drawn to the fact that the planning conditions overcame the impact on residential amenities. It was further explained that there was a need to tread carefully because should the site be re-seeded the University would not require any permission to use it for events. The planning application was submitted to the committee in order to facilitate and to provide scope to be able to control the use of the land.

(dd) The Senior Solicitor explained further that it was not appropriate to postpone considering changing the location of the application as the site was partly operational in any case and as this was the application that had been submitted for consideration.

(e) During the ensuing discussion the following observations were noted:

- to withdraw the application and hold further discussions regarding restoring the green land
- concern regarding removing the bollards in time
- improved screening and a suggestion to ask the University to erect a fence between the residential houses and the land in question

(f) Following the above discussions, the seconder withdrew his proposal. It was proposed and seconded to approve the application subject to further discussions with the officers for more landscaping and the erection of an additional fence on the boundary. A vote was taken on the proposal and the application was approved on the Chairman's casting vote.

Resolved: To approve the application subject to further discussions with the applicant regarding landscaping and erecting an additional fence along with the following conditions:

1. In accordance with the plans

2. **Retain the hedge**
3. **The bollards to be installed within 1 month**
4. **The hard standing area not to be used for parking vehicles at any time.**
5. **The site may not be used for any outdoor event, occasion or activity.**

(j) Application no. C15/0051/00/LL – Plots 31-21 Ffordd Pentre Mynach, Barmouth

Full application to vary condition number 8 on planning permission reference C09M/0060/00/LL relating to the completion of the estate road and lighting

(a) The Development Control Manager elaborated on the background of the application, noting that the condition had been imposed originally on a planning permission in 2011 for erecting three detached residential dwellings on plots that formed part of a housing estate of dwelling houses, to protect the interests of the highway. The current application requested the deletion of the need to provide street lighting by amending this part of the condition. Officers had visited the site and it was seen that the carriageway and the pavements had been finally surfaced with tarmac.

Reference was made to the relevant policies along with the public consultations as outlined in the report, along with the late comments form which had been submitted to Members.

Given that the estate road had been completed it was believed that the main planning consideration when dealing with the current application was the effect of removing the provision of street lighting on road safety and the amenities of the local neighbourhood. Whilst investigating the application, confirmation had been received by the applicant's agent that the land which was subject to the condition was not within the applicant's ownership and he was unable to obtain the permission of the company who owned the land to provide street lighting on the site. This had been discussed by the planning officers and the officers of the Transportation Unit and the developer and it was decided to submit an application to vary the condition.

It was noted that the Transportation Unit did not consider that street lighting had to be provided in order to accommodate traffic from the development safely and efficiently, as including such a provision would not affect road safety. It was confirmed that the Transportation Unit did not object to the application.

Also, there was doubt whether the condition could be enforced as the land did not form part of the estate and was not owned by the applicant.

In terms of responding to concerns that had been raised about the effect of not providing street lighting on road users' safety and an increase in cases of law-breaking as a result of not providing street lighting, it was not considered that there was a real basis for concern as the road was overlooked by a number of residential houses meaning that there was natural surveillance and the estate was of a relatively open nature.

Whilst accepting that concerns had been voiced, it was not considered that the objections outweighed the basic fact that the estate road in its finished form was acceptable from the perspective of road safety, and that a lack of street lighting provision would not affect the amenities of the local neighbourhood. The planning officers' recommendation was to approve the application without conditions.

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

(c) The following observations were noted against the recommendation:

- Approving the application would set a precedent for the future
- Concerns given the number of houses on the estate regarding child safety, especially during winter evenings
- The Council had not made an effort to enforce the condition
- A question was asked about the number of houses required on an estate before street lighting would become statutory.

(ch) In response to the abovementioned observations, the Senior Planning Service Manager noted that there was a need to be consistent and to deal with every application on its own merits. Looking at the background of the original application, it was possible that the Committee's wish at the time would have been to improve the road. This was an example where enforcement officers had worked with the developer in order to reach an acceptable solution, as it would have been difficult to enforce the condition as the developer / applicant was not the owner of this section of the estate road that was subject to the planning condition. It was noted that the developer had already complied with what was asked for in the application and that this was an acceptable and reasonable solution under the circumstances.

(d) In terms of transportation matters, the Senior Development Control Officer explained that conditions were used for applications on estates where there were six or more houses and where a developer intended to transfer the road for the Council to adopt. In this case, he reiterated that it was not possible to enforce installing street lighting and that it was not necessary in terms of the safety of road users. It was confirmed that the Council had adopted a section of the road and it would be willing to accept this section of the road should the applicant submit an application in accordance with the statutory process.

The members voted on the proposal to approve the application.

Resolved: To approve the application unconditionally.

(k) Application No. C15/0158/39/AM – Land near Minffordd, Lôn Engan, Llanengan, Pwllheli.

Outline application to construct a three bedroom house with a garage.

(a) The Development Control Manager elaborated on the background of the application, noting that this was an outline application to construct a two-storey house with an integral garage. Although all matters were reserved, plans had been submitted to give an indication of the type of house that was proposed for the site

A pre-application enquiry had been received for constructing the house on the site in question and a clear and firm message had been given that the site lay a considerable distance outside the development boundary and that it would not be possible to support the application.

Reference was made to the relevant local and national policies along with observations from the public consultations.

It was considered that the proposal would not be acceptable as the design was too large and bulky for the location in question. It would be likely to lead to overlooking and would be contrary to relevant policies. The planning officers' recommendation was to refuse the application for the reasons outlined in the report before the committee.

- (b) Taking advantage of the right to speak, the applicant noted the following main points:
- That he and his fiancée were from the area, were currently renting a house and there was not much opportunity to buy a house in the area as they were out of their reach financially.
 - As a couple they worked locally and were eager to live near the village and after getting married they hoped to bring up a family in the area.
 - He had been renting for approximately six years and they had been offered the opportunity to purchase the land in question and it was an excellent opportunity for them to build their own house.

- (c) The Local Member (who was not a member of this Planning Committee) supported the application and made the following main points:

- He listed a number of houses that had been developed near the land in question and it was not believed that the land was located in open countryside
- No objections had been received from the statutory bodies apart from the proposed materials however there was a need to remember that this was a modern design
- There were only two locations in Llanengan that could be developed
- One objection had been received from the owner of the Minffordd property in relation to the height of the garage, and should the applicant lower the height, the objector would be satisfied
- There was plenty of parking space
- It was not possible for the couple to buy a house and they worked locally and were keeping the Welsh language alive in the area
- Llanengan was a bustling village and it was believed that the proposed development addressed the couple's needs and they should be supported

(ch) In response to the abovementioned observations, the Senior Planning Service Manager confirmed that the proposed development was located in the countryside and was totally contrary to planning policies and there was no justification to approve it. The members were reminded that the Council's policies restricted this type of development in terms of the principle. He suggested that the applicants could be assessed by Tai Teg to see whether they were eligible for an affordable house and to see whether there were any suitable properties available to meet their needs. It was emphasised that should the Committee approve the application contrary to the planning officers' recommendation there would be no option but to refer it to a cooling off period.

- (d) Proposed and seconded to approve the application due to the local need, the shortage of housing and that the applicants worked locally.

(dd) The following observations were noted in favour of the proposal to approve the application:

- That houses in Abersoch were for sale for more than £250,000 and were out of local people's reach
- There was a need to fight to keep young couples living in the area
- That the Community Council supported the development
- Whilst accepting that planning policies existed, different options should be discussed in order to help young people to live locally
- It was asked whether it would be possible to approve the application and include a 106 Agreement on the permission

- (e) In response to the abovementioned observations, the following was explained:

- No written evidence had been submitted by Tai Teg to support the local need for an affordable house
- The development had not been submitted as an affordable house and it was an application for a house on the open market
- That the application was contrary to the planning policies

(f) A vote was taken on the proposal to approve the application but the proposal fell.

(ff) Proposed, seconded and voted in favour of refusing the application and to further suggest, whilst the Committee sympathised with the young couple, that they should submit an application to Tai Teg to be assessed to see whether they were eligible for an affordable house. The vote to refuse the application in accordance with the planning officers' recommendation was carried.

Resolved: To refuse the application for the following reasons:

1. The proposal is for building a new house in the countryside without any justification for it and which is therefore unacceptable in principle and contrary to the requirements of Policies C1 and CH9 of the Gwynedd Unitary Development Plan along with the guidance in the Supplementary Planning Guidance: Building New Houses in the Countryside, Technical Advice Note 6: Planning for Sustainable Rural Communities along with Planning Policy Wales, Chapter 9 on Housing.

2. The submitted illustrative design is of a scale that is too large and bulky for the site and includes a number of incongruous features with the surrounding area and therefore it is not considered that the design of the house or the combination of materials are suitable for the site which is located within an Area of Outstanding Natural Beauty and a Conservation Area and is therefore contrary to Policies B4, B8, B22 and B25 of the GUDP.

3. The proposal as shown on the illustrative plans submitted as part of the application is likely to lead to overlooking and loss of privacy for nearby houses. It is therefore considered that the proposal is contrary to policy B23 of the GUDP.

(I) Application Number C15/0164/44/LL – 23 Ralph Street, Borth-y-Gest, Porthmadog

Full application for an extension to existing outbuilding.

(a) The Senior Development Control Officer elaborated on the background of the application, noting that the application was to extend two existing flat roof garden buildings set in an L shape to create a pitched roof building at the far end of the garden of a terraced house. It was explained that the length and width of the building would be no greater than the two sides of the existing L shape (5.6m x 6.2m) and the roof would be no higher than the roof of next door's garden building. It was noted due to the nature of the area and the land levels that it was inevitable that there was some overlooking between the houses and the gardens.

In terms of concerns highlighted by the owner of the house next door to the north (Number 25) regarding overlooking, it was not considered that the proposal would exacerbate the existing situation to an extent that would have a negative impact on the residential amenities/privacy of nearby houses. As the development ran along the boundary of the garden of number 25 next door, it was accepted that there would be some shadowing on the end of the garden of that property, however, it was not considered that there would be a

detrimental impact on the visual amenities of the garden or the house of number 25 or any other house either.

Concern had been expressed regarding the impact of the roof lights on the rear slope of the building's roof and the possibility of overlooking or light pollution, and it was noted that it would be possible to include an appropriate condition regarding an opaque glass window to overcome the concern.

Having considered all relevant considerations, the planning officers' recommendation was to approve the application subject to the conditions outlined in the report.

(b) Taking advantage of the right to speak, an objector noted the following main points:

- There was a weakness in the plan as it did not provide the correct profile of the land
- That the land sloped suddenly to the left of the building and if it extended 3m from the wall it would affect the nearby garden
- It was not useful that the floor level was the same height as the bedrooms of Number 25
- They did not agree with point 5.6 of the report which noted that overlooking already existed – this was not the case
- That the garden of number 23 was lower than number 25
- That Number 25 had a patio measuring 1.25m below the level of the proposed building therefore some privacy would be lost due to the existence of the building
- Additionally, this exacerbated the problem of shadowing – there were two spots where it was possible to sit outside number 25 and should the building be approved to be 3.6m tall and to extend 3m forwards, this would darken these areas
- Patio number 25 was lower than the level and would therefore be significantly affected
- The house was too high, compared with number 21 and the remainder of the entire street was lower and none extended to the main house as in the case of this application
- Reference was made to Policy B22 and attention drawn to the fact that the public had access to the rear of this building and should the ridge of this building be too high, they would lose this view

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

- There was significant misunderstanding of what the proposal entailed
- He had met with as many local residents as possible, but not the resident of number 25 despite trying to arrange a meeting
- That the actual size of the building meant that the roof was the influencing factor but it would be no higher than the nearby property namely number 21 which then determined the floor level within the extension
- That the garden level was relatively flat all the way from the current rear wall to where it currently extended, and then falls away beyond the lower garden
- The level of the slab will not be as high as the wall
- It was seen that there would be a benefit to number 25 as the level of the garden would be reduced – it was not intended to increase the height of the garden and all efforts would be made to try to maintain links with neighbours
- The proposal would use the patio area which was 3m lower than the rear of the house
- That some of the matters in the objection were misleading and they would do all they could to ensure additional screening if needed

(ch) The Local Member (not a member of this Planning Committee) supported the application but he expressed concern regarding the roof light and whether it would be possible to mitigate concerns regarding overlooking.

(d) In response to the above, the Senior Development Control Officer assured the Committee that it would be possible to overcome the overlooking problem by introducing a condition to include a non-opening opaque glass window.

(dd) Proposed and seconded to approve the application in accordance with the planning officers' recommendation.

(e) In response to an enquiry by a Member regarding a condition for using the building, the Development Control Manager noted that there would be no need for a condition as the proposal was for a single room ancillary building.

(f) It was voted to approve the application in accordance with the recommendation of the planning officers.

Resolved: To approve the application in accordance with the following conditions:

1. **Five years**
2. **Development to comply with the approved plans.**
3. **Slate roof and materials**
4. **Permanently closed opaque glass roof lights only**

Note: Party Wall Act

(m) Application number C15/0201/32/RC – Congl Meinciau Estate, Botwnnog, Pwllheli.

Application to discharge an Affordable Housing 106 Agreement.

(a) The Development Control Manager expanded on the background of the application noting that the proposal related to discharging a 106 Agreement in order for Grŵp Cynefin to be able to borrow money to fund new social housing / affordable housing developments. The Committee's attention was drawn to the fact that there was no intention to sell the houses of the Congl Meinciau estate and it was emphasised that the Grŵp Cynefin local allocation policies would remain in force to control the future tenancy of the estate for those in community need for affordable housing.

The relevant legislation noted that an authority which received an application to amend or discharge a planning obligation should consider whether that obligation served a useful purpose in planning terms. The legislation did not state that the useful purpose had to be the same as the original. It was therefore important to consider whether or not the planning circumstances had changed since granting the original planning consent.

It was further noted that the local planning policy background had not changed since the application was approved in 2009 and the Gwynedd Unitary Development Plan remained in force. The house sizes were within the size guidelines noted in the Supplementary Planning Guidance: Affordable Housing (November, 2009) and to all intents and purposes their size controlled their future affordability. Their future size would be restricted through planning

conditions, which had been imposed in order to withdraw some features of permitted development rights.

Several applications had recently been approved by the Planning Committee for new houses by housing associations in several places in Gwynedd such as two applications in Maesgeirchen, Bangor; Abererch Road, Pwllheli; Pendre Gardens, Tywyn and Y Wern, Felinheli. It was important to note that no request had been made for Affordable Housing 106 Agreements on these because it was considered that the statutory regulations of the housing associations and their allocation policies were adequate to control the tenancy/occupancy for those in local/community affordable need (as the 106 Agreements would also have ensured).

In this case, it was noted that Grŵp Cynefin prepared rented social housing for local residents under its statutory responsibility and this was reflected in its Allocation Policy. The allocation policy in Congl Meinciau would not change as a result of the discharge of the agreement, and the housing association would continue to assess tenants based on their needs, namely that they had links with the local community for ten years and against its points system. Given that an allocation policy was in force, it could be argued therefore that the affordable housing 106 Agreement was unnecessary because appropriate and satisfactory arrangements were in place to restrict occupancy, in accordance with criterion 4 of policy CH7 of the GUDP.

Based on the information to hand, including the Grŵp Cynefin Local Allocation Policy and the explanation provided, along with the planning history and the fact that new housing association applications did not include 106 agreements, it was not considered that the obligation which was the subject of this application no longer served any useful planning purpose with regard to current policies and that it was possible to achieve this through the Grŵp Cynefin policy itself.

The planning officers' recommendation was to approve the application without conditions.

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

- It was assured that there was no risk of losing the Congl Meinciau houses for local people
- The reason for making the application was to enable the Housing Association to raise the money to provide additional homes for local people
- Housing Associations financed additional homes through a combination of a grant from the Welsh Government and private loans against the current housing stock
- The tenants had not been consulted because there was no change in the relationship between the tenants and the Housing Association, nor was there any change to their rights
- Should there be any change they would have ensured that they had consulted with them as was legally required
- When the dwellings were first built, a local policy had been agreed and it was assured that this would continue together with the Council's nomination arrangements and grant conditions and regulatory requirements which referred to meeting the local need
- Objectives in the Cynefin Group's constitution supported communities and the Welsh language, and it was assured that lifting the condition would not change this position
- Housing Associations' financial situations were closely supervised by the Welsh Government

- It was assured that the lenders would have no influence on the future of the houses, the price, rent or ownership nor that it would be possible for them to reclaim finance to fund their own business or any other business

(c) The Local Member (not a Member of this Planning Committee) objected to the application and he made the following main points:

- It was understood that the Cynefin Group was in debt and that this was not a healthy business model to put up Congl Meinciau estate against a loan in order to borrow more money
- There was genuine concern that something could go wrong with the loan and it could not be guaranteed that the houses would not be repossessed
- The member knew of other such matters that had gone wrong in whole villages / towns in Ireland where the money had dried up
- Concern should the Congl Meinciau houses be repossessed that the lenders would surely insist on a higher price should the 106 Agreement condition be lifted, which would consequently affect the market price
- Whilst accepting that the allocation policy was in place, concern that the allocation policy could easily be revised
- The houses in question were to be let for the wards of Botwnnog, Tudweiliog and Aberdaron and if no-one had shown an interest they could be extended for Pen Llŷn – there had been no difficulties in letting them
- Emphasised that the houses were homes for individuals
- The school had benefitted and was full
- Considering the current economic climate, cases could change and the member appealed to the Committee to seriously consider what the implications of lifting the 106 Agreement could be in order for the Cynefin Group to go into greater financial debt

(ch) In response the Senior Solicitor explained in legal terms that Housing Associations were different to general developers and had to adhere to strict regulations. There were also very strict clauses in the Housing Act and should there be any insecurity the Government could step in which ultimately meant that assets could be transferred to the Government.

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

(dd) The following concerns were noted by individual Members:

- Concern about omitting the 106 condition, would it not be possible to approve the application but ensuring that the condition was reinstated on the houses should they have to be sold?
- This was an important decision and if an error was made, there would be monumental implications
- Responses from all the public consultations would have been beneficial
- It was understood that the money had to be invested – they had to venture to accumulate, and the return on the investment would not be seen immediately
- The need for housing was greater than what the waiting lists indicated
- Whilst accepting the risk, regulations existed and there was certainly a need for affordable rented housing which was so important for local people, and the only way of providing them was through the housing associations

(e) In response to the above observations, the Senior Planning Service Manager noted the following:

- There were only two options for the Committee, namely to approve in accordance with the recommendation or to refuse, but it was not possible to approve the application and then reinstate the condition should the houses have to be sold. He further noted that there were risks attached to changing policy with any development, but a decision must be made based on the evidence to hand and not on what could possibly happen in the future. The Committee had in the past established the principle of not imposing section 106 conditions on applications from Housing Associations. The Senior Solicitor noted further that individuals could submit an application to delete a Section 106 condition provided the application was for a specific purpose.
- Approving an application to remove the condition did not weaken the principle of a Section 106 and it would not set a precedent in relation to developments by developers who were not housing associations.

(f) A vote was taken on the proposal to approve the application in accordance with the planning officers' recommendation.

Resolved: To approve the application unconditionally.

The meeting commenced at 1.00 pm and concluded at 4.15 pm.