
PLANNING COMMITTEE 22/2/16

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

Councillors: Elwyn Edwards, Simon Glyn, Eric M. Jones, Siôn Wyn Jones (substitute), June Marshall, W. Tudor Owen, John Pughe Roberts, Eirwyn Williams, Gruffydd Williams, Hefin Williams, Owain Williams and Eurig Wyn.

Others invited: Councillors Anwen Davies and E. Selwyn Griffiths (Local Members).

Also in attendance: Gareth Jones (Senior Planning Service Manager), Cara Owen (Development Control Manager), Medi Emlyn Davies (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 Gwen Griffith and Dyfrig Wynn Jones, and Councillor Peter Read (Local Member).

1. BEST WISHES

Best wishes were extended to Councillor Peter Read following his recent ill-health.

2. DECLARATION OF PERSONAL INTEREST

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

- Councillor E. Selwyn Griffiths, (not a member of this Planning Committee) in relation to item 5.3 on the agenda (planning application number C15/1181/44/LL);
- Councillor Eric M. Jones, (a member of this Planning Committee) in relation to item 5.6 on the agenda (planning application number C15/1248/17/LL);
- Councillor Anwen Davies, (not a member of this Planning Committee) in relation to item 5.7 on the agenda (planning application number C15/1356/40/LL);
- Councillor Michael Sol Owen, (a member of this Planning Committee) in relation to item 5.8 on the agenda (planning application number C14/1118/45/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.

3. MINUTES

The Chair signed the minutes of the previous meeting of this committee held on 1 February 2016, as a true record and subject to adding under application number C15/1281/11/LL - Coach House, Belmont Road, Bangor on page 11:

RESOLVED to approve the application.

Conditions

1. 5 years
2. In accordance with the plans
3. Slate roof
4. Withdrawal of permitted development rights involving any changes to the roof.

5. A condition to manage demolition work including the submission of demolition method management plan prior to commencing the work and restricting working hours to 09:00-18:00 Monday - Friday, 09:00-13:00 on Saturday, and not at all on Sunday or Bank Holidays.
6. Demolition work must take place following the recommendation in the ecological report
7. A condition to agree on boundary treatments.
8. Agree on a waste drainage and surface water drainage plan.

4. 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 C14/1197/22/LL – Bryn Melyn, Nasareth

Replace existing animal shelter facilities with new facilities to include reception, dog kennels, cat kennels, parking spaces, cesspit and associated facilities.

- (a) The Development Control Manager elaborated on the background of the application and noted that the principle of establishing an animal shelter on the 'Freshfields' (Bryn Melyn) holding had been established back in 1997.

It was deemed that the scale of the proposal would not substantially impair the environment given the impact and setting of the existing structures on the landscape, together with the design and elevations/external materials of the new structures that would reduce the visual impact within the local landscape and would be an opportunity to improve the site's appearance.

It was noted that the main objection from nearby residents to the application was noise disturbance stemming from the site and the noise that may emanate from the proposal by increasing the number of dogs proposed to be accommodated on the site itself. It is considered that the proposed mitigating and sound insulation measures would negate the noise disturbance stemming from the new kennels building in order that the noise levels would conform to the statutory noise levels, in the hope that as a result there would not be a significant or substantial impact on the residential and general amenities of nearby residents.

The development complied with the Gwynedd Unitary Development Plan (GUDP) for the reasons noted in the report.

- (b) Taking advantage of the right to speak, an objector noted the following main points:-
- That he was speaking on behalf of all the residents of nearby dwellings to the application site;
 - That noise disturbance had emanated from the site for many years and increasing the numbers of dogs boarded there would add to the problem;
 - Concern regarding road safety, a litter bin area should be included on the site rather than on the road;
 - The applicant had not discussed the application with nearby residents prior to submission;
 - As a result of the applicant's behaviour over the years, the objector did not believe that he would act in accordance with the planning permission;

- Should the application be approved, strict conditions must be imposed and the site should be monitored..

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

A Member noted that the Community Council's concerns should be considered together with those of nearby residents.

An amendment to undertake a site inspection visit was proposed and seconded.

RESOLVED to undertake a site inspection visit.

2. Application number C15/0215/40/LL – Land adjacent to Tan yr Eglwys, Abererch

Members of the Committee had visited the site prior to the meeting.

Erect nine new dwelling-houses to comprise three affordable dwellings together with the construction of internal access road and footpath.

(a) It was reported that amended plans had been received. It was noted that it was necessary to re-consult and re-assess the application and therefore, it was requested that the application be deferred.

RESOLVED to defer the application.

3. Application number C15/1181/44/LL – Bryn Hyfryd, 25, Heol Merswy, Borth y Gest

Application to demolish a garage and erect an attached annex in its place.

(a) The Development Control Officer elaborated on the background of the application, noting that the application had been deferred at the Committee meeting held on 11 January, 2016, in order to undertake a site inspection visit and to confirm the number of bedrooms in the existing property. Committee Members had visited the site prior to the meeting and confirmation was received from the applicant that there were three bedrooms on the first floor and one bedroom in the attic.

Attention was drawn to the fact that the applicant did not have to have planning permission to convert the garage into an additional room. It was noted that it was recommended, if the application was to be approved, that it was proposed to impose a condition that the use of the annex would only be ancillary to the house.

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

(b) The local member (not a member of this Planning Committee) made the following main points:-

- He was grateful to members for visiting the site;
- It was noted that there was a strong objection to the proposal from the residents of Borth y Gest as well as the Town Council;
- Concern regarding parking, bearing in mind that parking problems already existed in the village;
- The owner ran a business from the property;
- That the annex was not attached and his concern that it would be a separate property.
- That he did not object to one extra room, however, the proposed annex was more like a studio flat;

- This would create a precedent for the rest of the terrace;
- He asked the Committee to refuse the application, however, if it was approved that a condition be imposed that only ancillary use would be made of the annex.

(c) In response to the observations of the local member, the Senior Planning Service Manager noted:

- That he understood the concerns, however, an application could not be determined on the grounds of what may occur in the future;
- That the proposed annex was acceptable in terms of size, setting and the relationship with the property;
- It was recommended to impose a condition that only ancillary/supplementary use would be made of the annex.

The Senior Transport Development Control Officer noted that the terraced house was fortunate to have a parking space and there was a parking area in the village as well as parking on the street, although he recognised that there was competition for parking spaces. He confirmed that there was no need for additional or specific parking for the annex.

In response to an enquiry from a member, the Senior Planning Service Manager noted that in the case of this application, it would not be appropriate to impose a 106 Agreement to tie the use of the annex to the house as there was no concern regarding its size and it was within the development boundary. He stressed that it was recommended to impose a condition that only ancillary/supplementary use would be made of the annex.

(ch) It was proposed and seconded to refuse the application contrary to the officers' recommendation as it would be an over-development of the site.

During the ensuing discussion, the following main observations were noted:-

- That the Town Council, the Local Member and nearby residents objected to the application;
- That the annex would not be in keeping with the local area;
- There were parking problems already in the village;
- That there was over-development in the area;
- That the annex was not attached to the house;
- It was not possible to presume what may occur in the future;
- Whilst there was sympathy with the objectors, that a similar building existed already at the location of the proposed annex, therefore it would be difficult to defend a refusal in an appeal.

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

- That the annex would be similar in type to the adjacent buildings;
- That it was the physical relationship of the annex to the house that was being considered and therefore the annex did not have to be attached to the house.

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

In favour of the proposal to refuse the application, (9) Councillors: Elwyn Edwards, Simon Glyn, Eric M. Jones, Siôn Wyn Jones, W. Tudor Owen, John Pughe Roberts, Eirwyn Williams, Gruffydd Williams and Eurig Wyn.

Against the proposal to refuse the application (5) Councillors: Anne T. Lloyd Jones, June Marshall, Michael Sol Owen, Hefin Williams and Owain Williams.

Abstaining, (0)**RESOLVED to refuse the application contrary to the officers' recommendation.****Reason: Overdevelopment of the site.****4. Application number C15/1199/16/LL - Penrhyn Quarry, Bethesda**

Install new zip wires adjacent to the existing zip wires, install associated equipment platforms to match existing, erection of a 4.5 metre acoustic bund, re-locate existing platforms and an existing shelter, alter levels, relocate existing paths and erection of new shelter building.

- (a) The Development Control Officer elaborated on the background of the application, and noted that the Zip World enterprise was established within the quarry boundaries and part of the proposal would entail installing two additional large zip wires and two additional zip wires near the smaller zip wire.

It was noted that several objections had been received to the proposal on the grounds of the impact of noise from the existing development and the fact that this proposal would increase the impact. The applicant had agreed to limit the opening hours of venture to between 08:00 and 20:00 daily and if the application was approved, it was recommended to impose an appropriate condition.

It was reported that observations had been received from the Public Protection Service stating that they had no objection subject to conditions relating to controlling noise levels and operational hours. It was noted that it was recommended to impose an additional condition to what was stated in the report, to agree on noise levels.

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

- (b) Taking advantage of the right to speak, the applicant's agent noted the following main points:-
- That the successful enterprise had been established for two and a half years and it promoted Gwynedd as an area for tourists to visit;
 - The applicant was willing to restrict the opening hours of the enterprise;
 - Regarding concerns with noise, the acoustic bund would improve the situation;
 - As the site was located over 200m away from the nearest residential dwelling it was not considered that there would be a loss of privacy;
 - The company did take into consideration the impact on the amenities of residents.

- (c) It was noted that the Local Member supported the application.

Proposed and seconded to approve the application.

A member noted that he welcomed the employment created by the enterprise and he hoped that they would employ local people. In response to the comment, the Development Control Manager noted that they had recently attended a presentation by the company and that the majority of the staff were local.

RESOLVED to approve the application.

Conditions:

1. Time
2. In accordance with the plans

3. Materials
4. Biodiversity conditions
5. Condition to restrict opening times to between the hours of 08:00 and 20:00.
6. Plan showing the location where it was proposed to source slate waste to create the bund to be submitted and agreed with the Local Planning Authority prior to the commencement of any work on the development.
7. Agree on appropriate noise conditions.

Notes: Archaeology and mineral matters

5. Application number C15/1238/42/LL - Cefn Edeyrn, Edern

Create a touring caravan site for 27 units together with building a toilet/shower block and installation of septic tank.

- (a) It was reported that the above application had been withdrawn.

RESOLVED to accept and note the above.

6. Application number C15/1248/17/LL - 35, Y Grugan, Groeslon, Caernarfon

Application to erect a garage.

- (a) The Development Control Manager elaborated on the background of the application and noted that the application was to erect a new single garage on a section of land outside the property's specific curtilage, in the far end of an estate road. It was noted that a concrete foundation already existed on the site which provided a parking space, with the foundation extending outside the application site and providing approximately two additional parking spaces for other houses.

It was reported that a number of objections had been received to the proposal regarding the location of the garage in terms of land ownership, land ownership dispute, access to maintain a section of property and use by the public of a path running past the side of the garage.

It was noted that the proposal extended the existing concrete foundation to the side (towards property number 23) and to the back with the plans submitted indicating that the land was in the applicant's ownership. It was explained that ownership issues were civil matters rather than planning matters, therefore a land ownership dispute was not a reason to refuse planning permission.

It was noted that extending the foundation would impair upon the path that runs between the proposed garage and property number 23 Y Grugan. It appeared that the path was in the applicant's ownership, the application's agent had received written confirmation from the Footpaths Unit stating that this was not a public footpath and was not in the ownership of Gwynedd Council and had not been adopted or maintained by the Council. It was noted that the proposed garage would be erected totally on land located within the applicant's ownership, and it was not considered to be an over-development of the site and did not have a detrimental impact on the privacy or amenities of any nearby person.

It was confirmed that the objections received did not outweigh relevant policy considerations or material planning issues. The development complied with the GUDP for the reasons noted in the report.

- (b) Taking advantage of the right to speak, an objector noted the following main points:-
- That he represented the residents of Grugan;

- That the proposed garage would prevent him from parking in his current parking space;
- The Committee should consider conducting a site visit;
- Impact on the path that was used by a disabled person living in number 37;
- That the garage would create an area for persons to participate in anti-social and illegal activities.

(c) The local member (a member of this Planning Committee) made the following main points:-

- That the application had split the society;
- That the concrete foundation provided a parking area not a space for a garage;
- That there had been a verbal agreement between the occupiers of number 36 and the former owner of number 35 regarding parking arrangements.
- That there were parking spaces for numbers 35, 36 and 37 and if the application was approved then a garage larger than the existing concrete foundation would impair on the central space and on the path and the property of number 23;
- That there was an ownership dispute and contrary statements given in the Council's response in the context of ownership and maintenance;
- Approving the application would create a precedent;
- That the proposal was contrary to policies B22 and B23 of the GUDP;
- The Committee was requested to undertake a site visit.

(ch) Proposed and seconded to undertake a site inspection visit.

During the ensuing discussion the following main comments were noted:

- That a site visit should be undertaken as the situation was not reflected in the plans;
- That these were civil issues in question and undertaking a site visit would not make the situation any clearer;
- That the proposed garage was unsuitable for the site.

In response to a question by a member regarding receiving confirmation of ownership, the Development Control Manager noted that the applicant had confirmed on the application form that the application site was in his ownership and documentation had also been received from the Land Registry.

RESOLVED to undertake a site visit.

7. Application Number C15/1356/40/LL - 1-3 Wenallt, Arddgrach, Llannor

Amended application to demolish an existing dwelling and construct a new dwelling in its place together with associated works.

(a) The Development Control Officer elaborated on the background of the application, and noted that the proposed new house would be set back in the plot on a site where a zinc agricultural shed was currently located. It was noted that it was proposed to create a new access on the site of the existing dwelling, to extend the track from the side of the carriageway to the house and turning in the direction of the access gate to the adjacent field.

It was noted that the proposal did not comply with the main criteria of the demolition policy and re-building in rural villages that required new units to be located on the site of the original unit or as close as practically possible to it. Due to its location and the angle of its setting, it was considered that the proposal would create an intrusive feature in the countryside that does not support the area's character or retain the general development

pattern of the street scene. The proposal was contrary to the principles of policy CH13 and B22 of the GUDP.

It was highlighted that Policy CH5 of GUDP approved proposals for residential developments in suitable locations in rural villages for affordable houses for local community need only. It was noted that the development did not comply, as no affordable housing was proposed for local community need and it was not in accordance with the size requirements of affordable housing as outlined in the Supplementary Planning Guidance: The Council's Affordable Housing.

Attention was drawn to the fact that no activity survey formed part of the bats survey submitted with the application, as it was not the correct time of year and no appropriate mitigation measures were proposed. Therefore, the proposal was contrary to policy A1 and policy B20 of the GUDP that state that proposals which are likely to cause disturbance or unacceptable damage to protected species and their habitats will be refused unless any impact can be reduced or effectively mitigated.

It was noted although there was potential to develop the site, it was considered that the second-submission before them was not acceptable and based on the plans submitted it was recommended that the application be refused.

- (b) Taking advantage of the right to speak, the applicant's agent noted the following main points:-
- That the ecologists commissioned by the applicant had noted that it was common to approve planning applications subject to the receipt of a mitigation scheme;
 - That the existing building was ugly and the proposal offered a modern and sustainable house;
 - That it was proposed to improve the existing access in order to comply with highway standards and therefore it was not possible to locate the house on the existing location;
 - The design and layout of the proposed house would not cause harm to the village street scene;
 - That criterion 3, policy CH13 of the GUDP supported applications where the new unit was located as close as practically possible to the original site.
- (c) The local member (not a member of this Planning Committee) made the following main points:-
- The existing house had been empty for four years and had deteriorated considerably, the proposal would be an improvement to the village;
 - The applicant was local;
 - The house had to be located back from the existing location as the rise in land level towards the back would overcome difficulties with water flowing to the rear of the house;
 - The house design was compatible with nearby dwellings;
 - The Community Council supported the application and no local objection had been received;
 - The proposal would provide a better access and parking provision within the curtilage.
- (ch) In response to the agent's observations in the context of approving the application subject to the receipt of a mitigation scheme for bats, it was noted that this was not consistent with the guidance of Natural Resources Wales (NRW) and how the Committee considered applications and it would not be possible to approve the application as it would be illegal to undertake work on the building without conducting a bat activity survey and the details of

mitigation measures. It was noted that the period when a bats activity survey could take place commenced in May.

Two options were highlighted to the Committee, namely:-

- To refuse the application; or
- Defer the application in order that the applicant may submit the necessary information regarding bats and to negotiate the re-location of the house, if so wished.

A Member noted that the layout of the house was not uniform with nearby property, however, the issues with drainage and water in the existing house location should be taken into consideration, therefore a technical report should be requested to highlight why it was not possible to locate the house closer to the location of the existing dwelling. It was added that the application before the Committee was premature as the necessary information regarding bats had not been submitted.

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

An amendment was proposed to defer the application in order to receive the necessary information regarding bats and a technical report to justify why it was not possible to locate the house closer to the location of the existing dwelling. The amendment was seconded.

RESOLVED to defer the application.

8. Application number C14.1118.45.LL Land near Ala Cottage, Pwllheli

The discussion on the above application was chaired by the Vice-chair.

Demolish existing buildings and erection of retirement living houses (30 units) along with communal facilities, landscaping and car parking.

- (a) The Development Control Manager elaborated on the background of the application and noted from the information submitted that it was understood that the units would be sold on a 125 year lease with the accommodation to be occupied by persons over 60 years old, or in the case of a couple, where one person was over 60 and the other over 55 years old.

It was explained that policy CH6 of the GUDP stated that consideration needs to be given to the fact that a percentage (that will vary from site to site) of the units provided as part of the plan on any site in Bangor, Blaenau Ffestiniog, Caernarfon, Porthmadog and Pwllheli will meet a need for affordable housing, unless the Planning Authority can be satisfied, after considering all relevant factors, that it would be inappropriate to provide affordable housing on the site. It was noted that the information provided by the Joint Planning Policy Unit evidenced that there was no doubt that there was justification to request affordable housing unless other matters such as feasibility prevented this.

It was noted that the applicant stated that costs associated with the development meant that it would not be viable to offer a contribution towards affordable housing or any other planning provision. It was reported that an assessment of the viability matters had been undertaken by the Joint Planning Policy Unit using a computer package to evaluate the viability of developments. In addition to this, there had been many discussions between officers and the applicant regarding viability issues. Initially, a contribution of approximately 20% had been sought towards affordable housing. However, following undertaking the relevant viability assessments it became evident that this type of contribution would not be viable for the development. They had come to the conclusion, as a result of the assessments made by the Joint Planning Policy Unit, that it would be possible to have a contribution of 7%. This would be equivalent to about two affordable units on the site or if it

was a commutative contribution towards affordable housing in the area it would equate to around £94,000. However, it was noted that the applicant continued to argue that it would not be viable to offer a contribution towards affordable housing as part of the development. Nevertheless, in order to proceed they had offered a commutative sum towards affordable housing of £40,000.

The proposal in question would contribute to provision of retirement accommodation locally where these types of homes are not available. The proposal would also be re-use brownfield land which was currently untidy and an eyesore and it would also bring economic benefits in terms of work (site manager to run the site following completion and building work associated with the development) and wider within the community with the residents using local facilities. Therefore, as a result of the viability issues with the development it was considered to be reasonable to accept the offer of £40,000 towards an affordable housing provision off the site, in this case, the proposal therefore complied with the requirements of policy CH6 GUDP.

Reference was made to the additional observations received, it was noted that NRW had withdrawn their objection if appropriate conditions are imposed on the permission with flooding risk control and bat mitigation measures. Consequently, the recommendation now was to approve the application subject to signing a 106 Agreement regarding a financial contribution towards affordable housing with relevant planning conditions.

- (b) Taking advantage of the right to speak, the applicant's agent noted the following main points:-
- The location of the development was ideal as it was close to services;
 - Local need had been identified and the development would satisfy the needs of older persons;
 - Individuals wanted to remain within their communities and such developments also enabled them to have company and alleviate the burden of maintaining their property;
 - 45 homes had shown an interest in the units;
 - It was a high quality development and the Committee was requested to approve it.
- (c) The local member (a member of this Planning Committee) made the following main points:-
- There was a demand for this type of provision and the site was in the correct location as it was close to facilities;
 - There was a solution regarding the objection of NRW in the context of flooding risk and bats;
 - He was disappointed that only £40,000 was offered towards affordable housing provision off the site but this was not a reason to refuse the application;
 - That the proposed access would improve road safety;
 - To request the Committee to approve the application.
- (ch) Proposed and seconded – to approve the application.

During the ensuing discussion the following main comments were noted:

- The development was to be welcomed but it was disappointing that the officers had not pressed for an affordable provision in the development rather than accept a contribution towards affordable housing provision off the site;
- Discontent regarding what was offered as a contribution towards affordable housing on another site;
- A letter and information leaflet had been received from the company and different figures were stated on both regarding the expenditure contribution from residents to the local economy;

- Concern regarding language impact and the need for the linguistic ability of the staff to reflect the area's linguistic fabric;
- There was no evidence before them to show the local need;
- Concern regarding the cost of the units;
- The development would place an additional strain on the surgery;
- Why was the building three-storeys considering the age of the residents?
- That information should be received regarding the sale price of the units.

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

- That there were occupation restrictions and therefore it would be difficult to sell the units as affordable;
- That extensive discussions had taken place with the company together with officers from the Joint Planning Policy Unit regarding the contribution towards affordable housing provision. The viability matters were assessed by the Joint Planning Policy Unit with a computer package that is used nationally and it was concluded that it would be possible to get a contribution of 7%, equivalent to approximately £94,000. However, as a result of the viability issues regarding the development the applicant had offered a commutative sum towards affordable housing of £40,000;
- If further evidence was required to justify the financial contribution offered and the viability then the application may be deferred;
- Regarding language impact, the community and linguistic statement submitted as part of the application had been assessed and was acceptable;
- That confirmation regarding the sale price of the units could be requested.

An amendment was made to defer the application in order to receive further information in the context of the sale price of the units, viability of providing affordable housing and the justification in terms of the financial contribution offered. The amendment was seconded.

RESOLVED to defer the application.

The meeting commenced at 1.00pm and concluded at 3.40pm.

CHAIRMAN