
PLANNING COMMITTEE 27/4/15

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

Councillors: Craig ab Iago, Endaf Cooke, Gwen Griffith, June Marshall, W. Tudor Owen, John Pughe Roberts, Eirwyn Williams, Gruffydd Williams, Hefin Williams, Owain Williams and Eurig Wyn.

Others invited: Councillor Anwen Davies (Local member).

Also in attendance: Gareth Jones (Senior Planning Service Manager), Cara Owen (Development Control Manager), Aneurin Môn Parry (Enforcement Manager), Rhun ap Iarhyd (Senior Solicitor), Gareth Roberts (Senior Development Control Officer – Transport) and Bethan Adams (Member Support and Scrutiny Officer).

Apologies: Councillor Elwyn Edwards, Dyfrig Wyn Jones and Councillor Ann Williams (Local Member).

1. DECLARATION OF PERSONAL INTEREST

- (a) No declarations of personal interest were received from any members present.
- (b) The following members declared that they were local members in relation to the items noted:
- Councillor Anwen Davies (not a member of this Planning Committee) in relation to item 6 on the agenda, (planning applications number C14/0593/40/LL and C15/0162/33/LL);
 - Councillor Eirwyn Williams (a member of this Planning Committee) in relation to item 6 on the agenda (planning application C14/1001/35/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 Chairman signed the minutes of the previous meeting of this committee held on 23 March 2015 as a true record, subject to adding the name of Councillor Tudor Owen to members who had been present on page 1.

3. STOPPING UP ORDER (PART OF HIGHWAY VERGE ADJACENT TO THE A496 AT LLANELLYD)

The report was presented by the Senior Development Control Officer – Transport. It was reported that a highway improvement scheme had been completed back in the early 1980's to improve the corner on the A496 past the properties known as Maes y Garnedd and Pen y Garnedd at Llanelltyd, to the west of the village primary school.

It was noted that an application had been received to purchase part of the verge in order to incorporate this area as a garden extension to Pen y Garnedd. It was noted that a two metre wide strip of verge would be retained as highway, parallel to the carriageway to ensure sufficient visibility, space for underground services and streetlighting, and as a refuge for pedestrians and cyclists.

It was noted that the conditions of purchase and land value would be a matter for the Council's Estate's Department to agree upon with the applicant.

He noted that the Transportation and Streetcare Service intended to apply to the Magistrate Court to stop up the area of verge noted above as it was now considered unnecessary as an adopted highway, and to lessen the maintenance burden on the Highways and Municipal Department.

In response to a question from a member, it was noted that consultation had taken place with all the statutory consultees but that no response had been received from the local member.

RESOLVED to support the proposal to apply to the Magistrate Court to stop up the area of verge known as Maes y Garnedd, on the grounds that it is no longer necessary as a highway.

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 C14/0593/40/LL – Tanybryn, Rhydyclafdy

Installation of a wind turbine measuring 30.5m to the hub (45m to the tip of the blades) with a control box and associated works.

It was reported that the above application had been withdrawn.

RESOLVED to accept and note the above.

2. Application number C14/0657/15/LL – Plas Garnedd Residential Home, Llanberis

Erection of two storey extension to an existing care home to provide an additional 24 bedrooms and associated facilities.

- (a) The Senior Development Control Officer elaborated on the background of the application noting that the site was located within the development boundaries of Llanberis village which had been defined as a local centre in the Gwynedd Unitary Development Plan (GUDP).

Attention was drawn to the concerns of neighbouring residents that the sewerage system would not be able to cope with the addition, referring to past problems which were alleged to have emanated from the Plas Garnedd site. It was reported that Welsh Water had undertaken a CCTV survey of the local network in order to 'ensure the integrity and performance of this network' and also further inspections. It was noted, that as result of all the research and discussions between the application's agent and Welsh Water an understanding had been reached that discharges from the new extension would lead into a private system on the site and not into the local public network. It was noted that Welsh Water was now satisfied that these arrangements could be controlled by the inclusion of a formal standard condition to agree on a full drainage strategy for the site.

Reference was also made to cases of surface water flowing from the site having an impact on others in the vicinity. It was noted that it would be possible to word the condition to

include arrangements to deal with surface water as well, in order to agree on an appropriate arrangement for the site by ensuring that local residents would not face an unacceptable impact.

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:-
- She was representing a neighbour who had experienced a detrimental impact as a result of the sewerage from Plas Garnedd.
 - She did not object to the development, but that a condition should be placed that the sewerage problems had to be solved;
 - To ask Welsh Water and the Council to keep an eye on the situation during the construction period;
 - Her neighbour should be provided with a contact point in the Council.
- (c) In response to the above comments, the Development Control Manager noted that Welsh Water's survey had shown that there was capacity within the system, and that the information regarding the problems would be forwarded to them. It was noted that this work provided an opportunity to improve the current situation.

A member noted that she supported the proposal, but that a condition should be included in relation to agreeing a comprehensive drainage scheme, and that work on this scheme should be completed before the extension was occupied.

RESOLVED to approve the application.

Conditions:

1. Time
2. Comply with the plans
3. Slate
4. Agree on external materials
5. Landscaping
6. Agree on a comprehensive drainage scheme
7. Hours of Working
8. Natural Resources Wales

3. Application Number C14/1001/35/LL – Store at rear of 31 Lôn y Castell, Cricieth

Conversion of former bakery/store to dwelling.

- (a) The Development Control Manager elaborated on the background of the application, noting that the building was located in a Conservation Area on a site behind the terraces of Stryd y Castell and Sgwâr y Dref. It was noted that the development would not entail a significant change to the building's character and that it would improve the quality and condition of the site and the surrounding area.

It was reported that following correspondence received raising a concern regarding the proximity of the first floor window in the south-western elevation to the windows at the back of Sgwâr y Dref houses, that a condition demanding opaque glass in this window should be included, in order to overcome concerns regarding overlooking from the development.

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

- (b) The local member (a member of this Planning Committee), noted that he agreed with the officers' recommendation, and asked for clarification about the condition regarding Materials / Slate.

In response to the local member's comments, the Development Control Manager noted that this was a standard condition to agree on the slates to be used. It was noted that the slates would either be Welsh slate or similar to Welsh slate.

- (c) Proposed and seconded – to approve the application.

In response to an observation by a member regarding concerns about access which were raised during the public consultation, it was noted that the plans had been amended and that there was no parking provision as part of the development as the applicant only had right of way on foot on this land. It was noted that as the site was accessible it was not considered that specific parking provision was needed.

RESOLVED to approve the application.

Conditions:

1. Five years
2. Work in accordance with the plans
3. Materials / slate
4. Removal of general permitted rights.
5. Water conditions
6. Bats condition
7. Use of opaque glass in the first floor window in the south-western elevation

4. Application number C15/0110/30/LL - Methlem, Rhoshirwaun

Creation of touring caravan site for six caravans, construction of toilet block and installation of sewage treatment system together with landscaping.

It was reported that the above application had been withdrawn.

RESOLVED to accept and note the above.

5. Application no. C15/0112/11/LL – 219 Penrhos Road, Bangor

Erection of a rear extension.

- (b) The Enforcement Manager elaborated on the background of the application, noting that the property had been significantly extended in the past by means of a number of planning applications, but that the property continued to be in keeping with the size of the site.

In relation to neighbouring amenities, although it was acknowledged that the extension would impact the area directly behind the property next door, it was not considered that this impact was significant or detrimental.

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

- (b) Taking advantage of the right to speak, the applicant noted the following main points:-
- Past planning matters were irrelevant;
 - The extension would be less than 9% of the whole house;
 - The extension would be 1.5 meters from the boundary and would not affect his neighbours' right to light;
 - The development would be finished to a high standard with a Welsh slate roof;
 - Request that the Committee approved the application in accordance with the recommendation.

RESOLVED to approve the application.

Conditions:

1. Five years
2. Ensure that the development is completed in accordance with the plans submitted
3. Finish to match the existing property.
4. Slate roof

Welsh Water Note

6. Application number C15/0128/13/LL – Land near Plas Ffrancon Leisure Centre, Lôn Newydd Coetmor, Bethesda

Substitution of house types as previously approved on appeal (ref. APP/Q6810/A/14/2215839) on plots 5,6,7,8,11 & 12 from flats to two storey dwellings.

- (a) The Development Control Manager elaborated on the background of the application, noting that the proposal would mean a reduction in the number of living units from the 24 to 18, and that they would now all be two-storey units. It was noted that the setting of the site was the same as that approved under appeal, and that it was considered that this current proposal, involving a reduction in the number of houses to be built on the site, constituted an improvement by reducing the density of the development by providing houses rather than a mix of houses and flats.

It was noted that 11 of the 18 units in the application were defined as affordable units.

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

- (b) During the discussion, the following observations were made:
- Water flowed from the application site to the public footpath on the site's boundary which served two schools and the Leisure Centre, and the subsequent need for a drainage condition;
 - The safety of the users of the footpath needed to be ensured by installing barriers;
 - Questioning why the affordable units were on the site which was currently contaminated. The split should be re-examined.
 - What was the situation regarding the contaminated land?
- (c) In response to the above observations, the Development Control Manager noted:-
- The report recommended that drainage conditions should be included, reflecting the conditions included in the appeal, so it would be unreasonable to add to these;
 - In relation to the water flowing to the public path, she would raise the matter with the relevant officer to pass on the information.
 - Health and Safety arrangements were controlled by Health and Safety legislation and it was expected that this would take place;
 - Part of the land was outside the development boundary and therefore all the units on this part of the site had to be affordable;
 - It was likely that the development would be undertaken by a housing association;
 - It was a former garage site and it was recommended to include a condition regarding the treatment of pollution.

RESOLVED to delegate the power to the Senior Planning Manager to approve the application subject to the applicant signing a Section 106 Agreement to ensure that a percentage of the houses are affordable houses and relevant conditions relating to:

1. Time
2. Comply with plans

3. Materials
4. Slate
5. Landscaping
6. Highway conditions
7. Site drainage arrangements
8. Pollution treatment arrangements
9. Removal of PD rights

7. Application number C15/0162/33/LL – Gallt y Beren, Rhydyclafdy

A part retrospective application to construct a building to be used as a commercial garage, change of use of a building approved and used previously as a commercial garage at Gallt y Beren to agricultural use, along with proposed improvements to the entrance to the B4415 from Hendre Wen.

- (a) The Enforcement Manager elaborated on the background to the application, noting that the application site was in open countryside outside recognised settlement boundaries as defined in the GUDP and was also within a Landscape Conservation Area.

Details were provided on the site's planning history, drawing attention to the fact that an application to change the use of the agricultural building in Hendre Wen into a garage and MOT centre had been refused on 21 February 2013, and as a result, an enforcement notice had been submitted to terminate the use and demolish the building used as a commercial garage and remove all the materials associated with that use from the site.

It was reported that an appeal had been lodged against the enforcement notice and the planning refusal, but both appeals had been rejected. The enforcement notice had been amended, in accordance with the Planning Inspectorate, to extend the compliance period to the notice to 12 months. It was noted that the period would end on 4 May 2015, but that no effort had been made to comply with the requirements of this notice.

Attention was drawn to the fact that six letters of support had been received since the publication of the report.

It was noted that as this was an industrial development, it was crucial to consider whether the development had special location needs under policy D5 of the GUDP. However, there were no exceptional needs here to locate a business on this specific site, bearing in mind that the applicant had an established business in a shed on the family farm adjacent to the current site approximately 280 metres from the site.

It was noted that having considered the relevant planning policies, that the proposal would have an unacceptable impact on the character of the area and there was no justification for locating the development on this site.

It was emphasised that the Planning Inspectorate's decision on behalf of Welsh Ministers to refuse the application supported the view of the Council in this case to refuse an appeal against the refusal of the previous planning application and enforcement notice, and no additional evidence had been submitted with this application that would lead to reversing the Inspector's decision.

- (b) Taking advantage of the right to speak, the applicant's agent noted the following main points:-
- A specialist landscape study had been submitted with the application, noting that there would be no significant impact on the character of the area's landscape, which did not receive full consideration by the Council when making the recommendation;

- It was intended to undertake planting to create screening and to paint the building green to mitigate the visual impact;
- The plans had been amended to respond to the concerns raised by the inspector;
- The Highways Unit did not object to the entrance due to the amended proposals;
- The Community Council supported the location of the business;
- The business was long-established and successful, with six staff members;
- It was a type of agricultural diversification;
- The Council's Business Support Unit had confirmed that there was no suitable site to re-locate the business in the area;
- As there was no other suitable location, the proposal was an exception under policy D7 of the GUDP;
- The applicant had taken all possible steps to respond to the concerns;
- There was local support for the business;
- The Committee was asked to support the application.

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

- The site had housed the business for the past 10 years;
- It was a successful business located in the countryside;
- The business employed 6 members of staff, they were valuable jobs in a rural area where jobs were scarce;
- The business contributed considerably to the local economy;
- The improvements to the entrance would improve road safety;
- There was strong support for the business, with support from the Community Council, 136 people had signed the applicant's petition and the Planning Service had received 81 letters of support;
- The modern facilities located in the building were necessary for the business and other garages used them;
- The company had employed an apprentice who had now qualified and the applicant was considering taking on more apprentices;
- Planning permission had been granted for an agricultural shed in 2009;
- The farm had been downgraded having had to sell 120 acres and stock, and investment had been made in the business in Hendre Wen;
- There was no other suitable location for the business and the accountant had concerns if the application was refused;
- Refusing the application would lead to a loss of employment in the countryside, along with the livelihood of the applicant's family.

It was proposed and seconded to refuse the application.

(ch) The following observations were noted in favour of the recommendation:

- While sympathising with the applicant, the proposal was contrary to policy 7 of the GUDP;
- The Planning Inspectorate's decision had to be adhered to;
- Jobs were needed, but the business was located in the wrong place;
- The inspector had supported the officers' decision and the inspector's decision could not be undermined;
- The inspector in his decision noted "I conclude that the benefits in terms of a contribution to economic growth, rural enterprise and employment do not outweigh the harm which is caused to the landscape character and appearance of the area, and the need to ensure new development is located in a sustainable place."
- The decision had to be made in accordance with the policies in order to ensure fairness for all applicants.

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

- The business employed six members of staff which was important in the Dwyfor area considering the financial climate;
- The majority of the Pen Llŷn area was open land and although there was a need to protect conservation, that priority should be given to the economy in order to retain young people in the area;
- If the business was re-located there would be an increase in the carbon footprint as customers had to travel further, thereby increasing traffic levels during the summer;
- The applicant had invested significantly and the application should be supported;
- Jobs needed to be safeguarded in order to protect/strengthen the Welsh language culture;
- A site visit should be considered;
- Cannot see a difference between an agricultural building and an industrial building;
- The business had developed naturally and demonstrated that the service was needed in the countryside;
- Farmers who diversified helped the local economy;
- If a precedent was set in allowing this development it would send a positive message that local businesses and young people were being supported.

(dd) The Senior Planning Service Manager noted:

- There was an enforcement notice in place and the appeal against the planning refusal and the enforcement notice had been rejected by the Inspector;
- Consideration had been given to the development's economic benefit in coming to a decision, and the economic element was in favour of the application;
- Decisions had to be made in accordance with the policies, and that there was a need for consistency with matters of principle in open countryside;
- The application was to retain a 264m² building for industrial use without permission and the changes to the entrance had been made without planning permission. By undertaking the work without permission the applicant had taken a risk that the development would not conform to the policies;
- If the Committee decided to approve the application, he would have to refer the matter to a cooling-off period in accordance with the standard procedure as there were risks to the Council.

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

In favour of the proposal to refuse the application, (5) Councillors: Gwen Griffith, Anne T. Lloyd Jones, June Marshall, Tudor Owen and Hefin Williams.

Against the proposal to refuse the application, (7) Councillors: Craig ab Iago, Endaf Cooke, John Pughe Roberts, Eirwyn Williams, Gruffydd Williams, Owain Williams and Eurig Wyn.

Abstaining, (1) Councillor Michael Sol Owen

(f) A proposal was made, and seconded, to approve the application due to the economic benefit, local employment, local geographic need and the lack of a similar business within easy reach.

(ff) In accordance with the Procedural Rules, the following vote to **approve the application** was registered:

In favour of the proposal to approve the application (7), Councillors: Craig ab Iago, Endaf Cooke, John Pughe Roberts, Eirwyn Williams, Gruffydd Williams, Owain Williams and Eurig Wyn.

Against the proposal to approve the application (5), Councillors: Gwen Griffith, Anne T. Lloyd Jones, June Marshall, Tudor Owen and Hefin Williams.

Abstaining, (1) Councillor Michael Sol Owen

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

Reasons:

Policy D7 of the GUDP– the economic benefit

Local employment

A local geographic need

No similar business within reach of the site

The Senior Planning Service Manager noted his intention, in accordance with the Procedural Rules of this committee, to refer the application to a cooling-off period and to bring a further report before the committee highlighting the risks associated with approving the application.

8. Application number C15/0149/11/LL – 25, Orme Road, Bangor

Demolish existing extensions and structures and construct new single-storey extension at the rear of the property.

- (a) The Development Control Officer elaborated on the background of the application, and noted that the site was located within the development boundary of the city of Bangor. It was noted that it was not considered that the proposal was excessive in terms of size or height and that in terms of size, design and materials that it was in keeping with the existing property and nearby houses.

In relation to the public consultation, the main objections received were concerns about the impact of the proposal on adjoining houses. The application was amended as a result of these concerns and one neighbour confirmed that doing this, namely to construct the wall of the new extension within the site rather than as a new party wall, alleviated these concerns.

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

- (b) Proposed and seconded – to approve the application.

A member noted, while acknowledging that the application for an extension which was the same as another built nearby, her concern that developments in Bangor including developments on the former St. Mary's site and Dean Street meant an overprovision of student accommodation in the City.

RESOLVED to approve the application.

Conditions:

1. Time
2. Comply with plans
3. Materials
4. Party wall note

The meeting commenced at 1pm and concluded at 2.40pm.