
PLANNING COMMITTEE 14/12/15

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

Councillors: Elwyn Edwards, Simon Glyn, Gwen Griffith, June Marshall, W. Tudor Owen, John Pughe Roberts, Gruffydd Williams, Hefin Williams and Owain Williams.

Others invited: Councillors Aeron Maldwyn Jones, Sion Jones, Gareth A. Roberts and R. H. Wyn Williams (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 Transport Development Control Officer), Rhun ap Gareth (Senior Solicitor) and Lowri Haf Evans (Member Support and Scrutiny Officer).

1. APOLOGIES

Councillors Eirwyn Williams and Dyfrig Wynn Jones and Councillor Aled Ll. Evans (Local Member).

2. DECLARATION OF PERSONAL INTEREST

a. The following members declared a personal interest for the reasons noted:

- Councillor Gruffydd Williams (a member of this Planning Committee), in item 4 on the agenda (Planning Application C14/0113/41/AM)
- Councillor Anne Lloyd Jones (a member of this Planning Committee) in relation to item 4 on the agenda (planning application number C15/1039/09/LL).

The following officer declared a personal interest for the reasons noted:

- Rhun ap Gareth (Senior Solicitor) in item 4 on the agenda (planning application number C15/1133/24/LL)

The Members and the officer were of the opinion that they were prejudicial interests, and they withdrew from the Chamber during the discussion on the applications noted.

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

- Councillor Aeron Maldwyn Jones (not a member of this Planning Committee) in relation to item 4 on the agenda (planning application number C14/0386/24/LL and C15/1133/24/LL).
- Councillor Sion Jones (not a member of this Planning Committee), in relation to item 4 on the agenda (planning application number C15/0915/18/LL).
- Councillor Gareth A. Roberts (not a member of this Planning Committee), in relation to item 4 on the agenda (planning application number C13/1143/11/AM).
- Councillor R. H. Wyn Williams (not a member of this Planning Committee) in relation to item 4 on the agenda (planning application C15/0383/39/LL).

3. URGENT ITEMS

None to note

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.

1. APPLICATION NO: C13/1143/11/AM - LAND AT PEN Y FFRIDD, BANGOR, GWYNEDD

An outline application to construct up to 366 living units with associated developments including an access road, parking spaces and ancillary resources. Noted – it would be possible to include a condition for phased development over a long period, and reference was made to the late observations received, that referred to this.

The members had visited the site on 5.11.2015

- (a) The Development Control Manager elaborated on the background of the application and emphasised that the development was an outline application, with only the details of the access forming part of the application. It was noted that matters such as appearance, landscaping, layout and scale and the exact numbers (up to a maximum of 366), were all reserved matters and would therefore be the subject of a further application to include these details.

It was explained that the site was located within the development boundaries of the city of Bangor that had been designated as a sub-regional centre in the Gwynedd Unitary Development Plan (July 2009). The site had specifically been designated for a residential development; was a site that had been previously partially developed by Bangor University as an agricultural research site and which was now empty (the buildings having been demolished and disposed of). It was noted that its location was relatively hidden from nearby public viewpoints due to residential housing and Ysbyty Gwynedd with its position on elevated land above Caernarfon Road concealing it to an extent.

A number of objections and a petition had been received expressing concern about the impact of the proposed development. It was noted that the most contentious issues in relation to this application were the entrance, the access road and the increase in traffic flow. In terms of accessibility, it was felt that the site was appropriate in terms of its indicative location and layout, and that the principle was acceptable in terms of policy requirements.

The Council's Transportation Unit had originally expressed considerable concern regarding the development and its impact on the local roads network and the lack of a complete through road from the direction of Caernarfon Road to Penrhos Road, as had been noted in the Development Brief. It was noted that there would only be pedestrian and cycle routes to Penrhos Road. Lengthy discussions had been held between the developer and the representatives of the Transportation Unit and additional information had been submitted in response as a result of these discussions. Based on this additional information, as well as their own further investigations, the Transportation Unit were satisfied with the proposal.

It was noted that matters regarding archaeology, trees, biodiversity, infrastructure and flooding could be acceptable with the inclusion of relevant planning conditions,

and in the context of educational matters that the education contribution satisfied the educational requirements of the proposal. By receiving a financial contribution towards improving the area's educational facilities (with the exact details to be agreed with the Education Department), the requirements of the relevant policy could be satisfied and the timing of the contribution would be arranged within the 106 agreement drawn up to ensure this.

In the context of language and community matters, it was noted that a language and community statement had been submitted although it was not mandatory to receive an assessment for a site that had been designated for housing in the Unitary Plan, as an assessment had been completed when the site was originally designated. A statement had been submitted in this case due to the scale of the development and the publishing of the recent census results, and it was considered that it would be appropriate for the developer to submit a statement for it to be formally assessed by the Joint Planning Policy Unit.

On the whole it was considered that the nature of the city of Bangor, in terms of the size of the population, linguistic pattern, the variety of services and facilities available, student shift, etc., meant that the development should not have an excessive detrimental impact on the Welsh language. In order to ensure positive impacts on the Welsh language, it was suggested that specific mitigation measures should be implemented such as a phased development, marketing houses locally for a specific period, Welsh signage, support to local skill training enterprises etc.

It was noted that the application was acceptable, and that it complied with local and national policies and guidelines as noted in the report, subject to relevant conditions. It was recommended that the Committee delegated powers to the Senior Planning Manager to approve the application subject to signing a 106 agreement to include 30% of the proportion of the houses on site as affordable housing and receiving financial contributions towards improving local education facilities.

Attention was drawn to the additional observations that had been received.

- (b) Taking advantage of the right to speak, an objector to the application noted the following main points:-
- The development was too large and unnecessary
 - An artificial village / overdevelopment for commuters located near the A55
 - Penrhosgarnedd was a Welsh speaking area and therefore the development would have a detrimental impact on the Welsh Language – the only part where Welsh was regularly spoken
 - The language assessment was too general and superficial and was based on the 2001 census. The company did not appear to be at all concerned about the language. It was futile to suggest safeguarding Welshness through offering Welsh signage, contributions etc.
 - The existing local infrastructure could not cope with the scale of the development – there was already congestion on the area's roads
 - The proposed development was evidently contrary to Strategic Policy 1 of the Gwynedd Unitary Development Plan 2009 as it would have an unacceptable and undetermined impact on the Welsh language or on the cultural character of communities
 - Contrary to policy A2 - safeguard social, linguistic or cultural solidarity within communities against significant change due to the size, scale or location of proposals.
 - Valid reasons for refusal

- (c) Taking advantage of the right to speak, the applicant noted the following main points:-
- The policy satisfied the requirements of the Unitary Development Plan
 - The development addressed the need for housing in Bangor
 - The site was suitable and sustainable for planning
 - Extensive discussions had been held in the context of transportation, and that agreement had been reached
 - It was a long term development with the intention of constructing 30 houses a year (with completion in 2030). This would not impact the local economy as the houses would be built gradually
 - There would be 110 affordable units
 - A significant contribution to the education department
- (ch) The following main points were made by the local member (not a member of this Planning Committee):-
- It was a very contentious scheme
 - The development would have a negative impact on the area and local community
 - A huge development – the largest submitted to Gwynedd's Planning Committee
 - This was a new village not a cluster of houses, within 1km of another large development of 245 houses in Goetre Uchaf. If approved, this would mean that there would be 611 new homes in one small area.
 - There was no need for new houses. Bangor already had plentiful houses for sale / rent. Purpose-built buildings were being constructed for students which would release housing on Bangor's traditional streets, for families.
 - A number of Welsh speakers lived in this area and therefore this development would be likely to have a detrimental impact on the Welsh community in Penrhosgarnedd.
 - The members were reminded that everyone had a responsibility to protect the language and identity.
 - Local schools and medical centres would be unable to cope as they were already close to capacity.
 - The current traffic conditions in Caernarfon Road were a nightmare, and would obviously worsen
 - There was a need to ensure that the development was sustainable and supportive of existing communities – the development did not address this
 - There was no need to build on this land
 - Call on the committee to refuse the application

The Senior Planning Service Manager emphasised that he recognised the concerns and the objections which had been noted, but nevertheless, the site had been designated for housing, and the development was therefore acceptable in principle. In addition, if the application was refused, it would have to be referred to a cooling-off period as sufficient and relevant evidence had been submitted in relation to access, infrastructure, linguistic matters and need.

It was proposed and seconded to approve the application.

- (d) During the discussion, the following observations were made (in favour of the application)
- Sympathy for the neighbours in relation to the scale of the development
 - Difficult to believe that there was insufficient evidence for refusal
 - The application site had been allocated for a housing development

- Important that it was a phased development – a core part of the development
- The concerns which were raised had been addressed by the officials
- Need to ensure strict conditions for 10 of the 30 dwellings offered annually to be affordable houses

(dd) During the discussion, the following observations were made (against the application)

- The development was too large – too many houses being squeezed into a small area
- A significant impact on the Welsh language
- No need for new communities
- The report was too general - insufficient detail
- How would it be possible to ensure that 30% were affordable houses? How would these be advertised?
- Concern regarding the increase in traffic and road safety
- The infrastructure would be unable to cope with a development of this size.
- How would the local schools cope with the increase in the number of children
- Who had completed the language assessment – it did not contain sufficient detail and was likely to be based on the 2001 census
- Other developments in Bangor must be taken into consideration
- Refuse due to the fact that it is an over-development

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

- The number of houses had been agreed on the basis of the standard building density figure of 30 units per hectare. The density of the proposed development was 33 units per hectare – the whole site measured 14.31 hectares (the 14.31 ha included lands excluding land for the housing development i.e. it also included the access roads and associated roundabouts)
- In the context of the 30% affordable housing, it was noted that the Council had appointed a District Valuer to conduct a detailed investigation in the form of a viability assessment of the development, and that the District Valuer had come to the conclusion that the scheme, when taking into account the educational contribution, could provide 30% of mixed affordable housing to include a shared tenure distributed as approximately 70:30 (reference was made to note 5.1.6 - 5.1.8 of the report)
- In relation to requiring that 10 out of each 30 homes would be affordable, it was noted that a condition could be included to address this.
- In relation to marketing houses locally, the scheme would be a phased development which would be a means of managing the numbers released onto the market. The affordable units would be subject to a 106 agreement.
- It was recognised that there would be an increase in traffic on Caernarfon Road, but it was noted that the assessments had come to the conclusion that the development was not likely to have a detrimental impact on the local roads network.
- It was the applicant's responsibility to provide a language assessment.

In response to an observation made in relation to the creation of an access / emergency road to Ysbyty Gwynedd from Caernarfon Road, it was noted that discussions had been held with BCUHB.

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

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

Against the proposal to approve the application, (6) Councillors: Elwyn Edwards, Simon Glyn, W. Tudor Owen, John Pughe Roberts, Gruffydd Williams and Owain Williams

Abstaining,(0)

The motion to approve the application fell.

- (ff) A motion was proposed and seconded to refuse the application, contrary to the officers' recommendation.
- Detrimental to the Welsh language
 - No evidence that the infrastructure would be able to cope
 - No evidence that education would be able to cope
 - No evidence that the roads network was adequate

RESOLVED to refuse the application contrary to the officers' recommendation.

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 refusing the application.

2. APPLICATION NO: C14/0113/41/AM - LAND AT BRYN HYFRYD, CHWILOG, PWLLHELI

Outline application for the erection of 21 houses (including 7 affordable houses) with all other matters reserved (amended plan)

- (a) The Senior Development Control Officer elaborated on the background of the application noting that the site was located within the development boundaries of Chwilog as designated in the Gwynedd Unitary Development Plan. The site had been specifically designated for new houses, and it was considered that the site could cope with approximately 20 residential units with approximately 30% of them being affordable houses.

It was emphasised that there was a requirement to provide an outdoor amenity space on the site and that the applicant had stated that they were willing to comply with this. In relation to educational facilities, reference was made to the necessity of ensuring that the existing schools could cope with any increase in pupil numbers as a result of a new residential development. Having consulted with Gwynedd Council Education Department and using information from the SPG, an educational contribution of £8,914 would be expected for the local primary school through a 106 agreement. It was confirmed that the proposal met the relevant policies.

Reference was made to the community and language assessment which had been submitted as part of the application and this concluded that the development would help protect the language locally by providing local people with opportunities to move up the property ladder and thus stay in the local area to live and support the

village's facilities and community activities.

It was considered that the proposal satisfied the requirements of the Development Brief for the site in addition to the other relevant local and national policies noted in the report, subject to planning conditions and a 106 agreement to deal with specific issues.

Attention was drawn to the additional observations that had been received.

- (b) Taking advantage of the right to speak, the applicant's agent noted the following main points:-
- The scheme had been the subject of lengthy discussions with officers and the local member
 - The site had been designated as a housing development site and met local needs
 - Chwilog was a village which had the potential to develop organically - it was not a holiday village
 - Suitable houses for the local community
 - Provide opportunities for local people to move up the housing ladder
- (c) It was reported that the local member supported the application.
- (ch) Proposed and seconded to approve the application.
- (d) In response to a question by a member regarding a phased management of the development, the Development Control Manager noted that it was possible to include an additional condition to address this.

RESOLVED to approve the application in accordance with the recommendation – To delegate the power to the Senior Planning Manager to approve the application subject to the applicant signing a Section 106 Agreement relating to the educational financial contribution and to ensuring that seven of the 21 houses are affordable houses for general local need. The planning permission would include relevant conditions in relation to:

1. **The development's commencement and submission of reserved matters**
2. **All materials to be agreed**
3. **Slate roof**
4. **Water/Sewerage/Drainage**
5. **Highway conditions**
6. **Biodiversity conditions**
7. **Removal of permitted general rights from the affordable units**
8. **Landscaping**
9. **Tree preservation scheme**
10. **Play area**
11. **Removal of permitted development rights**
12. **Phased development**

3. APPLICATION NO: C14/0386/24/LL - LAND AT THE BACK OF TAN Y CELYN, SWN Y MOR & TALARDD, LLANWNTA, CAERNARFON

Renewal of planning application number C08A/0568/24/LL for the erection of 24 dwellings, alterations to an existing entrance and the creation of estate roads.

Members of the Committee had visited the site before the meeting.

- (a) The Development Control Manager elaborated on the background of the application, and members were reminded that an initial discussion on the application had been held at the Planning Committee meeting on 19.10.15, when it was decided to conduct a site visit. At that meeting, it was reported that the capacity of the school in the planning application's catchment area, namely Ysgol Felinwnda, had increased based on the results of the Gwynedd school capacity survey during 2014 and that there was now no requirement for the applicant to make a financial contribution towards providing additional capacity within the school.

However, after reconsidering the context of all relevant policies and planning requirements, the Supplementary Planning Guidance (SPG): Housing Developments and Educational Provision states:

'the assessment of the effect of a residential development on local schools will be based on current information (i.e. the capacity of the educational establishments together with the number of pupils attending them), which reflects the situation in the academic year when the planning application is submitted.'

In this case, the relevant academic year was 2013-2014 as the planning application was submitted in May 2014. It was estimated that 10 children would derive from this development which meant that there would be a lack of capacity in the school for three children; therefore, the applicant was required to ensure a financial contribution towards educational provision in the catchment area as referred to in the original report submitted to the Planning Committee in July 2014. The contribution would stand at £36,771.00 for the educational needs of Ysgol Felinwnda.

In addition, it was noted that the local member had suggested the possibility of erecting an additional house on the open space of recreational value included in the proposed development and relocating the recreational space to another location in the village. It was noted that policy CH43 stated that new housing developments of 10 or more dwellings, in areas where the existing open spaces provision would not meet the needs of the proposed housing development, were expected to provide suitable open spaces of recreational value. In this case, in order to comply with the requirements of these policies, it was required to provide an open space of recreational value within this development rather than in another location within the village.

It was noted that the principle of the development was acceptable and members were asked to delegate the right to the Senior Planning Manager to approve the application subject to the applicant signing a legal agreement under Section 106 relating to ensuring that six of the 24 houses were affordable homes for general local need as well as adding an educational financial contribution to the 106 Agreement.

- (b) Taking advantage of the right to speak, the applicant's agent noted the following points:-The site had been designated in the unitary development plan
- Following discussions, the open space was to remain within the site
 - No objection to the contribution to the local school, but a suggestion that the current situation should be considered as opposed to the date of the application's submission
- (c) The following main points were made by the local member (not a member of this Planning Committee):-

- No objection to the outline application.
- The affordable houses were acceptable and responded to local need
- Appreciated the reconsideration of the education contribution
- A suggestion to relocate the recreational space for it to function as a space for the whole village, or for the developer to contribute a sum of money to the Community Council to provide a playing field for the village. Need to agree who was responsible for the recreational space in relation to safety issues. Propose that discussions should be held with the developer, officers and local member to seek a recreational space in the village in accordance with policies.

(ch) In response to the above points, it was noted that there was no requirement to provide a recreational space which included play equipment, only an open green space within the estate.

It was proposed and seconded to approve the application in accordance with the recommendation, but to add a condition that discussions would take place on the recreational space, and to protect the natural hedges which were located parallel to the development.

(d) During the ensuing discussion the following main observations were noted:

- Suggest discussions regarding the recreational space
- Offer a public right of way
- Consider a phased development
- Did the recreational space policies address 'safe opportunities for children to play'?

(dd) In response to the noted observations, it was noted that it would be possible to write to the applicant to confirm the Committee's wish for the applicant to hold discussions with the Community Council and Local Member, to be undertaken outside the planning procedure. It was confirmed that a condition had been included to address the need for a phased construction, and in the context of 'safe opportunities for children to play', the suggestion to investigate this further was accepted.

RESOLVED to delegate the right to the Senior Planning Manager to approve the application subject to the applicant signing a legal agreement under Section 106 relating to ensuring that six of the 24 houses are affordable homes for general local need and to determine the arrangements for the education contribution. The planning permission would include relevant conditions relating to:

Conditions:

1. Five years
2. In accordance with the plans.
3. Natural slates/external materials.
4. Highway conditions
5. Natural Resources Wales
6. Welsh Water
7. Landscaping / agree on a scheme to protect the existing hedges
8. Removal of permitted rights for the affordable homes
9. Details of fences/walls
10. Phased development
11. Secure an open space within the site

4. APPLICATION NO: C15/0383/39/LL - RIVERSIDE HOTEL & RESTAURANT, ABERSOCH

A revised application for demolition of existing hotel and swimming pool (except for the original frontage building), and redevelop the site for 10 residential dwellings, five residential flats, a single A1 retail unit, cycle storages, a bat roost and 31 parking spaces.

- (a) The Development Control Manager expanded on the background of the application and noted that the Committee had visited the site when the previous application was submitted (C12/0441/39/LL). It was noted that the application was before the Committee as changes had been proposed, in relation to insignificant design changes. It was noted that this was a proposal to redevelop the Riverside Hotel site for 15 residential units to be located on the site in three blocks of two and three-storey buildings, which was acceptable in principle. As with application C12/0441/39/LL, the viability matters associated with the proposal remained the same, and therefore it was considered reasonable in terms of Policy CH4 to consider fewer affordable units than what could normally be expected on a site in Abersoch. The current application offered two affordable units as did the previous application, and it was therefore considered that the proposal was acceptable subject to signing a 106 agreement binding two of the units for general local need affordable housing.

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

- (b) The following main points were made by the local member (not a member of this Planning Committee):-
- The location had an extensive planning history, and therefore the development had not been viable as a hotel
 - A local exhibition had been held in the village hall to share information about the scheme with the village's residents
 - The press had received substantial information about the scheme
 - A request for the boundary wall from the site to the harbour to be retained
 - A request to extend the boundary had been refused
 - On the whole, the design was acceptable
- (c) Proposed and seconded to approve the application.
- (ch) During the discussion, the following observations were made:
- Over 10 units here, so why no mention of a recreational space?
 - Accept that the public consultation had been beneficial – this was to be encouraged
 - Affordable housing was 20% rather than 30% - accept that the revision was correct
 - What will be the 'affordable price' of the units? It was suggested that the market price would be significantly high
 - Flooding concerns
- (d) In response to the observations, in relation to the recreational space, it was noted that there was adequate empty land on the site to ensure this. In considering affordable housing, it was noted that the decision had been made in accordance with a 106 agreement, and that discussions had been held with Housing Associations. In relation to flooding, it was noted that Natural Resources Wales had reviewed the Flood Impact Assessment and that it supported the application.

RESOLVED to delegate powers to the Senior Planning Manager to approve the application subject to signing a 106 agreement binding two of the units to affordable housing for general local need and subject to the following conditions:-

1. Commence within five years
2. In accordance with revised plans
3. Slate roof
4. Agree details for external walls.
5. Agree on the stone used in the garden and boundary walls.
6. Parking provision to be operational before the dwellings are occupied.
7. Submit a drainage plan for the development prior to the commencement of the work.
8. Need to agree on the exact location of the bat roost and complete the bat roost prior to commencing the demolition work.
9. Prior to commencing the demolition work, an update to the bat mitigation report must be submitted and implemented.
10. Need to submit a bat monitoring report after three and five years.
11. Prior to the commencement of the work, undertake a programme to eradicate Japanese Knotweed and other non-indigenous invasive plants. Need to complete the eradication work prior to completing the construction work.
12. Prior to commencement of construction work, need to submit a Biodiversity Management Plan including features for otters and reptiles.
13. Prior to commencement of construction work, need to submit and implement a method statement to include measures to avoid harming reptiles.
14. Need to provide a pollution prevention plan prior to commencing the construction work.
15. The ground floor levels for the buildings/flats should be at least 5.69m AOD.
16. Submit and agree upon all the flood mitigation measures with the local planning authority prior to occupation of the units. These to include the crest height and a structural assessment under any loadings of retaining walls, basement tanking details and any access doors below estimated flood level of 5.69m AOD and future maintenance responsibilities.
17. Detail of surface water drainage arrangements for the site as a whole to be submitted and agreed to the LPA prior to commencement of works. Details to include basement parking drainage and any outfalls/pumping arrangements along with future maintenance responsibilities.
18. Ground levels to the west should remain as existing (as shown on Drawing No. A(00)01-100 Rev C) and should be retained as that of a landscaped area. No storage of vehicles/equipment should occur on this land
19. Prior to the commencement of any development full details of any proposed works to be carried out within the 7 metre byelaw distance adjacent to River Soch shall be submitted to and approved by the Local Planning Authority. The details to be submitted shall include provision for maintenance access and easement along the bank of river having a minimum width of 7 metres or no compromise to existing access arrangements to the tidal doors. This access and easement corridor shall be laid out in accordance with details submitted to and approved by the local planning authority before any dwelling or premises forming part of the development is occupied.
20. Submitting full landscaping details.
21. Implementing the landscaping plan.
22. Safeguard the retaining wall on the boundary with Lôn Engan during and following the construction period.

Notes:-

- Permit under Section 171/184 of the Highways Act 1980 to carry out any work within the pavement / green verge.

- **A copy of Welsh Water's letter, dated 19 October 2015.**
- **Require a European Protected Species Permit prior to the commencement of any work.**
- **Soil contaminated with Japanese Knotweed cannot be transported without the relevant waste permit.**
- **Copy of Natural Resources Wales' letter, dated 26 November 2015.**
- **Advise the applicant to give the development a Welsh name.**

5. APPLICATION NO: C15/0524/41/LL - CEFN UCHAF, GARNDOLBENMAEN, GWYNEDD

The application had been withdrawn

6. APPLICATION NO: C15/1039/09/LL - 5, BRYN GARREG LWYD, TYWYN, GWYNEDD

Application for revised plans to erect a detached dwelling approved by outline permission reference 5/79/134 (1988) and detailed reserved permission PIAW 5/79/134 (1990).

It was noted that confirmation has been given in the past that this permission was still active under provisions Section 56 of the Town and Country Planning Act 1990 (as amended) as the development had been commenced within five years in line with the planning permission.

- (a) The Senior Development Control Officer expanded on the background of the application and noted that the house, which had now been partly built, stood in the middle of a partly developed housing estate on land located within the Tywyn development boundary. The principle of developing an estate of residential houses had already been formed on the site since the approval of the outline planning permission in 1988, and the development details regarding the layout of the estate had been permitted in 1990. As this permission had been implemented within the designated time on that original planning permission, it was important to note that the principle of developing a house on this site had already been formed.

It was noted that the principle of developing a dwelling on this site had already been accepted and formed via historical permission, and therefore the UDP policy which related to constructing new houses within boundaries (CH4) was not relevant, as the application did not involve considering the site's development principle for a new house but rather involved assessing an amended design.

It was noted that the overall design and finish of the dwelling was in keeping with the design of the house which had already been permitted, apart from some changes, but it was considered that the finish of the dwelling was in keeping with the remainder of the estate. It was noted that objections had been received by nearby residents, alleging that the plans should not be changed following the granting of permission. In response, it was noted that Gwynedd Council Enforcement (Planning) Policy 2010 stated that a retrospective application could be submitted to the Council in order to regulate the unauthorised development with appropriate conditions and in order to create an acceptable development and therefore it was not considered that this retrospective application undermined the planning procedure.

The fact that the implemented planning permission existed on the site was an important planning consideration when considering the current application. The Local Planning Authority had already permitted the construction of a house on the site and it was not considered that the amendments to the design and size were

sufficient to justify refusing the application. It was not considered that the proposal, in accordance with the relevant conditions, would have a significant impact on the visual amenities of the area nor those of the neighbouring residents and it was considered that the proposal conformed with all the policies noted in the report.

Attention was drawn to the additional observations that had been received.

- (b) It was proposed and seconded to approve the application in accordance with the recommendation.
- (c) During the discussion, the following observations were made:
 - The need to keep the site tidy during the work.

RESOLVED to approve the application subject to the following conditions:

1. **Develop in accordance with submitted plans;**
2. **Agree on the finish for the remaining external elevations;**
3. **Submit a landscaping plan within 2 months from the date of permission;**
4. **Implement a landscaping plan within the first planting term following its approval;**
5. **Abolish some permitted development rights and install opaque glass for some windows.**

7. APPLICATION NO: C15/1133/24/LL - LAND BY TAI PENRALLT, SARON, CAERNARFON

Erection of a two storey dwelling, new access and timber shed

- (a) The Development Control Officer elaborated on the background of the application, and noted that it was a re-submission of an application for the erection of an affordable house, an access and a timber shed that was refused in August 2015 under the Council's delegated rights. This latest application had been amended on the following grounds:-
 - The size of the site has been reduced from 2,049m² to 1,157m².
 - The house was located 1.83m closer to the nearby county road.
 - The design of the roof and some windows had been revised.

It was explained that the site did not adjoin a property that had been highlighted in red on the Saron inset map, which had been designated as a rural village in the GUDP, with the closest house located 21m to the west with the county road and road into the estate separating the application site from the house itself. It was noted that the proposal would therefore result in erecting a dwelling in the countryside without any physical links to the general development pattern of the rural village of Saron.

The principle of developing residential dwellings in the countryside had been included in a number of policy documents and strategic advice provided by the Council and by the Welsh Government, as referred to in the report.

In relation to the affordable element, no firm evidence had been submitted as part of this current application to convince the LPA that there was a real need for an affordable house on this particular site. The requirements of the SPG: Affordable Housing state clearly that 'applicants must prove that they are local, that they cannot afford a house on the open market, that they live in an unacceptable situation such as an overcrowded house and that they require another accommodation'.

The Committee was reminded that decisions on planning applications should be made in accordance with the approved development plan, unless material considerations indicated otherwise. The factors to be considered had to be relevant planning matters. In this particular case, it was noted that the information submitted was not sufficient to enable this application to be approved contrary to the Council's adopted policies and guidance and the advice contained in Welsh Government documentation. The Local Planning Authority concluded that the site was unsuitable for the erection of a dwelling (affordable or not) as it was not a site that could be interpreted as an infill site and it was not located immediately adjacent to a highlighted building on the Saron infill map. The design, form and scale of the proposed dwelling were unacceptable and no sufficient evidence had been received with the application that convinced the Local Planning Authority that the applicants were in real need and were eligible for an affordable house in the rural village of Saron.

Attention was drawn to the additional observations that had been received.

- (b) Taking advantage of the right to speak, the applicant's agent noted the following main points:-
- This application was a response to a similar application which was refused in August 2015 – adaptations had been submitted in accordance with the officer's requirements, and evidence had been included to prove the need for an affordable house
 - Accept that the applicant did not qualify for an affordable house but that he was assessed when earning a high salary for a temporary post with no permanent status.
 - The family would maintain and strengthen the community – response to CH5
 - The Supplementary Planning Guidance on New Houses in rural villages allowed exceptions – this had not been addressed by the officer
 - Draft Deposit Plan – relevant consideration status – wording was different to the Local Development Plan
 - Local residents had taken advantage of the opportunity to scrutinise and discuss the applicant's intention
 - The dwelling met local needs
 - Not contrary to the general development pattern
- (c) The following main points were raised by local member (not a member of this Planning Committee):-
- Saron was a rural Welsh village that would welcome a new Welsh-speaking family
 - Having ascertained the overall views of local residents; no objection to one house being built in the field (a suggestion that there could be a legal undertaking to ensure that there would be only one house in the field)
 - A successful open night had been arranged to share information about the proposal
 - Considered that the original application site was better, but having discussed with the applicant, agreed on the current site
 - Hedges partially concealed the site
 - The site was within a 30mph zone
 - There was a lack of bedrooms in their current home
 - The site was ideal
 - Approve the application, but ensure that only one house would be built on the site.

In response to the above observations, the Senior Planning Service Manager noted that it was only in exceptional circumstances that houses were approved in the countryside, and that decisions should be made in accordance with current policies. It was emphasised that the applicants had been assessed by Tai Teg, and it was found that the applicant did not qualify for an affordable house. It was added that the location did not conform to the requirements of the Local Development Plan and was completely contrary to policies. Approving the application would set a dangerous precedent.

- (ch) It was proposed and seconded to approve the application contrary to the officers' recommendation for the following reasons:
- The application was an exception to the policies
 - It was a development within a rural village
 - Local need for a house
- (d) In response to a question, the Development Control Manager noted that although the development was adjacent to a site which was highlighted in red on the inset map, it was separated physically by a county road which meant that they were not adjoined (a policy which was regularly implemented). It was confirmed that the Tai Teg assessment had considered the applicants as a couple and that their salary level meant that they did not qualify for an affordable house but due to the confidential nature of the information submitted to the assessment, this could not be shared.

In response to the wording of the Draft Deposit Plan which referred to a development 'directly opposite', the Senior Planning Service manager emphasised that the Deposit Plan had not been adopted and therefore the observation was irrelevant.

- (dd) During the subsequent discussion, the following observations were made in favour of the application
- The plans had been adapted following discussions, and therefore it was possible that approval had been considered?
 - Need to support and protect Welsh-speaking families
 - Approve on the grounds that the development would be an exception
- (e) During the subsequent discussion, the following observations were made against the application:
- The policies had not changed since August 2015
 - There were no planning reasons for approving the application

A request was made for a registered vote.

- (f) In accordance with the Procedural Rules, the following vote to approve the application was a registered vote:

In favour of the proposal to approve the application, (3) Councillors: Simon Glyn, Gruffydd Williams and Owain Williams.

Against the proposal to approve, (8) Councillors Elwyn Edwards, Gwen Griffith, Anne T. Lloyd Jones, June Marshall, Michael Sol Owen, W. Tudor Owen, John Pughe Roberts and Hefin Williams

Abstaining, (0)

It was proposed and seconded to refuse the application.

RESOLVED to refuse the application in accordance with the officers' recommendation.

1. The proposal is unacceptable in principle and is contrary to the requirements of Policies C1, CH5 and CH9 of the Gwynedd Unitary Development Plan, the Supplementary Planning Guidance: Building New Houses in the Countryside, New Houses in Rural Villages and Affordable Dwellings, Technical Advice Note 2 on Affordable Dwellings, Technical Advice Note 6 on Planning for Sustainable Rural Communities together with Planning Policy Wales, Chapter 9 as it does not meet the criteria regarding the siting of new dwellings in rural villages and, as such, it would involve erecting a new dwelling in the open countryside without any justification.
2. The proposal is unacceptable and contrary to the requirements of Policy B23 and C1 of the Gwynedd Unitary Development Plan, Gwynedd Design Guide, Supplementary Planning Guidance: Building New Houses in the Countryside, Technical Advice Note 12 on Design together with Planning Policy Wales, Chapter 9 Housing as it would involve creating a discordant feature in the open countryside.
3. The proposal is unacceptable and contrary to the requirements of Policy CH5 of the Gwynedd Unitary Development Plan, Supplementary Planning Guidance: Affordable Dwellings, Technical Advice Note 2 Affordable Dwellings and Planning Policy Wales, Chapter 9 Housing as no indisputable evidence has been submitted that a local community need has been proven for an affordable dwelling on this site

8. APPLICATION NO: C15/0915/18/LL - CIL FYNYDD, PENRHOS, BETHEL

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

- (a) The Development Control Manager elaborated on the background of the application noting that it had been deferred at the Planning Committee meeting on 30 November 2015, in order to facilitate the speaking arrangements. It was explained that the dwelling was a detached one and a half storey house within a substantial curtilage on the outskirts of the village of Bethel, and is located outside the development boundary of the village. The existing property was a 4-bedroom house with 2 of the bedrooms on the ground floor. The existing linked garage was single-storey and linked to the side of the dwelling. The proposal involved the conversion and extension of the linked garage to create an annexe. An explanation was given of the definition of an annexe, and it was noted that no information or justification has been offered in relation to the purpose of the annexe which was the subject of the application. It was noted that the size of the annexe was larger than the approved size of a two-storey two-bedroom affordable house, and that the annexe would equate to building a new house in the countryside.

It was considered that the proposal was contrary to policy CH9 of the UDP in addition to national guidance. It was also considered that the two-storey garage and proposed extension to the house would be likely to create an alien feature and would have an unacceptable impact on the existing building and the visual amenities of the area, and would therefore also be contrary to the requirements of policies B24 and B22.

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

- The dwelling would share the same entrance and post code
 - There was no intention to create two houses – the intention was to construct an extension, not a new house
 - Creation of a family unit
 - The intention was for the applicant and her husband to live in the annexe and make the house available for their daughter and family to live there
- (c) The following main points were made by the local member (not a member of this Planning Committee):-
- The neighbours had sent a letter noting their support
 - No objections had been received
 - This was not a house in the countryside – emphasised that this was an extension
 - A substantial lack of houses in Bethel
 - The extension would provide the family with an opportunity to come together
 - An opportunity for a young family to live within a Welsh community
 - The Community Council supported the application
- (d) In response, the Senior Planning Service Manager noted that the application was unusual as the size of the annexe was so large. The Committee was reminded of the need to be consistent and careful in considering the policies and that approving the annexe would be contrary to fundamental planning policies.
- (e) It was proposed and seconded to undertake a site visit.

RESOLVED to undertake a site visit

The meeting commenced at 1.00 pm and concluded at 4.50 pm

CHAIRMAN