
PLANNING COMMITTEE 28/11/16

Present: Councillor Anne Lloyd Jones - Chair
Councillor Elwyn Edwards - Vice-chair

Councillors: Endaf Cooke, Simon Glyn, Gwen Griffith, Siân Wyn Hughes (substitute), Dyfrig Wynn Jones, Eric M. Jones, June Marshall, Michael Sol Owen, John Pughe Roberts, Eirwyn Williams, Gruffydd Williams and Hefin Williams.

Others invited: Councillors Charles Wyn Jones, Dilwyn Lloyd, Gareth Thomas and R. H. Wyn Williams (Local Members).

Also in attendance: Gareth Jones (Senior Planning Service Manager), Cara Owen (Development Control Manager), A. Rhys Roberts (Development Control Officer), Gareth Roberts (Senior Transportation Development Control Officer), Rhun ap Gareth (Senior Solicitor) and Bethan Adams (Members' Support Officer).

Apologies: Councillors W. Tudor Owen and John Wyn Williams.

1. DECLARATION OF PERSONAL INTEREST

- (a) Councillors Anne Lloyd Jones and Michael Sol Owen declared a personal interest in item 5.4 on the agenda (planning application number C16/1021/08/LL), as they were members of the Board of Cartrefi Cymunedol Gwynedd.

Members were of the opinion that it was a prejudicial interest, and they withdrew from the Chamber during the discussion on the application.

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

- Councillor Siân Wyn Hughes, (a member of this Planning Committee), in relation to item 5.1 on the agenda (planning application number C16/1089/42/LL);
- Councillor Dyfrig Wynn Jones, (a member of this Planning Committee) in relation to item 5.2 on the agenda, (planning application number C16/0823/13/LL);
- Councillor Eirwyn Williams (a member of this Planning Committee) in relation to item 5.3 on the agenda (planning application number C16/0941/35/LL);
- Councillor Gareth Thomas, (not a member of this Planning Committee), in relation to item 5.4 on the agenda, (planning application number C16/1021/08/LL);
- Councillor Charles Wyn Jones (not a member of this Planning Committee) in relation to item 5.5 on the agenda, (planning application number C16/1108/23/AM);
- Councillor R. H. Wyn Williams (not a member of this Planning Committee) in relation to item 5.6 on the agenda (planning application number C16/1226/39/LL);
- Councillor Dilwyn Lloyd (not a member of this Planning Committee) in relation to item 5.7 on the agenda (planning application number C16/1250/17/LL).

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

2. MINUTES

The Chair signed the minutes of the previous meeting of this committee, that took place on 7 November 2016, as a true record.

3. PLANNING APPLICATIONS

The Committee considered the following applications for development.

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

RESOLVED

1. Application number C16/1809/42/LL - Land at Bryn Rhydd Farm, Edern

Construction of new building to produce ice cream, ice cream and local produce shop/cafe, educational resource, alterations to access, associated external works and new agricultural access

- (a) The Development Control Officer Manager elaborated on the application's background, noting that the application had been deferred at the Committee meeting held on 7 November 2016 in order to conduct a site inspection visit. Some members had visited the site prior to the meeting.

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

It was noted that the applicant's wish to site the business on land within his ownership and within convenient reach to the farm, was not considered to be sufficient justification for the location. The Council had not been convinced that there was a genuine need to establish such a mixed business on the application site without special local needs or exceptional circumstances to justify granting the application in the countryside. It was added that it appeared that no consideration had been given to try and find a suitable building / brownfield site within the village boundary or on a different site. It was noted that the proposal to erect a mixed business building of this type on greenfield land did not comply with the business location principles of policies C1, CH37, D5, D7, D8, D13 or D30 of the Gwynedd Unitary Development Plan.

It was deemed that constructing a new building in such an isolated and disjointed location would have a detrimental impact on the form and character of the village and the landscape, that was designated as a Landscape Conservation Area.

It was noted that the benefits in terms of economic growth, rural enterprise and employment did not outweigh the harm which was likely to be caused to the character of the landscape and the area's appearance, and the need to ensure that new development was located in a sustainable location. The proposal was considered to be contrary to the policies of the GUDP and therefore there was no option but to recommend that the application was refused.

- (b) Taking advantage of the right to speak, the applicant noted the following main points:-
- That the application and the agent's additional comments indicated how important the application was for the ice cream business and the existing farm enterprise;
 - That milk prices were unstable and this development was in order to develop the ice cream business further and to keep the farm viable;
 - That the proposal created quality jobs for local people;
 - It was understood that there was concern regarding the location however it was not possible to site the application on the farm;
 - That schools would benefit from the educational resource;
 - That it would provide a quality resource for tourists as well as local people;

- That they were willing to work with the Planning Service to ensure that the proposal was acceptable with relevant conditions.
- That they had a clear vision and were enthusiastic;
- The success and the future of Glasu, existing jobs, new jobs and their livelihood on the farm depended on the decision and therefore they requested that the application be approved.

(c) The local member (a member of this Planning Committee), supported the application and she made the following main points:-

- That the proposal would ensure the future of the family farm;
- That a bespoke building would enable the production and storage of more ice cream produce;
- There was no room on the Nefyn industrial estate and such an estate would not be suitable for the enterprise that included an educational and tourist resource;
- It was not possible to locate the application on the farm;
- The site was not isolated - houses were located near the plot and the applicant was willing to negotiate regarding landscaping;
- The unique educational resource associated with the application was to be welcomed;
- The proposal would not create competition with the village shop;
- The company collaborated with small, artisan companies by selling their produce locally;
- There was no site for the business within the development boundary of the village;
- That a condition may be imposed that the building was not to be converted into a house in the future;
- Only three objections had been received with two letters of support and Nefyn Town Council supported the proposal;
- The Transportation Unit did not object to the application;
- The enterprise created local employment.

(ch) The Senior Planning Service Manager noted that the Council supported business enterprises if the location of the application was acceptable. It was noted that the location of the site was outside the development boundary and the Council was not convinced that there was justification in terms of special location needs in the countryside. It was highlighted that the internal layout of the building indicated that the production element was ancillary and it was not possible to impose a condition to tie what was sold in the shop/café and therefore there would be no control in terms of long-term use. He noted that if the Committee approved the application then he would refer the matter to a cooling-off period.

The Transport Development Control Officer noted that the proposal to invite schools and colleges to visit the business together with the shop/café element meant that eight parking spaces would be insufficient and it would be necessary to re-consider the parking provision.

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

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

- That it was necessary to look at the application objectively, more than half the building would be a shop and there would be no control in the future regarding what could be sold;
- The application was situated within a Landscape Conservation Area;
- Should the application be approved then a precedent would be set;
- It would be easier to support the application without the retail element as businesses could be short-lived and a condition could not be imposed in terms of future use;

- That the proposal was contrary to eight policies within the GUDP and the parking provision was insufficient;
- Despite being a good plan, the location was incorrect;
- The location had a unique selling point and the associated educational resource was to be welcomed.
- There was three-phase electricity connection on the site;
- If approved, a landscaping condition could be imposed to make the development less prominent in the landscape;
- This was an opportunity to support rural folk;
- The enterprise was an excellent example of identifying a gap in the market and ensuring high quality;
- That it was important to support the family who were working hard to make the enterprise a success. As a resource for the community it belonged to, the success of the business depended on local support and the Committee's decision to support it;
- There were a number of agricultural sheds in the area and therefore the building would not be unusual at this location;
- There was no space on the industrial estate and there was no other suitable building for the business;
- That a local family who created local employment should be supported.

(dd) A vote was taken on the proposal to refuse the application and it fell.

A proposal was made, and seconded, to approve the application as there was no other suitable location available and it was possible to place great weight on the economic benefit.

The members voted on the proposal to approve the application and it carried.

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

Reasons:

No other suitable location available.

It was possible to place great weight on the economic benefit.

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.

2. Application number C16/0823/13/LL - Austin Taylor Communications Ltd, Bethesda

Change of use of a former factory to a facility for a building merchant including a trading counter, storage and distribution enterprise.

(a) The Development Control Officer elaborated on the background of the application and noted that it was not proposed to make any structural changes to the building apart from some alterations to the windows and doors for convenience and safety. It was noted that the application site was located within the Bethesda development boundary and had not been designated for any specific use. It was highlighted that the majority of the site was located within a C2 flood zone.

It was noted that the development met with all the criteria of policies C3 and C4 of the GUDP as it was re-using a previously used site within the existing development boundary by retaining and re-using existing buildings for a use suitable for the location.

Attention was drawn to the additional observations that had been received. It was reported that confirmation had been received from the Welsh Government's Highways Section stating that they were willing for the Council to determine the application together with confirmation from Natural Resources Wales (NRA) stating that they had no objection in terms of flooding issues. It was noted that the Joint Planning Policy Unit had assessed the Community and Language Statement submitted as part of the application and they were of the view that the nature and scale of the development were not likely to have a detrimental impact on the Welsh language. Consequently, the recommendation had changed to what was noted in the report and that it was now recommended to approve the application with conditions.

- (b) The application was supported by the local member (a member of this Planning Committee) and he noted that he welcomed the development and was pleased that the building would come back into use.

Members noted their support for the application and the use would be in keeping with the location.

RESOLVED to approve the application.

Conditions:

1. Time
2. In accordance with the plans
3. A desktop investigation must be submitted and agreed to assess the pollution risk. If the desk-top investigation indicated that further action was needed, any precautionary and/or remedial measures would have to be agreed prior to commencing work on the development.

3. Application number C16/0941/35/LL - Ynys Hir, Morannedd, Cricieth

Amendment to permission C15/0711/35/LL to erect a new dwelling.

- (a) The Development Control Manager elaborated on the application's background and noted that the site had already received planning permission to erect a dwelling under reference numbers C14/0702/35/LL and C15/0711/35/LL and the building work had commenced, however, there was currently a delay.

It was noted that the plans before them followed the location, footprint, size and floor plan of the permissions. It was explained that the design before them was different to the previous permissions with a mansard roof rather than a traditional pitch roof. It was noted that various types of roofs could be seen within the Morannedd estate and it was considered that the design and the external appearance of the proposal was in keeping with the character of the existing houses within the estate.

It was considered that the proposal would not cause significant harm in terms of loss of privacy, light or shadowing. It was noted that the concerns of the objectors had been given full consideration.

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

- (b) The local member (a member of this Planning Committee) supported the application.

In response to a comment by the local member, the Development Control Manager noted that the applicant had been advised to delay the work, however if the applicant continued with the building work then he did so at his own risk.

Members noted their support to the application that was an improvement in terms of visibility as the levels (floor and ridge) of the house were approximately 2 metres lower than the existing permissions.

RESOLVED to approve the application.

Conditions:

1. In accordance with the submitted plans;
2. Slates on the roof
3. Withdrawal of permitted rights including windows
4. Welsh Water conditions;

4. Application number C16/1021/08/LL - Meusydd Llydain, Bryniau Hendre, Penrhyndeudraeth

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

Revised application of C16/0314/08/LL to erect nine houses to include three houses on the open market and six affordable houses together with drainage, landscaping work and creating accesses.

- (a) The Development Control Manager elaborated on the background of the application and noted that the six affordable houses were on land outside but bordering the development boundary, whilst the three open market houses were mainly within the boundary.

It was noted that a number of objections received referred to concerns regarding the adjacent road and the impact of the development on road safety and movements along the road. It was recognised that the road was narrow in places, however, considering that part of the site had been used in the past as a commercial printing works it was considered that there would be no additional unacceptable impact stemming from this proposal.

It was reported that following the receipt of observations from the Transportation Unit the application had been amended to provide a new system of entrances to the open market housing to include the provision of a new footway along the front of the site and the internal arrangement of the estate. Consequently, the Transportation Unit was satisfied with what was proposed.

Confirmation had been received from the Strategic Housing Unit that the submitted information was consistent with the information to hand regarding the local need for affordable units. It was considered that this mixture of housing was appropriate to satisfy the general demand for affordable housing.

It was noted that it would have to be ensured that the units that satisfied different tenures (i.e. open market housing and affordable housing) were developed jointly and there was no possibility that only open market housing would be developed. In this case, Cartrefi Cymunedol Gwynedd (CCG) were partners in the scheme and as usual in cases where the Housing Association did not own the land or was an applicant (when the application was considered), a standard 106 Agreement would be drafted to ensure that the houses were transferred to the Association who would then ensure that the units would be available to satisfy local need.

Attention was drawn to the confirmation that had been received from the Joint Planning Policy Unit regarding the conclusions of the language assessment submitted, this stated:

“On the whole, it is deemed that neither the nature or scale of the proposed development is likely to have any detrimental impact on the Welsh language. This application entails that 6

of the 9 proposed houses will be affordable, this should satisfy local needs for housing and assist the existing community population".

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

- (b) Taking advantage of the right to speak, the applicant's agent noted the following main points:-
- That it was a mixed housing development with three open market houses and six affordable houses for CCG;
 - That the open market houses were situated within the development boundary and the affordable houses were on an exempt site near the boundary;
 - There was a lack of affordable housing in Gwynedd and the proposal would assist the Council to reach its targets in terms of providing affordable housing;
 - It was not easy to provide land for affordable housing and although there were other possible sites in Penrhyndeudraeth they were not released or offered for affordable housing;
 - A flooding problem in Porthmadog meant that housing could not be provided there and therefore Penrhyndeudraeth had been earmarked by the Council for future additional housing;
 - The need for affordable housing had been proven and enquiries had been received from local people for the open market houses;
 - It would be an opportunity to improve the appearance of this ugly site;
 - Work would be undertaken to widen the road.
- (c) The local member (not a member of this Planning Committee) objected to the application and he made the following main points:-
- There was over-development in the application site area;
 - The open market housing were partly within the development boundary with one house partly outside;
 - His concern regarding access as there was no room to turn a car in the curtilage of the open market houses;
 - That the road was narrow, busy and visually restricted;
 - Reference was made to creating a new access to the existing house, however, no plans had been submitted;
 - That the language statement received was extremely weak;
 - Concern that approval would be given to move the development boundary a little and the impact of additional housing on Porthmadog.
- (ch) In response to the local member's observations, the Senior Planning Service Manager noted that the objections were in the context of the impact on residential amenities, the narrow road and traffic concerns and consideration should be given to conducting a site inspection visit.

In response to a comment by a member, the Development Control Manager noted that two of the open market houses were totally within the boundary and the majority of the open market house was within the development boundary and therefore it was considered to be within the boundary.

Members noted their concerns that if the six affordable houses were transferred to a housing association then the allocations policy of the housing association would not be local to the specific area. In response, the Senior Solicitor noted that when a housing association was a partner with a developer that Council undertook and trusted that the housing associations would act in accordance with their allocations policy. He added that the Strategic Housing Unit could be requested for more information.

It was proposed and seconded to defer the application in order to conduct an inspection site visit and to receive more information regarding CCG's allocations policy and confirmation from the Strategic Housing Unit of the need.

A member suggested that a local lettings condition should be considered for the affordable houses as imposed on the approval for the Bryn Garmon estate, Abersoch where any tenant had to live less than six miles from the site.

A member noted that the access should be re-examined.

RESOLVED to defer the application.

5. Application number C16/1108/23/AM - Tŷ'r Ysgol, Llanrug

Outline application to erect two dwellings and create a new vehicular access.

- (a) The Development Control Officer elaborated on the application's background and noted that the site was within the development boundary of the village and as this was an outline application, the only issues requiring consideration were the development of the site in principle, access, and the location of the houses on the site.

It was reported that objections had been received in which concerns were raised about the creation of an additional access close to the school, loss of space on the road for parking and collecting children, and also the impact of this development on another plan that has been approved and which included a roundabout and new traffic control measures. Attention was drawn to the fact that the Transportation Unit had no objections to the proposal, however, they requested conditions to ensure that cars could enter and exit the site in front gear, and also provide a parking and turning space before the houses were occupied and it was considered that this would create an acceptable situation.

It was added that objections had been received referring to the loss of privacy. From the information submitted, it was considered that the site could provide two houses without causing any overlooking or loss of privacy, using suitable boundary treatments and careful and appropriate design for the site.

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:-
- The site was within the development boundary and there was a local need for these types of houses;
 - There was no evidence that it would impair amenities;
 - She requested the Committee's support.
- (c) The local member (not a member of this Planning Committee) noted the following main points:-
- That the school's headteacher now accepted that the impact on the school would be minor;
 - Ideally the same situation should be retained at Glan Ffynnon estate, however, this was not possible;
 - The conditions addressed the objections and offered a way forward.

RESOLVED to approve the application.

Conditions:

1. The commencement of the development and the submission of reserved matters.

2. Materials and finishes.
3. Access and parking.
4. Landscaping - retaining the existing ash tree where possible, clearing the site of invasive trees and planting native trees.
5. Submission of a land drainage scheme prior to the commencement of any work on the site
6. Welsh Water – surface water.
7. Development to comply with the approved plans.
8. Removal of permitted development rights.
9. Need to retain the natural stone boundary wall.
10. Complete the site clearance work outside the bird nesting season.
11. Provide bird nesting boxes.

6. Application number C16/1226/39/LL - Castellmarch, Abersoch

Establishment of a touring caravan site for 15 caravans.

- (a) The Development Control Officer expanded on the background of the application and noted that the site was located in the countryside and within a Landscape Conservation Area and the Llŷn and Bardsey Landscape of Outstanding Historic Interest. It was noted that the site had been used for several years for the siting of five touring caravans with caravan clubs where there was no need for formal planning permission.

It was noted that due to the scale and location of the application together with the existing natural features it was not considered that the site was obtrusive in the landscape, nor was it considered that it was likely to have a significant harmful impact on the visual amenities of the Landscape Conservation Area.

Attention was drawn to the additional observations that had been received. It was noted that the Joint Planning Policy Unit had assessed the Community and Language Statement and they noted that the nature and scale of the proposed development were not likely to have a detrimental impact on the Welsh language. Consequently, the recommendation had changed to what was noted in the report and the recommendation now was to approve the application with conditions.

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

- (b) The local member (not a member of this Planning Committee), supported the application and he made the following main points:-
- That the site was currently a caravan site;
 - That it was not an over-development;
 - That the Welsh language should be part of the policies;
 - That the proposal gave a continuation to the family who were part of the local community;
 - The applicant was willing to accept the additional suggestions in terms of landscaping.
- (c) It was proposed and seconded to approve the application.

A member noted that the AONB Unit had not been asked for observations on the application, although he acknowledges that the site was outside the Llŷn Area of Outstanding Natural Beauty (AONB), policy B8 of the GUDP protected views into and out of the AONB.

RESOLVED to approve the application.

Conditions:

1. Commencement within five years.
2. In accordance with submitted plans.
3. The number of units on the site at any one time to be restricted to 15.
4. Conditions on the timeframe for letting caravans/holiday period/moving the caravans when not in use.
5. No storing on the land.
6. Records list.
7. Landscaping.
8. Safeguarding public footpath 43 and 43A Llanengan.
9. No surface water and / or land drainage to connect with the public sewer.

Notes:

1. A copy of Welsh Water observations.
2. A copy of the observations of the Flooding Risk and Coastal Erosion Management Unit.

7. Application number C16/1250/17/LL - Fferm Tanyffordd, Cilgwyn, Carmel, Caernarfon

Erection of a multi-purpose agricultural building

- (a) The Development Control Manager expanded on the application's background and noted that this was an application to erect a multi-purpose agricultural building for storing equipment, machinery, hay/feed and provide a shelter for livestock on land near Fferm Tanyffordd which was located on the outskirts of the village of Carmel.

Attention was drawn to the additional observations that had been received supporting the application that confirmed the officers' concerns.

It was noted that policy D9 of the GUDP supported proposals to erect buildings and structures for agricultural purposes if they were reasonably necessary for agricultural purposes and if they comply with all of the criteria within the policy.

It was highlighted that an extension to the stables was approved under reference C11/0511/17/LL to create an agricultural shed. Having conducted a site examination, it appeared that the shed which had been erected on the site was larger and different in form to the approved application, and that a substantial shed had been erected rather than the extension which was approved. Neither did it appear that this shed was used for a genuine agricultural purpose as was suggested at the time.

It was considered that there was no genuine justification to erect a new agricultural shed as the existing shed (which in its present form was unauthorised in relation to its size/design and use) could be used in addition to the other sheds which had already been built on the site.

It was noted that the location of the proposed shed was prominent within the local landscape due to its form and size and its elevated position, and it was therefore considered that this would harm the area's visual amenities, including the Dyffryn Nantlle Landscape of Historical Interest, which was contrary to the relevant requirements of policies B12, B22 and B23.

- (b) The local member (not a member of this Planning Committee), supported the application, and he made the following main points:
- That the applicant rented land in addition to the application site;

- The need for a bespoke shed for the applicant's son in order that he could prepare sheep for showing in agricultural shows;
- That agriculture was the only option in terms of livelihood in areas of Gwynedd;
- That the applicant should be supported.

The local member noted that he felt that he had not received a fair hearing. In response, the Chair noted that she appreciated his presentation.

- (c) In response to the observations of the local member, the Senior Planning Service Manager noted:-
- That the cases where the Council did not support applications for an agricultural shed were rare.
 - No evidence had been received that the applicant had additional land or that the shed was required to prepare sheep for showing;
 - It was considered that the existing buildings addressed the need and therefore there was no justification for another shed;
 - The Council was not aware of the rented land.

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

In response to a member's question relating to the enforcement case, the Senior Planning Service Manager noted that there was an enforcement case as there was no agricultural use of the shed and its form was not the same as the form approved.

A member noted that no evidence had been received to justify the need for sheds and consideration should be given to defer the application in order to give the applicant an opportunity to submit more information.

In response to an observation from a member, the Senior Solicitor noted in accordance with the Code of Conduct that it was inappropriate for Committee members to discuss the application with the applicant and members were advised to suggest that the applicant contacts the local member or the Planning Service.

An amendment to defer the application to give the applicant an opportunity to submit further information was proposed and seconded.

RESOLVED to defer the application.

The meeting commenced at 1.00pm and concluded at 3.10pm.

CHAIR