

---

## PLANNING COMMITTEE 18/12/17

---

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

**Councillors:** Stephen Churchman, Louise Hughes, Sian Wyn Hughes, Berwyn Parry Jones, Eric M. Jones, Dilwyn Lloyd, Edgar Wyn Owen, Catrin Wager, Eirwyn Williams, Gruffydd Williams, Owain Williams (a.m./ p.m.) and Simon Glyn (p.m.)

**Others invited:** Councillors Aled Ll. Evans, Gareth W. Griffiths, Judith Humphreys, Sion Wyn Jones, Kevin Morris Jones, Dewi Roberts, Elfed P. Roberts (Local Members).

**Also in attendance:** Gareth Jones (Senior Planning Service Manager), Cara Owen (Planning Manager), Idwal Williams (Senior Development Control Officer), A. Rhys Roberts (Development Control Officer), Dafydd Gareth Jones (Senior Planning Officer, Minerals and Waste - for items 5.12 and 5.13 on the agenda), Moira Parri (Environmental Health Officer - for items 5.12 and 5.13 on the agenda), Dylan Wynn Jones (Traffic, Projects and Street Works Manager), Rhun ap Gareth (Senior Solicitor), Glynda O'Brien and Bethan Adams (Member Support Officers).

**Apologies:** Councillor Huw G. Wyn Jones and Councillors Annwen Daniels and Peter Read (Local Members).

### 1. DECLARATION OF PERSONAL INTEREST

- (a) Councillors Stephen Churchman, Anne Lloyd Jones and Berwyn Parry Jones declared a personal interest in item 5.3 (Application Number C17/0844/09/LL) and 5.16 (Application Number C17/0565/41/LL) on the agenda, because they were members of the Board of Cartrefi Cymunedol Gwynedd.

Councillor Louise Hughes declared a personal interest in item 5.11 on the agenda (planning application number C16/0507/20/LL), because she had prejudged her decision prior to a previous meeting when the application had been discussed.

The Members 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 Elfed P. Roberts, (not a member of this Planning Committee), in item 5.2 (planning application number C17/0982/03/LL)
  - Councillor Kevin Morris Jones (not a member of this Planning Committee), in item 5.6 (planning application number C17/0807/15/LL)
  - Councillor Eric M. Jones (a member of this Planning Committee), in item 5.8 (planning application number C17/0826/17/LL)
  - Councillor Sion Wyn Jones (not a member of this Planning Committee), in items 5.9 and 5.10 (planning application numbers C17/0893/18/AM and C17/0953/18/LL)
  - Councillor Gareth W. Griffith (not a member of this Planning Committee), in item 5.11 (planning application number C16/0507/20/LL)
  - Councillor Judith Humphreys, (not a member of this Planning Committee), in items 5.12 and 5.13 on the agenda, (planning application numbers C13/0217/22/MW and

C17/0455/22/LL)

- Councillor Dewi Roberts (not a member of this Planning Committee), in item 5.14 (planning application number C17/1024/39/LL)
- Councillor Aled Ll. Evans (not a member of this Planning Committee), in item 5.16 (planning application number C17/0565/41/LL)

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

## 2. MINUTES

The Chair signed the minutes of the previous meeting of this committee held on 27 November 2017, as an accurate record subject to a correction in the English version relating to the decision on Planning Application Number 2 - C17/0656/42/LL - Maes y Garn, High Street, Nefyn, namely:

Amend "nine" to "one" - so that the resolution reads as follows:

“RESOLVED To delegate powers to the Senior Planning Manager to approve the application subject to signing a 106 agreement to bind **one** of the units for affordable housing and to agree on an appropriate method to ensure a financial contribution to improve the facilities of the open space/ play area in the community and also to conditions”

## 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 policy aspects.

### RESOLVED

#### 1. Application Number C17/0182/03/LL – Ty’n y Coed, The Old Quarry Hospital, Rhiwbrydir, Blaenau Ffestiniog

A retrospective application to change the land use to create a touring caravan site and to extend the existing building to create toilets and to erect a building to dispose of waste.

- (a) The Senior Development Control Officer noted that approximately five members of the Planning Committee had visited the site on 8 December 2017 and despite the wintery weather, the site's relationship with the local environment had been addressed. It was noted that work had already commenced on the site with the majority of the formal plots in place, and the vegetation planted.

Since the application had been submitted to the Committee the last time, amended plans had been submitted which offered parking spaces within the site, along with information on the suitability of the use from the Baltic Road junction and Glanypwll Road to the site.

Reference was made to the relevant planning policies together with the response to the public consultations within the report submitted before the Committee.

It was noted that the principle of the development was acceptable and reference was made to policy which permitted proposals to develop touring caravan sites, camping sites or alternative temporary camping accommodation, subject to compliance with a number of criteria as outlined in the report.

It was reported that the Caravans Officer (Health and Safety Unit) had confirmed that the proposal now appeared to comply with licensing requirements. Despite this, officers were still of the opinion that the proposal did not comply with the requirements of criterion number 1 and 2 of the policy. The site's plan and layout was still restricted, and there was no general open amenity space within the site for the use of the site's residents. It was considered that the layout of the site used an excessive number of hard standings and that they were not of a high quality in terms of design, layout or appearance on the grounds of the lack of open space on the site and between the plots. In terms of visual and residential amenities, it was noted that the proposal complied with the requirements of policies PCYFF 2, 3 and 4 of the Local Development Plan. However, it was unacceptable in terms of the layout and density of touring units and the gap between the plots. In addition, it was considered that the restricted plan was contrary to the need for amenity space for existing users and future users, and the proposal was contrary to the requirements of the criteria of relevant policies.

Since the application had been submitted originally, an amended plan had been received showing how towing vehicles negotiate the junction between Baltic Road and Glanypwll Road which was acceptable by the Transportation Unit. It was considered that it would be possible for the applicant to also communicate with his customers who would be visiting the site on how to arrive at and leave the site safely along Glanypwll Road, which led straight from the site to Baltic Road/A470.

After considering all material planning matters, it was considered that the proposal was unacceptable and contrary to relevant local and national planning policies and guidance. The planning officers recommended refusing the application for the reasons noted in the report.

- (b) Taking advantage of the right to speak, the applicant noted the following main points:
- That the planning officers were requesting a restriction on the site's use but this was unacceptable to him as he needed the site to be open for 12 months of the year.
  - That he had complied with the law and that there was 320 square metres of communal area including seating areas, barbecue areas, that would be suitable for the proposed plots.
  - That he had spent approximately £2,000 on plants and shrubs for the site, with an additional approximate 1,300 coming in March.
  - Reference was made to a petition signed by 800 individuals who supported the development along with letters signed by 38 local businesses including the Llechwedd and Antur 'Stiniog enterprises.
- (c) It was proposed and seconded to approve the application, mainly because the town of Blaenau Ffestiniog had developed recently and the number of tourists had increased as a result of the developments; that the site was close to the town and the land in question was desolate. It would provide an opportunity for a local person to develop on a small scale.
- (ch) Two members noted concern regarding the density of the site and asked if it would be possible to delegate powers to the officers to discuss this further with the applicant.
- (d) In response, the Senior Solicitor explained that the change in density would involve changing the application and it was not anticipated that it would be an acceptable improvement. It had to be borne in mind that endless discussions had been held regarding the application in question, and as the applicant explained, a decision needed to be made on the application submitted before the committee.

- (dd) A vote was taken on the proposal to approve the application contrary to the recommendations of the planning officers and the vote was carried.
- (e) The planning officers were asked for conditions for the application and the following was outlined:
- Compliance with the submitted plans
  - No more plots than the numbers shown on the plan
  - Seasonal condition restricting the use of the site (March to October). The applicant wishes to use the site throughout the year but usually a seasonal condition is imposed on touring caravan sites. The Committee was asked to make a decision on this condition.
  - Holiday use only.
  - To maintain a register that will be available to the planning authority to inspect as required
  - Standard Welsh Water condition for surface water
  - A traffic management plan that notes the details of the barrier slate in the entrance and clear directions for those who use the site in terms of entering and exiting the site.
- (f) A member noted that the conditions proposed by the officers were relatively fair. In terms of the seasonal condition, it was noted that the normal season for touring caravans was 8 months.

It was proposed and seconded to approve the seasonal condition.

**Resolved: To approve the application subject to relevant planning conditions including those outlined in (e) above.**

**2. Application Number C17/0982/03/LL – Llechwedd Slate Mines, Talywaenydd, Blaenau Ffestiniog**

Provide six glamping units of a safari type along with additional developments including engineering work.

- (a) The Development Control Officer elaborated on the background of the application, noting that the site was on high and mountainous land within the extensive Llechwedd site, which included the quarry's historical slate works, and more recently the recreational developments of Zip World and the Antur 'Stiniog mountain biking paths.

Attention was drawn to the fact that the existing site was open and mountainous land on a relatively steep slope with a disused quarry hole nearby. The proposal involved cutting into the land in places and using the soil to fill nearby and create level terraces in order to install the tents. The visitors would use existing car parks within the main Llechwedd area and would be transported to the tents by small vehicles.

It was noted that this type of camping was considered as permanent alternative camping accommodation and consequently had to comply with the requirements of the relevant policies.

Reference was made to other planning considerations within the report, including the extant planning permission to work the quarry located very close to the site. Should this happen, the proposal would not be acceptable therefore the importance of imposing a condition to ensure that the glamping use would cease should the quarry works become too close was noted. However, by imposing appropriate conditions, it was considered

that the proposal was acceptable and it was recommended to approve the application in accordance with relevant planning conditions.

(b) The Local Member expressed support to the application with the following main points:

- That the units were unique to the area
- That the tourists coming to the area would need all types of camping provisions
- that Llechwedd was an excellent centre in the area that collaborated with Antur 'Stiniog, Zip World, Bounce Below - which offered all-weather and educational facilities, and were good examples of how to create employment in the countryside
- had invested substantial money in the centre and employed 60 with 200 employed over the summer season
- that the enterprise that would be the subject of the application would create three additional jobs that was very important to the area
- that there was no local objection to the development

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

(ch) In response to an observation made regarding the development's impact on the bluebells on the plot in question, the Development Control Officer noted that no objection had been received from the Biodiversity Unit.

**Resolved: To approve subject to the following conditions:**

1. **Time**
2. **Compliance with plans**
3. **Colour of the canvas to be agreed**
4. **Landscaping**
5. **Biodiversity**
6. **Restrict the number of units on the site to six at any given time**
7. **Restrict the holiday season/use**
8. **Holiday use only**
9. **Keep a register**
10. **No use of the tents if work associated with Twll Bôn Llechwedd is commenced**
11. **Submit and agree on a dust management plan**
12. **Boundary treatments to be agreed prior to occupation**
13. **To submit and agree on a parking management plan**

**Note to the applicant about Bluebells.**

3. **Application number C17/0844/09/LL – Land of the Former Medical Centre, Pier Road, Tywyn**

**The Vice-chair chaired the above application as the Chair had declared a personal interest and had left the Chamber.**

Full application for the demolition of former medical centre and the erection of 12 dwellings (eight flats and four semi-detached houses) together with access, parking and associated infrastructure.

(a) The Planning Manager elaborated on the background of the application, noting that the houses would be set out in one block of eight flats in the form of a three-storey/two-storey building, and four pairs of two-storey semi-detached houses.

It was noted that the site was located within the development boundary of the town of Tywyn and attention was drawn to the fact that the application details could be seen in

the report and the additional observations form. In addition, attention was drawn to the responses of the public consultations and the petition submitted objecting the proposal which had been addressed as part of the assessment.

It was noted that the principle of developing the site met the requirements of the relevant policy and the 12 dwellings made a positive contribution towards the windfall provision in Tywyn and also made good use of previously developed land. It was noted that the units would be affordable to be rented socially.

Although concerns had been raised by the public that the site would lead to an over-development, it was considered that the development would be in keeping with the character of the existing area and that it would not cause excessive harm to the visual features of the area or broader townscape.

It was noted that the development had been planned to ensure a good privacy distance between the proposed dwellings and existing buildings, in addition, the distance of the buildings from the existing houses near the site ensured that they would not affect the natural flow of light to those dwellings. In terms of concerns regarding overlooking into nearby gardens, it was noted that overlooking into gardens in an urban setting was inevitable. It was not considered that the objection regarding disturbance and disruption to the amenities of nearby residents from families and children who could reside at the development was reasonable and it was believed that the development would contribute to a community of a varied nature.

In the context of transportation and access, it was considered that the proposal was acceptable in terms of road safety and complied with the requirements of relevant policies.

In response to the consultation with Welsh Water, observations were received noting that surface water from the development should not be connected to the public sewer, and to this end, a condition was proposed to be included on any planning permission noting that an agreement should be reached on the surface and foul water disposal method prior to the commencement of any development.

Having considered all material planning matters, all observations received and the responses to the public consultations, it was considered that the proposal made good use of a brownfield site and the planning officers' recommendation was for it to be approved in accordance with relevant conditions.

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

- That Cartrefi Cymunedol Gwynedd (CCG) was aware that a petition had been submitted; however, for information, they had held a consultation with the residents of Tywyn and the feedback had been generally positive, with over 80% completing a questionnaire either supporting or strongly supporting the proposed development.
- Discussions had been held with the Planning Department and following feedback, the plan had been amended to reduce a section of the block of flats to be two-storey to reduce the impact on the adjacent bungalows.
- The flats would be for prospective tenants aged over 55 years
- There would be tenant support arrangements in place by CCG staff in the older people supported housing scheme at Morfa Cadfan near the development.
- The two bedroom houses would assist to satisfy the need for housing of this type as a result of regulations with the bedroom tax, with an increasing need for smaller units.

- That housing needs for affordable housing in Tywyn were very high with over 40 waiting for two bedroom houses and over 60 for one/two bedroom flats with a high percentage of them registered as individuals aged over 55 years.
  - It was believed that there was strong evidence to justify constructing the development, in response to the need and to regenerate a redundant site
- (c) A member noted her concern regarding the site as it was a very small site and consequently created an over-development. Concern was also expressed about access to the site and it was felt that the schemes submitted before the committee did not reflect this and that it would be beneficial for the Planning Committee to visit the site in order to see the size of Talyllyn Road for themselves. In addition, concern was expressed about the location of the bin site which overlooked the windows of a nearby bungalow. Whilst expressing that she was not against approving the application and that there was a need for social affordable housing in Tywyn, the Member was of the opinion that the decision should be deferred and a site visit to be carried out as it was an extensive development.
- (ch) It was proposed and seconded for the Planning Committee to visit the site.
- (d) In response to the Member's observations, the Planning Manager explained that the officers had considered holding a site visit but based on the information and the photos before the committee, and that the bin site had been relocated, they were of the opinion that it would not be realistic to defer taking a decision on the application as Cartrefi Cymunedol Gwynedd had negotiated with the Health Board to extend the land purchase period until the end of January and that no Planning Committee would be held before then in order to deal with the application. Therefore, by deferring making a decision, there would be a risk that CCG would lose the opportunity to purchase the land.
- (dd) A vote was taken on the proposal to visit the site however, this proposal fell.
- (e) It was proposed and seconded to approve the application and the vote carried.
- (f) In response to a concern highlighted regarding the lack of provision of a children's play area as part of the plan, the Planning Manager explained that this matter was addressed in point 5.5 of the report and that it did not reach the threshold for the need for a play area as the vast majority of the development was for individuals aged over 55 years.
- (g) The following observations were highlighted by individual Members in favour of the recommendation to approve:
- Supportive of the proposal as the plan included small houses which were very important to the area and wished to see similar plans in other parts of Gwynedd
  - That over 3,000 individuals were on the housing waiting list and that the development would contribute towards shortening the list.

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

- 1. Commencement within five years.**
- 2. In accordance with the plans.**
- 3. Agree on a Slate roof**
- 4. Agree on the finish of the external walls.**
- 5. Removal of permitted development rights for extensions and curtilage buildings for an affordable house.**
- 6. No surface water to be disposed of into the public sewer unless the local planning authority agrees to this in writing.**
- 7. Parking spaces and accesses to be completed in accordance with plans and**

- to be operational before the houses are occupied for the first time.**
- 8. Submit details of landscaping for approval within two months of the commencement of the development.**
- 9. Timetable to implement landscaping plan**
- 10. Standard condition to restrict the development to affordable housing only.**
- 11. Working hours on the site to be restricted.**

**4. Application Number C16/0436/11/LL – Land on Deiniol Road, Bangor**

Erection of an A3 unit (café) with a drive-thru, creation of parking areas and two new vehicular access and tree felling.

- (a) The Planning Manager elaborated on the background of the application and noted that the Planning Committee had visited the above site and that this had been useful to see the context of the application, which was a triangular plot of land on Deiniol Road, Bangor, off the junction serving Asda, Sackville Road and the rest of Deiniol Road. Attention was drawn to the fact that the site was in a prominent area which served as one of the main access points into and out of the city. It was noted that there were a number of trees on the site that were protected under a Tree Preservation Order.

Reference was made to the responses to the two periods of public consultation as part of the report.

Attention was drawn to paragraphs 5.2 to 5.13 of the report which referred to the principle of the development and despite the fact that the application had satisfied some of the requirements of the relevant policy, that it had been unable to show compliance with the requirements of other policies.

In the context of highway impacts, the Planning Committee's attention was drawn to paragraphs 5.21 to 5.29 of the report and that there were clear concerns in these matters and it could be seen on the site visit the increase in traffic as cars waited outside the site for a relatively short period. It was noted further that the application did not show a provision for servicing / delivery vehicles and that lorries would have to reverse into or out of the site as the drive-thru element was unsuitable for larger vehicles. Therefore, on the whole, it was noted that all highway matters showed that the site, due to its restricted nature, was unsuitable for this proposed scale of use without the possibility that it would have a detrimental impact on road safety.

In terms of protected trees, it was noted that there were a number of trees on the site and that they were protected under a Tree Preservation Order. It was noted that the proposal included the felling of all existing trees on the site and one tree on nearby land. These matters had been dealt with in paragraphs 5.32 to 5.40 of the report and it was emphasised that the authority continued to be of the opinion that it was unacceptable to lose all the trees on this site.

Attention was drawn to the concerns of the Biodiversity Unit and based on the information submitted, it was considered that the application failed to satisfy the relevant policy.

After carrying out a full assessment of all material considerations and planning policies, including the objections and observations submitted to support the plan, the recommendation of the planning officers was to refuse the application as it was unacceptable, in accordance with the reasons noted in the report submitted.

- (b) Taking advantage of the right to speak, a representative on behalf of Bangor Civic Society noted that they were not supportive of the application because:



- It did not comply with the policies of the planning authority
- That it was near a very busy roundabout and that there were a number of reasons for refusing it
- That the Joint Local Development Plan referred to protecting the environment and specifically protecting the trees on the site
- That the location was unsuitable as it was a very busy road in Bangor and was a road used by the emergency services
- Concerns regarding parking on Sackville Road
- That there was no parking provision for vehicles serving the site
- Although the applicant noted that the application would create jobs, these jobs could be created should the enterprise be located on a more suitable site, such as Parc Bryn Cegin

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

- that the Deiniol Development company had developed Asda, located nearby, and the proposal at the time, when the site had been purchased, was for Asda to be larger. However, the development was proceeded on a smaller scale and since then, the site that was the subject of the application had stood empty.
- the purpose of the application was to bring back activity to the site whilst attempting to develop an attractive gateway to the city centre with high quality landscaping.
- that the building itself was on a very small scale and would allow Starbucks to establish a presence in Bangor, which had been their wish for some time.
- that there was no other site and that this was the only opportunity they had.
- that the company had strong links with the community, student communities in places such as Llandudno and Aberystwyth, and they had been motivated from requests from local people asking them to bring this brand to Bangor that would reinforce the city centre.
- although they were aware of the concerns regarding traffic and the impact on the existing roundabout, it was stated that these concerns were being largely misused as it did not intend to attract individuals to the site, but rather moving vehicles and that the site would be accessible to students and pedestrians
- that the company did not intend to reduce the number of trees, but that it was obvious that the trees in the front were in a very poor condition and had a restricted lifespan
- an attempt would be made to create a landscaped area that would continue for generations to come that would be of a high quality in terms of the number of trees and the species planted.

(ch) It was proposed and seconded to refuse the application in accordance with the officers' recommendation and the following points were highlighted by individual members in favour of refusal:

- over-development
- a busy road and the development would worsen the situation
- concern regarding the loss of trees and that their loss would be harmful to Bangor
- concern regarding suitable parking spaces
- that there was no provision for the loading or unloading of goods at the site and consequently customers would park on the road and create traffic jams.
- Concern about the Welsh language
- Concern about the safety of students walking around the road in question

- Disagree with the applicant's agent in terms of alternative locations and that there were empty spaces in the High Street for the development and also Parc Bryn Cegin would be a more suitable location.

**Resolved: To refuse the application for the following reasons:**

- 1. The proposal has failed to show compliance with the requirements of policy MAN 1 and PPW in terms of justifying the need and the location (in terms of the sequential test) for the development and satisfy the Authority that the development would not be harmful to the vitality and viability of the town centre.**
- 2. It was considered that the proposal was contrary to policy ISA 4 as the proposal would lead to the loss of valuable green amenity space in an urban area.**
- 3. It is considered that the proposal is contrary to the requirements of policies PS19, PCYFF 4, PS 5 and also ISA 4 as there was no justification for the loss of protected trees on this site and it would have an unacceptable impact on the visual amenities of the street-scape and the proposed mitigation measures would not overcome the loss in an acceptable way.**
- 4. It is considered that the proposal is contrary to policy PS19 and AMG 5 as the application has not shown that there are no other satisfactory alternative choices available for the development and that it has not shown that the need for the development outweighs the importance of the site as a biodiversity stepping stone.**
- 5. It is considered that the proposal is contrary to the requirements of policies TRA 2, TRA 4 and MAN 7 as there is no provision on the site for servicing vehicles to park and it would not be possible for servicing vehicles to enter and exit the site in a forward gear and this could be detrimental to road safety considering the proximity of the site to a busy roundabout. In addition, the drive-thru element did not have sufficient parking spaces for waiting customers, and this could lead to additional vehicular movements into and out of the site in order for customers to enter the customer car park.**

**5. Application Number C17/0281/11/LL – Land adjacent to Bryn Heulog Terrace, Bangor**

Erection of new dwelling.

- (a) The Development Control Manager elaborated on the background of the application and noted that the Planning Committee had visited the site on 8 December 2017. This was an application for the erection of one dwelling on a plot of empty land within a residential area of the city of Bangor. It was noted that the development boundary ran along the southern boundary of the site and outline planning permission had been granted to erect a house on the site on appeal in 2013, which had now expired.

It was explained that the site was triangular and that it was located off the Bryn Heulog Terrace private road adjacent to a terrace of houses. It was noted that the site backed onto a terrace of houses along Caernarfon Road and it stood behind the long and narrow gardens of those houses on a plot of land on higher ground between the gardens and the public bridleway. It was explained that the site ran in an opposite direction to the gardens, which meant that it abutted seven gardens. The vehicular access off the bridleway would have a parking space for at least two vehicles on the site.

Considering that planning permission had been granted for a residential development on the plot in the past, it was emphasised that the principle of developing a house here was acceptable; however, the application that was the subject of an appeal related to specific plans for a two-storey house facing Bryn Heulog Terrace without any windows facing the rear of the houses located on Caernarfon Road.

It was explained that the new plans were substantially different to those that were the subject of the appeal.

It was not believed that the design as submitted was acceptable in terms of the impact on visual, general and residential amenities, and the two first-floor windows would lead to substantial unacceptable overlooking over the gardens and windows of the rear of the houses on Caernarfon Road, and would create an overbearing high wall impact on the top of a slope behind the houses. Concern was also expressed about the impact on the street-scene.

It was explained that officers had discussed and had suggested to the applicant before he had submitted the application, that the development of an appropriately designed dormer bungalow, could be acceptable on the site.

The recommendation of the planning officers was to refuse the application for the reasons noted in the report.

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

- that he was the Local Member for the area
- that he had lived in this area all his life and wished to build a home for himself and his family and this was a once in a lifetime opportunity to have a home to live in the area
- that he had spoken with the neighbours about the application and had ensured that the site would be levelled and that retaining walls would be built along with high screening along the entire site in order to retain privacy
- that the setting of the house on the far corner of the site was to avoid any element of overlooking and he had gained assurance from the Planning Department that they were happy with the house being built on the site but that there were concerns regarding the windows facing the terrace on Caernarfon Road.
- the applicant enquired about the planning authority's policy in terms of the acceptable distance between a new building and an existing terrace
- In response, the Planning Department noted that it did not have any specific policy. Therefore, the applicant had looked at the policies of other authorities such as the Planning Departments of Flintshire and Conwy which had a policy noting that a distance of 22 metres was acceptable as the separation distance between the ground floor windows of an existing house. With this in mind, the distance from the windows to the existing terrace was measured and he was of the opinion that the application would comply with the specific measurement of 22 metres should Gwynedd Council adopt this policy.
- Very recently, it had been noted that Gwynedd Council had approved a first-floor extension to a property located two doors away from this site, and had permitted the first-floor windows to overlook gardens.
- The applicant was of the opinion that he had not been treated very fairly.

(c) In response, the Senior Planning Service Manager noted that the Planning Officers dealt with every application on its own merit and that the advice provided by officers was completely professional and independent. Attention was drawn to the fact that there was a history to the application in question and that the applicant had received advice in

terms of the type of house that would be suitable for this site. It was emphasised that attention had been given to the appeal in 2013 and the Planning Committee was directed to paragraph 5.3 of the report which highlighted clearly the type of house that would have been acceptable on this site.

Furthermore, reference was made to paragraph 5.6 which explained the type of application and the type of house which was completely different to what had been approved upon appeal.

He emphasised that the principle of building a house on the site was acceptable, provided that the house was of a suitable size and design.

- (ch) The Planning Manager added that the planning officers had visited the site and had offered advice to the applicant with a consistent and clear message (verbally and in writing), that a residential development on the site could be suitable subject to overcoming very obvious concerns about over-looking into nearby houses at Caernarfon Road and reference was made to the fact that a number of these houses were lower than the site. It was recognised that a distance of 22 metres was acknowledged as a reasonable distance between houses in order to avoid overlooking, but that this guidance had not been adopted by Gwynedd Council but that it was accepted as a general guidance by officers and in appeals. It was emphasised that the houses on Caernarfon Road already existed and the application before the committee was for a new house, and consequently, it was explained that the overlooking was much worse as the site was higher, and in this case, consideration needed to be given to the land levels, use of windows, use of gardens and how private they were at present, as well as the distance guidance of 22 metres.
- (d) It was proposed and seconded to refuse the application.
- (dd) During the ensuing discussion the following points were highlighted by individual members:
  - (i) An enquiry was made as to whether the application could be approved to delegate powers to planning officers to approve the application following a discussion with the applicant on an acceptable design.

In response, the Senior Planning Service Manager explained that if the Committee was happy with the recommendation, that planning officers would be more than willing to discuss with the applicant a plan that would be acceptable and one that could be approved.

- (ii) It was asked whether the distance measurements (namely 22 metres) were included in law?

In response, the Planning Manager explained that the law did not stipulate how near or far a building should be, but in the context of an appeal decision, a description had been given of the type of property that could be acceptable for the site but that the design of the application as submitted was the complete opposite. It was added that the site visit had been useful to appreciate the type of property that was the subject of the application and its relationship with all nearby properties and the planning officers' views that it was unacceptable in its current form was reiterated.

- (iii) Reference was made to a previous application in Tywyn, previously discussed by the Planning Committee, when it was noted that the over-looking was immaterial to planning.

In response, it was explained that the Tywyn application was in an urban situation that was different to this site. In the Tywyn application, the over-looking was unacceptable but the application before the committee was considered inappropriate due to the nature of this site.

**Resolved: To refuse for the following reason:**

**The proposed development would be harmful to the residential amenities of occupiers of local properties as it would cause significant overlooking effects into or towards the private spaces of those properties and that it would also cause a domineering structure for those houses. Nor is it believed that the plans submitted show a design of high quality which gives full consideration to the built environment context of the site. The proposal would not add to or improve the character and appearance of the site nor the area in general and therefore, it is believed that the application is contrary to policies PCYFF 2 and PCYFF 3 of the Gwynedd and Anglesey Joint Local Development Plan.**

**6. Application Number C17/0807/15/LL - Land near Tŷ Du Road, Llanberis.**

Amend condition 1 of planning permission C14/0240/15/MG to approve an alternative design for the approved housing

- (a) The Development Control Manager elaborated on the background of the application and noted that the Planning Committee had visited the site on 8 December 2017. The Planning Committee was reminded that the development had already commenced and that planning permission for 11 houses had been secured and that amending the details of the plan was the only thing being considered as part of this application. As a result of observations made at the previous Committee, a comparison of floor surface area with new designs and previous houses had been prepared and reference was made to the results in paragraph 5.7 of the report. As could be seen, the size of the designs were fairly similar, although slightly smaller on average compared to the houses previously approved. On the whole, it was believed that the design was more modern and possibly the design was more architectural than the original. By cutting the levels of the roof and using car shelters rather than garages, they would be less bulky than previous designs and would create a more open feel for the estate. Materials such as slates, timber and render would appropriately suit the site and other buildings around the area.

After considering all material planning matters, it was considered that the changes proposed as part of the application were acceptable and the planning officers' recommendation was to approve the amended plans.

- (b) The Local Member (not a member of this Planning Committee) noted that, at the meeting of 6 November 2017, he had made many observations about the applicant and that he wished to withdraw those observations and apologise. He noted that parking was the problem in Llanberis and as the applicant was also aware of the parking problems and was also striving to obtain parking spaces for Fron Goch residents, the Member was supportive of the application.
- (c) It was proposed and seconded to approve the application.
- (ch) In response to an enquiry by a Member regarding the designs, the Development Control Officer noted that the designs for all the houses were the same but there was an element of difference in the shelters.
- (d) A Member noted that he completely disagreed and reference was made to the responses from the public consultations which noted that the new design was not in keeping with the character of the existing buildings of Llanberis and consequently, he

noted that he would not support the application.

**Resolved: To approve changing condition 1 of planning permission C14/0240/15/MG to refer to the amended plans.**

**Note: That all other conditions on planning permissions C14/0240/15/MG and C11/1103/15/AM will continue to be relevant**

**7. Application Number C17/0908/16/LL – Zip World, Penrhyn Quarry, Bethesda**

Create a four zipper line course in lieu of the little zipper lines located below the main zip line, siting of associated equipment and infrastructure, platforms similar to the existing ones and extending the existing acoustic bunds (part retrospective application).

- (a) The Senior Development Control Manager elaborated on the background of the application, drawing attention to the additional observations received which included the letters of objection. He explained that the owners of Ogwen Bank Holiday Park had withdrawn their objection following a discussion with the applicant on the site.

Reference was made to the observations of the Public Protection Unit which proposed conditions that should be included should the application be approved. He noted, considering the application site, that restricting the use of the wires from 08:00 until 20:00 as recommended was reasonable, considering the location of the site.

It was noted that the attraction of the Zip World enterprise had been established since 2013, therefore, the principle of the enterprise and the activities relating to the enterprise, had already been accepted.

Objections on the application were received on the grounds of loss of privacy and the continuation in the negative impact of noise deriving from the existing attraction along with the noise impact that could derive from the attraction in the future on the grounds of the amenities of local residents. However, in response to these concerns the applicant had confirmed in writing that the four zipper lines that were the subject of this application would be operated in accordance with the conditions included in the previous application which relates to opening hours along with restricting sound levels generated by the attraction.

It was emphasised that this latest proposal was an application to relocate the four small wires (below the existing wires), rather than adding to the existing numbers. Considering the location of the four new lines in relation to nearby dwellings to the east (James Street and Braichmelyn) it was not believed that the level, nature, and the type of noise that was currently generated by the lines would intensify should this latest application be approved.

It was noted that having considered all observations and responses received, all the policies and material planning matters, it was not believed that the development would have a significant negative effect on the area's visual and residential amenities, land users, nearby properties, road safety, biodiversity, heritage assets, or the setting of the National Park, and considering this assessment it was not believed that this latest proposal was contrary to these relevant policies.

- (b) Taking advantage of the right to speak, an objector noted the following main points:
- The acoustic screening of the new landing platform was not as good as the acoustic screening of the existing landing platform;
  - No acoustic bunds as part of the application;
  - That the Public Protection Unit recommended a mechanical noise level restriction to LAFMAX 10 seconds of 43dB as measured from the James Street dwellings and

if the new mechanism of the small zip wire was as quiet as noted by the applicant it would not be difficult to comply with the restriction therefore why was a level of 47dB recommended?

- A condition should be imposed in accordance with the Public Protection Unit's proposal to restrict the time when the wires would be used from 08:00 to 18:00, seven days a week as the hours were closer to the hours noted in 2011.

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

- That the proposal would improve safety as users would not have to cross the road as was currently done in order to reach the large zip wire;
- In terms of noise concerns, the wires would now be further from the houses and the caravan park and that the company was working on a quieter system in terms of the trolleys and was considering a different stopping mechanism;
- The business did not want to create a nuisance to the residents.

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

A member enquired whether it would be possible to impose a condition on the planning permission that an acoustic bund needed to be created near the landing platform. In response, the Senior Planning Service Manager noted that the applicant could be asked to create an acoustic bund but considering that the Public Protection Unit did not have an objection to the proposal should conditions be imposed, it was unnecessary to provide a bund.

In response to an observation by a member regarding the need to ensure that the re-directed path was available to use as soon as possible, the Senior Planning Service Manager noted that he would make enquiries.

A member noted that the objector's request for an acoustic bund near the landing platform was reasonable and that consideration should be given to providing a bund.

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

- 1. In accordance with the plans.**
- 2. Protect local biodiversity features by complying with the recommendations of the Ecological Surveys document dated 1.11.17.**
- 3. Restrict the hours of using the wires to between 08:00 and 20:00, seven days a week.**
- 4. Restrict the noise levels to the levels agreed with the Public Protection Unit in the previous application.**
- 5. Landscaping.**
- 6. Agree on the external materials for the building provided for public use.**

**8. Application Number C17/0826/17/LL - Crud y Nant, Bethesda Bach, Caernarfon**

Extension to existing storage site for boats/caravans

(a) The Senior Development Control Officer elaborated on the background of the application and noted that the application had been deferred at the Committee meeting held on 27 November 2017 in order to undertake a site visit. Some members had visited the site on 8 December 2017.

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

It was noted that this was a full application to extend the existing boat/caravan storage

area on a section of open field in order to increase the number of touring caravans from 10 to 50. It was highlighted that this application would involve increasing the number of storage units to 90 units (40 boats and 50 touring caravans).

It was considered that the proposal was unacceptable based on the principle, location, scale, use, road safety, residential amenities and visual amenities and that it was contrary to the requirements of relevant local and national planning policies.

It was recommended to refuse the application on the following grounds:

- road safety as the access road serving the site as well as its junction with the A499 in Bethesda Bach was substandard;
- that the proposal would create an incongruous and prominent feature in the landscape;
- that the proposal would have a detrimental impact on the residential and general amenities of local residents;
- that the scale of the proposal was unacceptable within its rural setting.

(b) The Local Member (a member of this Planning Committee), supported the application and he made the following main points:-

- That there was demand for caravan storage areas and that the development would reduce the number being stored in front of houses;
- That the applicant was a Welsh-speaker and lived locally;
- That he was an example of how to run such a storage site and that the residents had nothing but praise for him;
- That no accident had occurred on the road or on the junction of the A499;
- That the applicant had invested substantially in the site in terms of lighting, CCTV and trees to screen the site;
- The site was well-screened;
- That the residents near the site did not object to the proposal;
- That Llandwrog Community Council supported the application;
- That the proposal would not be intrusive and the site was accessible with a lack of such sites;
- That the applicant was operating legally whilst other nearby sites were operating illegally;
- Requested that the Committee approved the application with conditions if necessary.

(c) It was proposed to approve the application contrary to the officers' recommendation as the proposal would not be intrusive, there was no record of accidents on the road and that it was a matter of opinion whether or not it would be visible from the concealed site. The proposal was seconded.

The Senior Planning Service Manager noted that the Transportation Unit objected to the proposal and that evidence was needed if the Committee wished to act contrary to the highways expert. He added that although the visual impact was a matter of opinion, there was a need to consider the size of the site with the application requesting to add 40 touring caravans on the site that was only 2000m<sup>2</sup> and in open countryside.

(ch) During the ensuing discussion, the following main points were noted by members:

- That there was a local need;
- That the site was not visible and that the size of the site was irrelevant as it was concealed;
- That no accident had occurred on the road;
- That there would not be many movements from the site;



- That the Transportation Unit objected to the proposal therefore how could the Committee act contrary to professional opinion;
- Concern in terms of road safety and that the site was visible from high ground;
- That there had been no accident on the road therefore there was no evidence in terms of road safety;
- The site was not visible and the application addressed a local need.

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

- That the proposal would involve an increase of over 100% in terms of use of the road thus leading to a substantial impact, which could not be disregarded;
- That the fact that no accident had occurred on the road did not prove that the proposal would be acceptable in terms of road safety as the units had not been used yet and that there would be a substantial increase in traffic movements. Consideration had to be given to the professional opinion.

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

1. Time
2. In accordance with amended plans to show a site of 40
3. 40 units only
4. Storage only
5. Landscaping

**9. Application number C17/0893/18/AM – Land opposite Stad Rhoslan, Bethel, Caernarfon**

Erection of seven houses (including two affordable houses), along with new accesses.

(a) The Senior Development Control Officer elaborated on the background of the application and noted that the application had been deferred at the Committee meeting held on 27 November 2017 in order to allow officers to consult with Welsh Water following recent flooding in Bethel.

It was noted that a response had been received from Welsh Water which continued to confirm (for the third time) that there would be sufficient capacity for the site without causing any harm to the assets and equipment of Welsh Water. This was based on analysing the hydraulic capacity of the local public sewage system and the expected flow that could be produced by the proposed development.

It was explained that this was an outline application to erect five detached dwellings and two semi-detached affordable housing units and the creation of new accesses from the nearby class III county road adjacent to the site within the development boundary of the village of Bethel.

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

It was recommended for the Committee to delegate powers to the Senior Planning Manager to approve the application subject to the completion of the 106 Agreement or comply with a suitable condition to ensure that two of the seven houses that were the subject of the application were affordable and to relevant conditions.

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

- That he had met Welsh Water the previous week and they were not aware of the sewage problems.
- That he was concerned that no assessment or survey of the situation had been

- carried out as part of drawing up the LDP;
  - That there was a need for houses in the area and that the application was an excellent opportunity in terms of the size of the houses;
  - Requested an independent investigation into sewage problems before building on the site, if possible;
  - That he was looking forward to working with the applicant for the benefit of the community.
- (c) In response to the observations of the local member, the Senior Planning Service Manager noted that confirmation had been received by Welsh Water for the third time that there was sufficient capacity in the system. In terms of an independent investigation, it was not possible for the Council to carry out such an investigation; however, Welsh Water could be requested to carry out an independent investigation and the Council would continue to converse with the local member and residents.
- (ch) It was proposed and seconded to approve the application.

In response to an enquiry by a member regarding a condition to ensure that no surface water ran into the sewage system, the Senior Development Control Officer noted, in accordance with Welsh Water's observations, that it was recommended to impose a condition that surface water was not disposed of directly into the system.

A member noted that he supported the application and that receiving confirmation from Welsh Water for the third time confirmed that there was capacity in the sewage system and that this provided firm grounds to make a decision.

A member noted that the site was within the development boundary and that it would address housing needs. The application as an outline plan was to be commended.

**Resolved: To delegate powers to the Senior Planning Manager to approve the application, subject to completing a 106 Agreement or adhering to an appropriate condition that two of the seven houses that are the subject of this application are affordable and to relevant conditions relating to:-**

1. Time conditions
2. Reserved Matters
3. External materials including slate.
4. Landscaping.
5. Highways.
6. Withdrawal of permitted development rights on the two affordable houses.
7. Welsh Water condition regarding the disposal of surface water/run-off from the site.
8. Biodiversity

**10. Application Number C17/0953/18/LL - Hafan y Wennol, Nant y Garth, Y Felinheli**

Creation of a 'glamping' site consisting of the erection of 6 Bell Tents, Dining Shelter and Site Facilities Building.

- (a) The Development Control Manager elaborated on the background of the application and noted that the application was for the creation of a new 'glamping' site on agricultural land near Nant y Garth.

Attention was drawn to the fact that Llanddeiniolen Community Council had objected as the access was in a dangerous place and the condition of the access road was poor. He confirmed that the Transportation Unit did not object to the proposal and that they noted that the low number of users would be unlikely to have a detrimental impact on the local

roads network and that visibility from the access reached the required standards.

It was noted that alternative temporary camping accommodation of this type was considered under policy TWR 5 of the LDP. It was explained that the policy approved proposals to develop touring caravan, camping or alternative temporary camping accommodation provided that all criteria were complied with, and he referred to the assessment against the criteria noted in the report.

It was considered that the proposal was acceptable and that it would not have a detrimental impact on the landscape, amenities of local residents and road safety.

- (b) Taking advantage of the right to speak, the applicant noted the following main points:
- That the proposal was a diversification scheme with a shift to smaller-scale farming of livestock and the provision of specialist camping accommodation for tourists;
  - That the tents would be removed in the winter;
  - The proposal would create work for him and others and would attract more visitors to the County.
- (c) The local member (not a member of this Planning Committee) noted the following main points:-
- That he did not object to the proposal and that he welcomed the development;
  - That the Community Council had raised concerns in terms of road safety but that such a development would not have an impact. There would be a need to reconsider the situation should a further application be received to increase numbers;
  - The applicant should be asked to discuss with the tenant to ensure that he had enough time to move his stock.

**Resolved: To approve in accordance with the following 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 6.**
4. **Restrict the season to between 1 March and 31 October.**
5. **A register to be maintained.**
6. **The tents and timber platforms either to be totally removed from the site or stored out of sight in the amenity building during the periods when the site is closed.**
7. **Landscaping conditions**
8. **Deliver the biodiversity recommendations.**

**11. Application Number C16/0507/20/LL - Offices of Menai Marina, Old Slate Quay, Y Felinheli**

Construction of two-storey extension to existing office to provide toilets, showers and more office space together with the construction of three retail units (A1) and extending the existing car park.

- (a) The Planning Manager elaborated on the background of the application, noting that the application had been deferred at the Committee held on 6 November 2017 in order to carry out a site visit. Some members had visited the site on 8 December 2017. She referred to the additional observations received from the applicant in response to the Committee's concerns, which included:
- The existing facilities (showers, toilets, office) were in a poor location too far away from the main hub of activities near the dock gates and too far from the outer

Menai basin. The proposal would significantly improve the service of the business.

- Currently, boats were removed from the water with a hired crane and were stored over winter on the car park. The company felt that this was not an ideal situation and detracted from the area's visual amenities and reduced the parking for customers. The development would ensure a better car park and boats would only be stored and removed from the water in the operational section of the dock near the existing boatyard workshop.
- The main aim of the development was to improve the marina's facilities and also to improve and reduce the impact of any marina activities on the area's residential amenities.

It was noted that the proposal was acceptable in principle and that the appearance of the development was acceptable in its entirety as a single development. It was considered that the impacts associated with the proposal were acceptable near residential houses, in particular considering the existing use of the land.

It was noted that the applicant did not have any objection to imposing a condition which prevented the car park from being used for the storage of boats. It was considered that imposing such a condition could offer improvements to the area as there was currently no control over the car park and the condition should reduce the need for boat-owners to park on the side of the road by keeping the car park for cars only.

The development was acceptable in terms of relevant local and national policies 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):
- Impact on parking and transport, problems in this area already and a crane would have difficulties to come and go;
  - That there was a need to consider the 87 houses that would be impacted by the development;
  - That there were ancillary facilities on the site already but that the previous owner had leased them. Accepted that new ancillary facilities would be more convenient but that they would add to the parking and transportation problems;
  - The application was an over-development of the site.
- (c) Proposed and seconded to approve the application.

A member noted that he was concerned in terms of the impact on nearby houses but having visited the site, he was of the opinion that the proposal was acceptable.

A member noted that the proposal would open up the site and imposing a condition to prevent boats from being stored on the car park would improve the current situation.

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

1. **Time**
2. **In accordance with the plans.**
3. **Retail Conditions.**
4. **NRW Conditions.**
5. **Shop opening hours and restrict delivery hours.**
6. **Bins storage details.**
7. **No storing of boats on the car park and retain the car park for marina users and the new retail units.**

**8. Materials and finishes****9. Slates.****10. Landscaping.****11. Erect the retail units at the same time or after erecting the extension to the existing office.****12. Application number C13/0217/22/MW - Penygroes Quarry, Cae Efa Lwyd Fawr, Ffordd Clynnog, Penygroes, Caernarfon**

Environment Act 1995. Application to determine conditions to re-commence the dormant sand and gravel site under planning permission 2250 dated 10 December, 1951 - field number 297, Cae Efa Lwyd, Penygroes

- (a) The Senior Planning Officer - Minerals and Waste reminded members that this application had been deferred at the meeting of the Committee on 27 November 2017 in order to hold discussions locally and receive additional information from the applicant.

It was noted that a public meeting had been held where the local member was present but nobody from the local community had been present. He stated that it had been explained at the meeting how officers had drawn up the conditions recommended, emphasising that these conditions were more descriptive and restrictive than those submitted by the applicant.

It was reported that the applicant had submitted more information and a summary had been included on the additional observations form. He drew attention to the fact that the applicant stated that the Vibrock company were experienced and that they provided specialist advice on noise and air quality in Britain and abroad. The information received referred to open-cast coal works and the 'Newcastle' study. He noted that the Institute of Air Quality Management acknowledged that the majority of mineral developments involved fewer dust-producing activities than an open-cast coal works.

It was emphasised that it was not possible for the Planning Committee to refuse the application and that this was a matter of deciding on new conditions in accordance with the Environment Act 1995 as the planning permission was valid until 2042. He noted that the work plan submitted either applied for a four-year period by using a new access or an eight-year period should the existing access be used. He explained that the plan favoured by the Council was the one with the new access and also the provision of a continuous acoustic bund on the eastern and southern side of the site. He elaborated on the Council's conditions which included restricting the level of excavation, noise monitoring, air quality and dust and restrict the hours of operation and other technical matters.

It was explained that the conditions proposed by the Council had been agreed between the Planning Authority and the Public Protection Unit. He added that if the application was refused, then the applicant's conditions would become operational.

- (b) The local member (not a Member of this Planning Committee), objected to the application, noting the following main points:-
- That there was fierce objection to the proposal of re-opening the site;
  - The quarry would be frightfully close to residential houses; that nearby houses were within 30 metres of the quarry. In accordance with existing requirements, a quarry would not be approved without being 100 metres away from houses;
  - That the applicant could make a further application to extend the period;
  - That public health standards were different to those that existed back in 1951;
  - That the conditions proposed did not sufficiently mitigate the impact;

- That the assessments were historical and general; inconsistent and misleading;
- In the context of dust, according to the World Health Organisation, there was no safe level in terms of particles entering the respiration system thus causing lung and heart disease;
- It had been resolved at the previous meeting to defer the application in order to receive further reports on dust matters; however, these had not been received and they would take time to produce;
- That there was a need to act in accordance with the five methods noted in the Well-being of Future Generations (Wales) Act 2015;
- She asked the Committee to refuse the conditions, that a Prohibition Order should be imposed and that the Welsh Government should be asked to consider the application.

(c) In response to the local member's observations, the officers noted as follows:

- They acknowledged the local strong feelings. Partially agreed in regards to the quality of the information submitted as part of the application and officers had challenged the content on three occasions. By now, it was considered that the impact was acceptable;
- That the legislation substantially restricted what the Committee could decide as there was extant planning permission already and that this was a decision on the conditions. There were two possible options:
  - Accept the conditions that had been the subject of discussions with NRW and the Public Protection Unit that included 42 in total - the conditions placed exceptional but reasonable restrictions on what could be done in the quarry. Including no processing on the site, only loading, no operating on weekends as well as noise and dust monitoring.
  - Refuse or defer the application - the applicant's conditions would become operational from 5 January 2018.
- That the four-year and eight-year work plans were acceptable but it was suggested that it should be restricted to four years as the work would end sooner;
- That Schedule 2 included a condition that only the new access could be used, prohibiting use of the existing access subject to the approval of the subsequent application on the agenda;
- In terms of a Prohibition Order prohibiting the resumption of mineral working, a Prohibition Order had been issued on five hard-rock sites on the Llŷn Peninsula coast in 2005 as the reserves of hard-rock were excessive. Since they had been put in place, the size of the land bank was down from over a millennium to a 30-year provision. There was collaboration in the field across North Wales and the situation in terms of permissions was under continuous monitoring. In the case of this site, the site owner had expressed an interest in working the site on many occasions so this site did not merit an order;
- That there was a legal test that had to be satisfied in terms of imposing a Prohibition Order, but as there was an intention to work the site, this was not an option.

(ch) It was proposed and seconded to accept the conditions in Schedule 2 of the report.

A member noted that he was uncomfortable to be a part of a decision that would approve a quarry so close to dwellings. He was concerned about the impact on tourism businesses in the area, the environmental impact and the impact on the welfare of residents. He noted that there was a duty to care for people. He enquired whether a third option was available to the Committee, namely to defer and consider the company's evidence in more detail and how the impact in terms of health could be mitigated.

In response to the above observations, the Senior Planning Service Manager noted that conditions were being proposed by the Council that would be monitored by the Public Protection Unit and that any other matters could be managed through statutory nuisance legislation.

The Environmental Health Officer noted:

- That officers had challenged the information in the application on many occasions;
- That strict conditions had been recommended and that additional matters in terms of dust and noise, should they arise, would be investigated under statutory nuisance legislation;
- That the Public Protection Unit were operating in accordance with the most current guidance of the Institute of Air Quality Management.

The Senior Solicitor noted that should the application be deferred in order to consider in more detail the evidence of the company and how the health impacts could be mitigated, then the applicant's conditions would become operational from 5 January 2018.

(d) During the ensuing discussion, the following main points were noted by members:

- That there was a need for sand and gravel but on the other hand, there was a negative side to it. The Transportation Unit were not very supportive to the application and Allt Goch was a dangerous road;
- Concern that the development was within 30 metres of a house;
- That the Council's conditions were stricter than those of the applicant; therefore, the situation would be better should the Council's conditions be accepted, otherwise, the applicant's conditions would become operational;
- Would objectors be able to challenge this type of decision through a procedure such as a Judicial Review?
- That the site needed to be monitored and that there was a duty to protect the public;
- The Committee had no choice but to accept the Council's conditions as it was the best option for the people of the area;
- That there was a need to ensure that the lorries transporting from the site would be covered;
- That the Council's conditions were strict therefore they would work in favour of the residents provided they were accurately monitored. Air quality should be monitored more regularly than every 6 months as noted in the conditions;
- That there was a need to collaborate and that it was important to establish a Liaison Group;
- That evidence was needed of the monitoring work carried out by independent people and a right to return the application. Could quarry activities be prevented if they acted contrary to conditions?
- That a baseline needed to be established now prior to the commencement of the work in order to compare noise levels and the level of particulates;
- Committee members were asked to accept a report on the monitoring arrangements.

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

- That the observations of the Transportation Unit responded to the original proposals. The subsequent application on the agenda related to the provision of a new access to the development. Attention was drawn to the fact that the Transportation Unit supported the new access and to the use of Allt Goch;
- That it would be a matter for any interested party to challenge this type of decision if they were of the view that there were grounds to do so;

- That it was an option to establish a Liaison Group that would act as a formal forum to monitor the site with the operator, local member, officers and community representatives as members. The applicant was willing to discuss such an arrangement. Establishing a Liaison Group would be a voluntary act and it could not be conditioned, the applicant could be advised to establish a Liaison Group that would be administered by the Council;
- A condition was recommended that the applicant drew up a plan in response to any complaint received within 6 months;
- There was no right to prevent activities in quarries. The site would be monitored regularly. Operators responded quickly to matters that were brought to their attention. If the operators did not respond when their attention was drawn to any action that was in breach of conditions, enforcement steps could be taken;
- That operators were required to comply with conditions, and that they would be prosecuted if they failed to do so;
- That a level had been received from the applicant and that the level of background noise could be monitored. In addition, the equipment of the Public Protection Unit could be installed in properties in order to obtain measurements in relation to air quality and nuisance.

**Resolved:**

- (i) **That the planning authority is of the opinion that the two scenarios including the four-year work plan and eight-year plan are acceptable, subject to the appropriate regulations imposed under the amended schedule of planning conditions. The four-year plan of working along with an output restriction of 100,000 tonnes per annum is the best option, subject to a favourable outcome to the application for a new access under planning reference C17/0455/22/LL. Bearing in mind that a new and bespoke access would direct heavy traffic away from Ffordd Clynnog and ensure the implementation of the Alternative Scheme as noted on the application plans, it is possible that a more effective mitigation plan will be implemented.**
- (ii) **To authorise the Senior Manager, Planning, Environment and Public Protection Services to determine the conditions in Schedule 2 of the report under the delegation plan.**
- **Permitted Operations & Compliance with the Submitted Details/Plans**
  - **Length of Working (Four years, 100,000tpa),**
  - **Restriction on permitted development rights, buildings, structures, private roads, floodlights and fences,**
  - **Mitigation for local biodiversity, Badgers, breeding birds and reptiles,**
  - **Working hours,**
  - **No work on Saturdays, Sundays or Bank Holidays or Public Holidays,**
  - **Soil treatment and husbandry**
  - **Drainage, measures to prevent polluting local water courses,**
  - **Restoration to mixed agricultural and nature conservation use,**
  - **Field boundary restoration,**
  - **Archaeological mitigation and recording,**
  - **After-care measures for agricultural use and biodiversity management,**
  - **Dust controls and noise limitations, machines on the working face to be fitted with white noise alarms.**
- (iii) **To ask the applicant to establish a Liaison Group as soon as possible.**
- (iv) **That Committee members receive a report on the monitoring arrangements.**



**13. Application number C17/0455/22/LL - Cae Efa Lwyd, Ffordd Clynnog, Penygroes, Caernarfon**

Creation of vehicular access to the Cae Efa Lwyd sand and gravel pit from the Class 3 County road at Allt Goch with ancillary engineering work.

- (a) The Senior Minerals and Waste Planning Officer elaborated on the background of the application, noting that the existing access on the site opened out to the Ffordd Clynnog unclassified road. He explained that the Transportation Unit did not support using this access.

It was explained that this application proposed a new vehicular access that would lead directly to the quarry. The work on the quarry would be for a period of four years and 100,000 tonnes a year with plans to restore the access as agricultural land when the work ended.

It was confirmed that the Transportation Unit supported the proposal and that it was likely that the order on the road would need to be amended by means of the Highways Act. This was to be discussed and agreed between the applicant and the Transportation Unit.

It was noted that the new access would now be further away from the residents of Ffordd Clynnog and would ensure an access that would not come out onto an unacceptable narrow road.

The development was acceptable in terms of relevant local and national policies for the reasons noted in the report.

- (b) Taking advantage of the right to speak, an objector noted the following main points:
- NO to the New Access;
  - That the proposed access was on a dangerous bend and that a site visit should be carried out;
  - That the Committee was entitled to refuse the application and the residents' way of life would be safe should the application be refused.
- (c) Taking advantage of the right to speak, the applicant's representative noted the following main points:-
- That the existing access could continue to be used but that the applicant had taken local concerns into consideration and had submitted this application for a new access;
  - That the applicant was doing their best to re-open the quarry under the best possible conditions.
- (ch) The local member (not a member of this Planning Committee), objected, noting the following main points:
- There would be up to 20 lorry movements a day from the access and it would disperse dust;
  - That the proposal on the site was oppressive and undermined local amenities;
  - That local residents were working to beautify the area to promote people's pride in their community and that such a development undermined the work and defaced the area;
  - The need to consider the heading 'Management of Growth and Development' in the LDP;
  - The need to act in accordance with Ffordd Gwynedd;
  - According to the United Nations, people were entitled to a peaceful home without

disruption and there may well be a requirement on public authorities to take steps to reduce noise and pollution;

- The heavy traffic would be dangerous and a source of substantial pollution and would cause a nuisance;
- The Committee was asked to refuse the application in order to give the residents time to seek legal advice.

(d) In response to the observations of the local member, the Senior Solicitor noted that an access already existed under the original permission and that it was likely that the applicant would use it should the application be refused. More impact would derive from the existing access than the new access.

(dd) Proposed and seconded to approve the application.

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

- That the existing access was narrow, could it be widened?
- Would it be possible to amend the condition which restricted the use of the access by removing the right to use it between 08:00 and 12:00 on Saturdays, in fairness to the residents?
- Would be voting against the recommendation due to the impact on the amenities of residents and concerns about road safety;
- The new access would be further away from the nearest house, therefore it was an improvement.

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

- That the access exited onto an unclassified road, therefore, a development right existed. The existing access was acceptable for vehicles;
- The condition which restricted the use of the access could be amended. It was explained that there would be no transporting movements on Saturday mornings, only movements to enter the site for the maintenance of machinery;
- The Transportation Unit had no objection to the proposal in relation to road safety.

**Resolved: To authorise the Senior Planning and Public Protection Service Manager to approve the application subject to a range of conditions as follows, and, where noted, to the submission of specific information in accordance with the conditions prior to the commencement of the development:**

- **Commencement within five years.**
- **Permitted operations and compliance with submitted Details / Plans;**
- **Length of the working period,**
- **Mitigation measures for local biodiversity, Badgers,**
- **Development ancillary to the use made of the land as a mine,**
- **Soil treatment and husbandry,**
- **Drainage, measures to prevent polluting local water courses,**
- **Restoration and after-care plan to be submitted prior to commencing use of the site for agricultural use and restore the field boundaries (hedges and *cloddiau*),**
- **Archaeological mitigation and recording,**
- **Use of the access restricted to 08:00 to 18:00 Monday to Friday and not at all on Saturdays, Sundays or Bank Holidays,**
- **Details of the wheel washing facilities to be approved by the minerals planning authority, noting the location, design, specification and controls to ensure that they are used correctly,**
- **Note to applicant on highway requirements, the Badgers Act 1992 and NRW statutory advice to prevent the local water environment from being**

**polluted.**

**14. Application Number C17/1024/29/LL - The Shanty, Pen Bennar, Abersoch, Pwllheli**

Demolition of house to be replaced with a three-storey house

- (a) The Planning Manager elaborated on the background of the application, noting that the application was a re-submission of an application refused by the Committee on 25 September 2017. She noted that the applicant stated that the proposal had been amended by reducing the size of the proposed house in response to concerns raised by the Committee and the refusal reasons of the previous application.

It was noted that the site was located on Abersoch headland, within the village's development boundary and within the Llŷn Area of Outstanding Natural Beauty (AONB).

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

It was explained that local and national policies supported re-using previously used land for developments, rather than using green land. The proposal was in accordance with policy TAI 13 of the LDP which related specifically to the demolition and erection of a new house within a village boundary.

It was noted that it was considered that the design of the house, particularly the sea-facing elevation, would be in-keeping with the site as it followed the shape, setting and profile of the site and the use of materials created a light design. It was noted that the AONB Unit did not object to the proposal on these grounds.

It was reported that a number of objections received noted that they felt that the proposal did not suit the area and it was felt that these objections had been submitted as the design was different to other properties in the area. This in itself did not mean that the proposal had a harmful impact on the area's character.

It was considered that the proposal was suitable to the location and context and that it would not have a detrimental effect on the AONB. Also, due to the location against the built background of Abersoch, it was not considered that the proposal would significantly harm the views in and out of the AONB.

It was noted that it was considered that the design and density on the site was acceptable and that the proposal was in line with relevant policies.

A recommendation was made for the Committee to approve the application with the conditions noted in the report as well as an additional condition regarding working hours and a Construction Management Plan in order to protect the amenities of local residents.

- (b) Taking advantage of the right to speak, the applicant's agent noted the following main points:
- That the applicant, rather than submitting an appeal on the previously refused application, had amended the proposal in order to reach a compromise in terms of the concerns raised;
  - That the size of the house had been reduced by 25% with a reduction of 1.5m in the width of the house, 3.5m in the depth of the house and 1m in the height of the house. This would ensure that the house did not disrupt the views from the Coastal Path behind the site;
  - That the photographs submitted showed that the development would not be seen from the direction of Lôn Pont Morgan;
  - That the house would accommodate 25% of the site, with the rest of the site

available for effective landscaping. There were much larger houses in the area (approximately 60% of the site) with less land available for landscaping;

- That the site was within the AONB but it was important to bear in mind that it was within the development boundary.

(c) The local member (not a member of this Planning Committee) objected to the application, noting the following main points:-

- Local concern that the proposal was an over-development and that it would not suit the site;
- Despite the changes made to the original plans, the house continued to be three-storeys and larger than the footprint of the original house;
- The proposal would have an adverse impact on the AONB. The concern of the Llŷn AONB Joint Advisory Committee in terms of the footprint that was much larger than the original and the cumulative impact of such developments in the AONB;
- Did not agree with the conclusions of the officers that the proposal satisfied the requirements of Policies PCYFF 3 and PCYFF 4 of the LDP;
- Astonishment that there was no reference made to the observations of the Joint Advisory Committee and that there had been no further consultation regarding the changes;
- He asked the Committee to defer the application to give the Joint Advisory Committee an opportunity to submit observations on the application;
- If the application was not deferred, he asked the Committee to refuse the application based on over-development and the negative impact on the AONB.

In response to the observations of the local member, the Senior Planning Service Manager noted that the previous application had been refused on the grounds of an over-development of the site, but reducing the bulk of the development reduced the visual impact. He highlighted the observations of the AONB Unit "It is believed that the materials on the whole are suitable to the site and that the combination of them, and the green roof, will assist the development to be in keeping with the site without affecting the AONB."

(ch) It was proposed to defer the application in order to give the Llŷn AONB Joint Advisory Committee an opportunity to submit observations on the application. It was noted, considering that the main reason for refusing the previous application had been the observations of the Joint Advisory Committee, that they should be given an opportunity to consider the application.

The proposal was seconded.

**Resolved: to defer the application to give the Llŷn AONB Joint Advisory Committee an opportunity to submit observations on the application.**

#### **15. Application Number C17/0845/40/LL - Field O.S. 7666 and 7157 Llwyn Hudol, Pwllheli**

Part-retrospective application for the retention of an agricultural track and erection of a new agricultural building.

(a) The Planning Manager elaborated on the background of the application and noted that on the grounds of the plans submitted as part of the application that it was considered that the principle of erecting an agricultural shed of this size and on this site was acceptable.

It was noted that the track and proposed building were located within an area and

landscape of dispersed buildings. It was not considered that the proposed building, and existing track, would be prominent within the landscape where there was already an array of buildings and tracks/roads. Considering the size and small scale of the development, the development would not appear too oppressive in its context.

The development was acceptable in terms of relevant local and national policies for the reasons noted in the report.

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

A member noted that the local member was unable to be present at the meeting but that he was concerned that a further application to build houses on the site would be received. He added that he questioned the location of the agricultural shed in the far end of the field, thus creating a scar on the landscape by creating a track.

The Chair noted that the committee had to deal with the application as submitted.

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

1. To develop in accordance with the plans.
2. A condition to confirm a dark green colour for the agricultural shed or a similar colour to be agreed in writing with the Local Planning Authority.
3. Condition to use the building for agricultural use only.

**16. Application number C17/0565/41/LL - Land near Bro Siôn Wyn, Chwilog**

**The Vice-chair chaired the above application as the Chair had declared a personal interest and had left the Chamber.**

An application to erect an open market two-storey dwelling.

- (a) The Planning Manager elaborated on the background of the application, noting that it had not been possible to discuss this application at the Committee meeting on 27 November 2017 due to the lack of quorum. She reminded members that the application had been deferred at the Committee meeting held on 6 November 2017 in order to carry out a site visit. Some members had visited the site on 27 November 2017.

It was noted that the proposal involved the erection of a new house on land within the development boundary and within a residential area in the village of Chwilog. It was considered that the proposal complied in principle with the policy requirements and it was not considered that the proposal caused harm to the amenities of the local neighbourhood.

The development was acceptable in terms of relevant local and national policies for the reasons noted in the report.

- (b) The local member (not a member of this Planning Committee) noted the following main points:
- That he had made enquiries with CCG a few years ago in relation to providing parking spaces for the residents of Bro Sion Wyn, but that they had said no. Parking issues existed on the estate and the development would not help the situation;
  - That the report noted that the proposal satisfied the requirements of Policy TRA2 and TRA4 of the LDP which related to parking and transportation. Drew attention to the fact that reference was only made here to the application site and not to the parking problems in the nearby area;
  - The house would be a mask and would affect the amenities of nearby residents.

- The house would only be located 17 metres away from the adjacent houses;
- Referred to policy ISA4 of the LDP, noting that it would be a shame to lose an open space;
- That paragraph 5.10 of the report disregarded objections in relation to amenities but that he asked the Committee to consider them and refuse the application.

(c) It was proposed and seconded to refuse the application. The proposer noted that the application should be refused as the proposal would result in the loss of green space/allotments, over-looking, no need for another house as so many were available in Chwilog and that it would be an over-development of the site.

In response to the above observations, the officers noted:

- That it would be very difficult to defend a refusal on appeal on the grounds that there was no need for housing in the area;
- That concerns regarding the impact on residential amenities was a reason that could be used to refuse the application; however, the recommendation submitted was sound;
- The green space was not protected in any way or protected for use as allotments;
- In terms of over-looking, the distance from window to window guidance was approximately 22 metres, there were approximately 17 metres between the house and the adjacent houses but there was no window on the relevant elevation of the proposed house;
- That the report responded to concerns in terms of over-development, it was emphasised that only one house was under consideration.

A member noted that she could not understand why CCG was applying for an open market house, rather than applying for an affordable house. She added that two smaller two-storeys or single-storey houses would make better use of the site as the proposed houses would look out of place considering the houses in the vicinity.

In response, the Senior Solicitor noted that he understood the concern; however, it was irrelevant to the application before the committee. He explained that no applicant would be required to provide an affordable house, this was an application for one house within the development boundary. He emphasised that matters in connection with CCG should be discussed at another forum.

The Planning Manager noted that the application site was a relatively large plot and that this needed to be taken into account when considering whether the proposal was an over-development of the site. She drew attention to the fact that the design complemented the houses on the road leading towards Pandy Garage and that the proposed house would suit its location and that it was of a good quality of design.

**Resolved: to refuse the application:**

**Reason:**

**An over-development of the site thus affecting the amenities of nearby residents**

The meeting commenced at 10.30am and concluded at 4.50pm.

---

**CHAIR**