
PLANNING COMMITTEE 17/12/18

Present: Councillor Elwyn Edwards – Chair

Councillors: Stephen Churchman, Louise Hughes, Berwyn Parry Jones, Eric M. Jones, Dilwyn Lloyd, Edgar Wyn Owen, Cemlyn Williams, Eirwyn Williams, Gruffydd Williams and Owain Williams.

Others invited: Councillors Elin Walker Jones, Aeron Maldwyn Jones and Elfed Williams (Local Members).

Also in attendance: Gareth Jones (Senior Planning Manager), Cara Owen (Planning Manager), John Idwal Williams (Senior Development Control Officer), Dafydd Gareth Jones (Senior Minerals and Waste Planning Officer), Rhun ap Gareth (Senior Solicitor), Gareth Roberts (Development Control Senior Engineer) and Lowri Haf Evans (Member Support Officer).

Apologies: Councillors Anne Lloyd Jones, Huw G. Wyn Jones and Catrin Wager

1. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

(a) The following members declared a personal interest in the following items for the reasons noted:

- Councillor Berwyn Parry Jones in item 5.3 (planning application number C14/0386/24/LL) and 5.7 (application C18/0941/14/MG) on the agenda as he was a member of the Board of Cartrefi Cymunedol Gwynedd.
- Councillor Eirwyn Williams in relation to item 5.6 on the agenda, (planning application number C18/0871/35/LL) as the applicant was a close relative of his.
- Councillor Stephen Churchman in item 5.7 on the agenda, (planning application C18/0941/14/MG), because during the time of forming the plan, he was a member of the Board of Cartrefi Cymunedol Gwynedd. He felt that he had been part of these discussions, and therefore declared an interest.

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

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

- Councillor Elin Walker Jones (not a member of this Planning Committee) in relation to item 5.1 on the agenda (planning application number C18/0874/11/LL).
- Councillor Elfed Williams (not a member of this Planning Committee), in item 5.2 on the agenda (planning application number C18/0640/18/LL);
- Councillor Aeron Maldwyn Jones (not a member of this Planning Committee) in item 5.3 on the agenda (planning application number C14/0386/24/LL).
- Councillor Cemlyn Williams, (a member of this Planning Committee), in relation to item 5.4 on the agenda (planning application number C17/0958/14/LL).
- Councillor Eirwyn Williams (a member of this Planning Committee) in relation to item 5.6 on the agenda (planning application number C18/0871/35/LL)

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

2. MINUTES

The Chair signed the minutes of the previous meeting of this Committee, that took place on 5 November 2018, as a true record.

3. PLANNING APPLICATIONS

The Committee considered the following applications for development. Details of the applications were expanded upon and questions were answered in relation to the plans and policy aspects.

RESOLVED

1. Application Number C18/0874/11/LL – 49, TREM ELIDIR, BANGOR, GWYNEDD

Change of use of a house (C3 use class) to a house in multiple occupation (C4 use class).

Attention was drawn to the additional observations.

The Members had visited the site.

- (a) The Planning Manager elaborated on the background to the application, reminding members that a decision had been made at the Committee meeting on 26 November to defer the decision in order to conduct a site visit. It was highlighted that the information was as submitted at the previous meeting. The members were reminded that Policy TAI 9 of the Joint Local Development Plan supports the principle of converting existing buildings into houses in multiple occupation within the development boundaries subject to meeting four associated criteria.

It was considered that the proposed use was acceptable and would not impair the area's character and would not cause unacceptable harm to amenities.

- (b) Exercising his right to speak, the Local Member noted the following main points:
- It was a family home - a former Council house and was unsuitable as a house in multiple occupation
 - Objected based on overdevelopment
 - An intention to create five bedrooms - no lounge, one small kitchen to prepare food, and two small bathrooms. Created a very confined situation - why squeeze five people into one house?
 - A number of student houses / accommodation were half empty around Bangor
 - Anticipated an increase in waste
 - Anticipated parking problems - there was no specific parking. It would be required to park on the street
 - That approving a third house in multiple occupation would go beyond the 10% threshold on the street
 - The city must be protected from approving houses in multiple occupation so that they would not spread everywhere.
 - The maps attached to the application were not up-to-date
- (c) It was proposed and seconded to refuse the application on the grounds of over-development and lack of parking spaces
- (ch) During the ensuing discussion, the following observations were made by Members:
- That there were historical warnings from former Councillors that family homes were converted into houses of multiple occupation in Bangor
 - That statistics showed that student numbers were falling
 - That houses in multiple occupation / properties to let were spreading to community centres
 - The parking situation did not reflect the reality of the situation during the site visit. A suggestion that the situation would be very different at night or over the weekend. It must be considered that it would be possible to get five additional cars here

- That a ward with 'two half', as such, could set a precedent for similar applications to accumulate in the same half
 - That student housing was quickly spreading across the city. Accepted that thresholds were important, but it appeared that they had a negative impact on local residents.
 - That site visits needed to be held at the busiest times
- (d) In response to a question regarding the likely impact of refusing the application, contrary to the recommendation, and the risk of costs for the Council, the Senior Planning Manager highlighted that the recommendation to approve was firm, that there was good management of the use of houses in multiple occupation and that a 10% threshold was imposed on a ward rather than a specific street. He accepted that there were parking concerns, but he highlighted that the Transportation Unit had not stated an objection to the application and it would be difficult to testify against the decision of the Unit. It was explained that if the decision was to refuse, limiting the reasons for refusal would be useful and it was suggested further that the Members could possibly consider refusing on the grounds of over-development and the impact this would have on the house next door.
- (e) In response to the parking concerns, the Senior Development Control Officer highlighted that it would be required for the house, as a family home, to have two parking spaces. By changing a house into a house in multiple occupation for five adults, the requirement would be 0.5 - 1 car for each bedroom. He emphasised that everyone parked on both sides of the street as there was insufficient parking space within the curtilage of the houses. He added that Bangor was a central location with public services and a good network of footpaths and cycle tracks. It would be difficult to witness whether the vehicles of this house would impact the house next door.
- (f) In response to a question regarding the 10% threshold and whether this was consistent for each area, it was noted that this was different for each area. By setting thresholds, the intention was to protect the area so that houses in multiple occupation would not spread. He added that some areas in Bangor had higher thresholds.
- (g) In response to an observation regarding an excess of student housing, the Planning Manager noted that it was a presumption that it was students who lived in houses in multiple occupation. These buildings were not limited to students only - other people also used them.
- (h) The Solicitor reminded everyone that if the Committee refused the application on the grounds of parking, firm evidence to contradict what the Transportation Unit has noted would be required. Refusing on the grounds of threshold would lead to misusing policy. Refusing on the grounds of the two matters above would put the Council in a situation of being open to costs.

RESOLVED unanimously to refuse the application on the grounds that it would be an over-development of the house which would have an impact on the amenities of nearby property.

2. Application Number C18/0640/18/LL – THE BULL INN, HIGH STREET, DEINIOLEN

Change of use of vacant public house into holiday accommodation

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

The Members had visited the site.

It was noted that the applicant had submitted an appeal due to a lack of decision.

- (a) The Planning Manager elaborated on the background to the application, reminding members that a decision had been made at the Committee meeting on 26 November to defer the decision in order to conduct a site visit. It was noted that the application was to convert the derelict The Bull Inn public house located on the High Street in Deiniolen into self-serviced holiday accommodation with eight bedrooms. This involved a considerable change to the internal layout of the building but there would not be a significant change to the external appearance.

It was explained that the public house had been closed since 2016 and had been for sale for over a year. Reference was made to policy TWR 2 which supported the development of permanent holiday accommodation by converting existing buildings provided that proposals were of high quality in terms of design, appearance and setting. It was considered that the application was of high quality and was in accordance with policy requirements.

It was highlighted that the Transportation Unit had not noted any objection to the proposal but an objection was received alleging that there was a lack of local parking spaces. In considering the authorised use of the building as a public house, it was not deemed that this development would be likely to cause substantially worse difficulties than the situation as a public house or flats.

It was explained that in cases like this, the former use of the site needed to be considered, and the likely increase as a result of the new proposal. Here, the previous situation was a public house of a substantial size and a four bedroom home above, centrally located within a village. The proposal increased the number of bedrooms but removed the 'public house' element and it was presumed that there were sufficient opportunities for visitors to park on the streets and in local car parks if they were visiting the site in a vehicle. It was suggested that there would be less 'coming and going' with holiday accommodation and there would be less disturbance.

It was noted that a business plan had been submitted with the application, and that observations of the Council's Tourism Unit had been received which confirmed that there was a demand for good quality self-catering units for groups in the county. It was added that, according to the latest figures, there is 1.75% of self-service holiday accommodation in the ward, which confirmed that there was not an excess of this type of holiday accommodation in the area.

- (b) Exercising his right to speak, the Local Member noted the following main points:
- That there were insufficient parking spaces in this cumulative area
 - Many residents already complained about the lack of parking spaces
 - 20 additional cars would increase these concerns
- (c) It was proposed and seconded to refuse the application due to a lack of parking spaces. It was noted that it was unreasonable to compare the use of a public house with holiday accommodation use.
- (ch) The Senior Development Control Engineer noted that there was a need to keep the number of likely cars in perspective. He highlighted that the situation had been measured as one bedroom equating to one vehicle. At worst, eight additional vehicles would be considered (and not 20). This would be acceptable for the area and it would not have a detrimental impact on the village.
- (d) In further response to the proposal of objecting due to parking reasons, the Senior Planning Manager noted that the situation was not likely to be worse than the use of the building as a public house.
- (dd) During the ensuing discussion, the following main observations were noted by members:

- What other use was there for the Bull? It appeared that there was no use for it as a public house and that the building was too large for a business. It could be an investment for the village and could contribute to the local economy
- There was no desire to see the building deteriorating any further and viewing it as an eyesore in the village centre. It would be sad to see it vacant in another 10 years.
- The proposal was a fair investment.
- If it was a proposal to convert the building into houses/flats, the parking concerns would be the same
- The proposal was an opportunity to support other businesses in the village
- That the voice of the community should be listened to, and their concerns about parking should be taken seriously
- An impact assessment should be carried out of the parking situation in the village

(e) A vote was taken on the proposal to refuse the application

Following the Chair's casting vote, the proposal fell.

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

RESOLVED to approve the application

Conditions:

1. **Five years**
2. **Work in accordance with the plans**
3. **Holiday use only condition**
4. **Welsh Water Condition**

3. Application number C14/0386/24/LL – LAND TO REAR OF TAN Y CELYN, SŴN Y MÔR AND TALARDD, LLANWNDA

Renewal of planning application number C08A/0568/24/LL and C09A/0532/24/LL for the erection of 24 dwellings, to include 12 affordable houses, alterations to the existing entrance and the creation of estate roads (amended plan to what was originally submitted).

It was emphasised that the agent of the objectors had been struck ill and therefore, it was proposed to defer the application. It was also suggested that a site visit would be of advantage.

RESOLVED to defer and put the application on the agenda for the Committee on 14.1.19 and arrange a site visit.

4. Application Number C17/0958/14/LL, CWM CADNAT VALLEY, LLANBERIS ROAD, CAERNARFON

Replace 32 touring caravan and 68 tent pitches with 26 holiday chalets to be used for 12 months a year

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

(a) The Senior Development Control Manager elaborated on the background of the application, noting that the lower part of the site on both sides of Cadnant River was located within a C2 flood zone. Although the requirements of the application complied with policies TWR 3 and TWR 4 of the Local Development Plan, and that the development was acceptable based on the policy requirements, the other elements of the application did not mean that the overall development was appropriate on the whole, based on other relevant policy requirements and planning orders.

As the number of holiday units were located in the lower part of the site, within and exactly opposite the flood zone, the advice contained in TAN15, the requirements of Policy PS6 of the LDP and the outcomes of recent appeals clearly state that applications for developments identified as developments that are *vulnerable to harm* (including holiday use units/accommodation/caravans) should not be permitted if they are located within a C2 Flood Zone.

In addition to this restriction, there were concerns about the suitability of the escape route from the lower part of the site, if the Cadnant River overflowed. In this respect it was not considered that the proposal as submitted was acceptable based on the requirements of Policy PS6 of the LDP and the advice contained in TAN15.

- (b) Exercising his right to speak, the Local Member noted the following main points:
- The site was screened well
 - If the application was approved, firm conditions would need to be added not to permit the units to be used as permanent residences.
 - That he refused the proposal in accordance with the recommendation
- (c) It was proposed and seconded to refuse the application.

RESOLVED to refuse the application

1. **The proposed development is contrary to the requirements of Policy PS6 of the Gwynedd and Anglesey Joint Local Development Plan (2017) along with Technical Advice Note 15 Development and Flood Risk, as the proposal involves locating a development that is open to harm within a C2 Flood Zone.**
 2. **The development is contrary to the requirements of Policy PS1 of the Gwynedd and Anglesey Joint Local Development Plan (2017) because a Welsh Language Statement was not submitted with the application and, therefore, the Local Planning Authority was unable to assess the impact of the development on the Welsh language.**
 3. **The development is contrary to the requirements of Policy AMG5 of the Gwynedd and Anglesey Joint Local Development Plan (2017) because a Trees Assessment or an Ecological Impact Assessment were not submitted and, therefore, the Local Planning Authority was unable to assess the impact of the development on local biodiversity.**
5. **Application No. C18/0853/22/LL - CHWAREL Tŷ MAWR WEST, TALYSARN, CAERNARFON, GWYNEDD**

Application under Section 73 to vary condition 10 on permission number C18/0489/22/LL to operate an output of 300 tonnes per day

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

- (a) The Senior Manager for Minerals and Waste expanded on the background of the application, noting that the application was for varying condition 10 of permission number C18/0489/22/LL so that an output of 300 metric tonnes could be operated per day without being subject to restrictions on the annual output of 30,000 metric tonnes, 15 loads per day, It was highlighted that no objections had been received by Natural Resources Wales, the National Park, the Transportation Unit or Public Protection, and that three letters of support had been received.

It was added that the business offered jobs locally and that no complaints had been received for many years about the management of the site. It was noted that many quarries had

closed in the area and, therefore, in the context of transportation, no concerns had been highlighted as the amount of coming and going had reduced over the years.

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

An observation was made that the quarry was a 'clean quarry', that was run very effectively by two brothers

RESOLVED - To authorise the Senior Planning and Public Protection Service Manager to approve the application subject to a range of conditions as follows:

- **Length of the working period, 19 November 2028, final restoration by 31 November 2030**
- **Permitted activities and compliance with submitted Details / Plans C09A/0046/22/MW;**
- **Working Hours 07.30 - 17.00 Monday to Friday and 08.30 - 13.00 Saturday**
- **Only slate and other mineral waste are permitted to be removed, and not material that is below the original land level**
- **No more than 20,000 metric tonnes of imported material is permitted to be stored at any time, and in accordance with the existing mineral permission to be used in restoration work**
- **Use the delivery track and the site office for the development's purposes only**
- **Mark the boundary of the mining site**
- **Import and restrictions as they stand at present**
- **An output of 300 metric tonnes per day without being subject to a general restriction of 30,000 metric tonnes per annum**
- **Method of working**
- **Access as it is**
- **Restoration, scheme of tree planting and habitat creation**
- **Noise management, amend the wording to reflect modern standards and set alarms that override white noise**
- **Control of fugitive dust, as already takes place**
- **5-yearly review of operations**
- **Restriction on permitted development rights**
- **Mitigation measures for bats (keep the hollow-ways open)**
- **Archaeological mitigation**
- **Vegetation not to be removed from specific areas between April and August**
- **Soils and storage of restoration materials**
- **Note to the applicant with the response of NRW's consultation is attached**
- **Note to applicant in respect of PROW 15 (Llanllyfni)**
- **Note to applicant in respect of the Well-being of Future Generations (Wales) Act 2015**

6. APPLICATION NUMBER C18/0871/35/LL - EIRIANNEDD, RHOS BACH, CRICIETH

Change of use of annexe to holiday accommodation

Attention was drawn to the additional observations that had been received. It was explained that the applicant has submitted a business plan, an amended floor plan and a letter to support the application. The Joint Planning Policy Unit confirmed that the business plan in its current form did not achieve the necessary requirements of the policy.

- (a) The Senior Development Control Officer elaborated on the background of the application and noted that the site was located within a residential housing estate known as Rhos

Bach, within the development boundary of Cricieth. It was explained that the site consisted of a two-storey residential property with an external single-storey pitch-roofed building within the curtilage that was used as a games room/annexe. It was highlighted that it was proposed to convert the existing building, which would involve making exterior modifications, including closing off the existing doorway and opening new windows and doors.

Policy TWR 2 permitted the conversion of outbuildings to holiday accommodation provided that the development was of a high quality in terms of design, setting and appearance, and if all the criteria could be met. Attention was drawn to criterion (iv) specifically, which noted 'that the development is not located in a mainly residential area, and does not cause significant harm to the residential character of the area'. Since the site was located within the curtilage of an existing residential dwelling within a housing estate and within the boundaries of the village of Cricieth and its development boundary, it was considered that the proposal did not comply with the above point as it was not considered that the proposal was of high standard in terms of location. In addition, it was considered that using this building within the curtilage as a separate unit would mean that the scale of the development was unacceptable and that both properties would have an unacceptable impact on each other's amenities.

- b) Exercising his right to speak, the applicant noted the following points:
- The proposal was an addition to the family income in order to permit time to care for the children
 - That Cricieth was a desirable holiday destination
 - That the annexe responded to the demand for one bedroom holiday accommodation in a good location within the village
 - It offered two parking spaces and good facilities
 - The house and the location of the annexe seemed unfinished as it was
 - Neighbours wanted to see the annexe after it was completed and tidied.
- (c) It was proposed and seconded to approve the application.
- (ch) An amendment to the proposal was proposed and seconded and for a site visit to be arranged.

RESOLVED to arrange a site visit.

7. APPLICATION NUMBER C18/0941/14/MG - THE FORMER YSGOL YR HENDRE SITE, CAERNARFON, GWYNEDD

Reserved matters application to construct 45 dwellings (including 23 affordable houses) together with the creation of a new access, upgrading the existing access, provision of public amenity spaces, parking spaces and landscaping

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

- a) The Senior Development Control Officer elaborated on the background of the application, reporting that an outline application had been approved in January 2017, along with a condition requesting a plan to provide affordable houses as part of the development. It was added that the affordable housing would meet the Wales Development Quality Requirement standard (DQR standards), varying from three person 2-bedroom houses to seven person 4-bedroom houses, scattered throughout the development. It was noted that the application site was located within an established residential area and within the Caernarfon development boundary as included in the Gwynedd Unitary Development Plan (GUDP).

The main considerations of this application was the acceptability of reserved matters under the previous outline application involving the external appearances of the houses, landscaping, plan and scale. It was explained that the principle of locating houses on this particular site had already been accepted and established given outline application no. C16/0773/14/AM. It was highlighted that the details submitted with this application showed that there would be a variety of different materials used for the external appearances of the houses, which reflected the appearances and finishes of nearby houses. It was not considered that the development would create structures that were inconsistent with the local streetscape.

In the context of general and residential amenities, it was noted that residential dwellings had been located to the north, south and west of the site but there would be no unacceptable direct overlooking into these houses. The objections submitted by local residents were received, but it was not considered that locating up to 45 houses would create an unacceptable impact for residential or general amenities of nearby residents on the grounds of creating disturbance, loss of privacy, loss of light and creating dominating structures and, therefore, the proposal was acceptable on the grounds of the requirements of Policy PCYFF 2 and PCYFF 3 of the Local Development Plan.

As part of the application, an Affordable Housing Statement was submitted with as a way of meeting the requirements of condition number 3 of the outline application relating to submitting details regarding the provision of affordable housing as part of the development. It was considered that the information in the report satisfied the needs of condition 3 of the permission regarding the numbers, type, tenure and location of the affordable housing permission.

- b) It was proposed and seconded to approve the application.
- c) In response to a question regarding the observations of the Town Council, that 'they supported the development on the condition that the 23 affordable housing would not be changed halfway through the plan'. It was noted that the application had already received permission and that these matters were irrelevant to the discussion. Nevertheless, it was added that should the application change, this would need to deal with at the time.
- ch) In response to an observation regarding the need for bungalows for the elderly, it was noted that the community's aspirations had been considered and that the plan for mixed dwellings was to be welcomed. It was understood that it was not possible to respond to each element, but that other needs had been prioritised.
- d) In response to a question regarding the capacity of the catchment area of Ysgol yr Hendre and concern about the support services, particularly education, it was noted confirmation of available capacity at the school had been received at the time of assessing the original application.

RESOLVED to approve the reserved matters application, and release conditions number 3, 5 and 11 of the outline permission, with the condition:

- 1. In accordance with the details and plans submitted with the application.**

The meeting commenced at 1.00pm and concluded at 2.30pm.

CHAIR