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## PLANNING COMMITTEE 10/06/19

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**Councillors:** Stephen Churchman, Elwyn Edwards (Chair), Louise Hughes, Simon Glyn, Anne Lloyd Jones, Berwyn Parry Jones, Eric M. Jones, Huw G. Wyn Jones, Edgar Wyn Owen, Gareth A. Roberts, Eirwyn Williams and Gruffydd Williams.

**Also in attendance:** Gareth Jones (Senior Planning Manager), Cara Owen (Planning Manager), Rhun ap Gareth (Senior Solicitor) and Lowri Haf Evans (Member Support Officer).

### 1. APOLOGIES:

Apologies were received from Councillors Elin Walker Jones, Dilwyn Lloyd and Owain Williams.

### 2. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

- (a) The Senior Solicitor declared a personal interest in item 5.1 on the agenda (planning application number C19/0014/19/LL), as a close relative of his lived opposite the site.

The officer was of the opinion that it was a prejudicial interest and he left the Chamber during the discussion on the application.

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

- Councillor Eric M. Jones (a member of this Planning Committee) in relation to item 5.4 on the agenda (planning application number C19/0355/17/LL)
- Councillor Peter Garlick (not a member of this Planning Committee) in relation to item 5.1 on the agenda (planning application number C19/0014/19/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.

### 3. URGENT ITEMS

None to note

### 4. MINUTES

The Chair signed the minutes of the previous meeting of this Committee, that took place on 20 May 2019, as a true record.

### 5. 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 C19/0014/19/LL – Land adjacent to Lôn Cefnwerthyd, Bontnewydd, Caernarfon, Gwynedd**

Full application to erect 29 residential units together with landscaping, car parking, create a new access and open public area.

Attention was drawn to the late observations form that had been received

- (a) The Planning Manager elaborated on the background of the application, and reminded the members that the application had been deferred in the committee meeting on 29.4.19 in order to receive more information / amended plans that would satisfy the Committee's concerns.

It was explained that the site was located within the development boundary of the village of Bontnewydd and was designated as a site for the construction of new housing in the Gwynedd and Anglesey Joint Local Development Plan (LDP). For information, permission had previously been given for the construction of 26 houses on the site, and it was considered that a material commencement of this consent had been made and this meant that it remained 'extant' and that a legal right existed to erect 26 new houses on the site. It was now a full application for 29 new houses.

The Planning Manager reported that all details of the application had been included in the report, but specific reference was made to responses to concerns that had been raised by the members during the previous Committee, as well as concerns that had been raised by the owner of the nearby house. Attention was also drawn to the late observations received. One of these concerns was the layout of plots 14, 15 and 16 with a request for the applicant to consider suitable amendments to this part of the site in order to minimise the detrimental impact on the amenities of the adjacent property (Tywyn), mainly due to overlooking. In response to these concerns, amended plans were received for the three proposed properties, and it was reported that the applicant had stated that he had discussed the amendments with the property owner. It was noted that the amended plans demonstrated the distances and the boundaries between the houses and the building of Tywyn and the line of sight stemming from the rear windows of plots 14, 15 and 16 toward Tywyn. The changes to the design of the houses on these plots that would reduce the number of openings on the first floor of the houses were highlighted and explained in order to overcome concerns. It was considered that these amendments would make the development more acceptable and that they addressed the neighbour and the Committee's concerns in terms of the impact on the amenities of the adjacent property.

It was noted that the planning officers had re-consulted with the neighbour regarding the amendments, and reference was made to his observations in the late observations form. It was highlighted that the neighbour was unsatisfied with the amendments, and was still expressing concerns with regard to overlooking. The officers were of the opinion that there were no reasonable grounds that could be considered to justify any further concerns about the unacceptable impact on the amenities of the adjacent property as a result of the amended design and setting of plots 14, 15 and 16 could be considered.

In response to local flooding concerns and the potential impact of the development on the neighbourhood, bearing in mind that the area had suffered from the effects of flooding in the past, thorough consideration was given to this element in order to assess any potential impact in full. It was noted that no part of the application site was within the flooding zone and therefore there was no requirement for a formal Flood Impact Assessment for the site itself in this case. Nevertheless, local residents had highlighted concerns regarding the impact of any additional water flowing in the area as it would ultimately lead into the Beuno river. It was added that it would be necessary to ensure, via information and specific control

measures, that the development would not affect local residents in terms of site drainage issues. Following discussions with the Principal Engineer of the Council's Drainage Unit, it was reported that storage space and a sufficient system to dispose of surface water would be constructed. It was confirmed that the development would not increase the risk of flooding downstream as long as it is constructed and maintained in full accordance with the agreed details.

In response to concerns raised by the Committee about the number of houses on the site, along with the mixture and density, further discussions were held with the Joint Planning Policy Unit and the Strategic Housing Unit. A response was received, confirming the existing need for affordable units in addition to the density and mixture of the development.

In response to a concern about the open space, it was reported that a meeting had been held between the developer and the Community Council to discuss potential options for the site. It was noted that the developer had since offered to install less obtrusive equipment on the site and would arrange for the site to be maintained through a management agreement. The Community Council supported the proposal and this was confirmed through a formal letter.

In addition, a plan was received showing the current and proposed location of the gas pipe for the site and it was confirmed that work would have to be carried out to change and relocate the pipe because of its current poor condition. It was reiterated that it was intended for the *clawdd* surrounding the site to be protected, and that this could be done through a condition. Attention was also drawn to the observations of the Language Unit.

Having considered all the relevant planning matters including the local and national policies and guidance, as well as the observations received, including objections, it was believed that the proposal is acceptable.

- (b) The local member (not a member of this Planning Committee) noted the following main points:
- That he did not have any objection to having new houses in Bontnewydd
  - That the applicant had introduced positive improvements
  - Local residents needed peace of mind regarding surface water and a flood prevention plan
  - Speaking on behalf of the neighbour, although amended plans noted the relocation of plots 14, 15 and 16 in an attempt to overcome privacy concerns, the neighbour did not consider this to be sufficient. He suggested that, if the gas pipe were relocated, the houses could move forward a further 2m approximately, and this would address the neighbour's concern.
- (c) In response to the local member's observations, the Planning Manager noted that Welsh Water and other relevant bodies were satisfied with the solution of the surface water. In the context of the gas pipe, although the pipe needed to be upgraded, this would not offer much flexibility for the relocation of the houses if it was moved. It was reiterated that the concerns had been addressed and that there were no longer any reasonable grounds for objecting to the application in terms of overlooking.
- (ch) It was proposed and seconded to approve the application.
- (d) During the ensuing discussion, the following main observations were noted by members:
- A good example that discussions did lead to improvements
  - Glad that the Community Council had discussed the play area and had reached a consensus
- (dd) In response to an observation regarding swapping houses 13 and 18 with regard to their sizes in order to yield a little more space to minimise overlooking concerns, it was noted

that parking spaces and the turning space needed to be considered, and that house number 13 was not really much smaller than house 18.

**RESOLVED to approve subject to relevant conditions.**

1. Time
2. Comply with relevant plans and all the reports
3. Materials / slate
4. Landscaping and the site's boundaries
5. Highways
6. Drainage
7. Biodiversity and management of environmental impacts
8. Archaeology
9. Building Control Plan
10. Removal of general development rights for the affordable houses.
11. Removal of general development rights from plots 14, 15, 16, 17 (including the installation of additional windows and roof lights)
12. Agree on opaque glass for a bedroom window at the rear of plot 14 and agree on opening method
13. Welsh name for the housing estate
14. Details and timetable for installing the equipment in the open space.
15. Agree arrangements to secure affordable housing.
16. Working hours on the site

**2. Application Number C19/0279/22/LL – Tal y Maes Mawr, Nebo, Caernarfon**

A full application to construct four 'safari' tents, one 'sauna' building along with associated work

Attention was drawn to the late observations form that had been received

- (a) The Planning Manager noted that an agent, acting on behalf of the applicant, had requested that the discussion be deferred in order to allow the applicant to submit amended plans and additional information in response to the concerns noted in the report. Nevertheless, the officers did not see the need to defer; there had been no pre-application and a new application could be submitted in future, and the Planning Manager elaborated on the background of the application. It was noted that this was a full application to site four safari tents, construct an associated building to use as a sauna along with other ancillary work including creating an access road, parking spaces, access paths, landscaping, service links and installing sewage treatment works.

It was added that the site was located among agricultural fields outside any defined development boundary in open countryside within an Special Landscape Area and the Dyffryn Nantlle Landscape of Outstanding Historic Interest. It was noted that access to the site led through the applicant's residential curtilage along the existing private access road that backed onto a detached residential house.

It was noted that the applicant, in submitting the application, had noted in the Planning Statement that Policy TWR 5 had been considered as the tents would not be permanent, because they would only have a temporary connection with the land. The planning officers were of the opinion that the most relevant policy was Policy TWR 3 as more permanent elements were proposed as part of the development. It was added that there had been no clear information or adequate reference submitted about the intention with the timber platforms and the likely steps to secure them to or into the ground.

It was considered that the proposal to install electricity and water connections for the individual tents, create an access road, construct a sauna building (despite its small size), footpaths and hard standings and install a series of lights created permanent elements as well as an excess of hard standings which were contrary to Policy TWR 5. Part of paragraph 6.3.85 of the explanation of policy TWR 5 noted: *"They should only provide basic facilities for sleeping, seating and eating without installation of water services or provision of drainage facilities for WC, showers and washing. This ensures that such structures do not generate a level of permanence that could increase the level of landscape impact and site restoration should removal of the structures be required."* It would not be reasonable or practical to set up electricity, water and sewerage connections at the beginning of the holiday season and then remove them at the end of the season. With these elements being fixed or permanent, it would not be possible to agree with the agent's view that Policy TWR 5 was the relevant policy for considering this proposal.

Consideration was given to the relevant requirements of Policy TWR 3, which stated: *"proposals to develop new static caravan sites (i.e. a single or double caravan), new holiday chalet sites or permanent alternative camping accommodation will be refused in...Special Landscape Areas"*. It was noted that Policy TWR 3 does not permit developing a permanent alternative camping accommodation site on sites within Special Landscape Areas. Given that the proposal was for the creation of a new permanent site, it did not therefore comply with the basic requirements of Policy TWR 3 in terms of creating new sites within a Special Landscape Area.

It was highlighted that the application site was substantial given that the proposal was for four tents only, and there was also concern that the parking spaces were an unnecessary over-provision. It was considered that the scale of the development was excessive in terms of its extensiveness, and restricting it to a smaller area closer to the existing construction could possibly be an improvement with regard to visual amenities. It was added that criterion 2 of policy PCYFF 3 noted that a proposal was required to respect the context of the site along with its place in the local landscape.

Attention was drawn to concerns submitted by Natural Resources Wales with regard to the proposal for removing foul drainage water into a private sewerage system rather than connecting to the main sewer system.

Attention was also drawn to the observations of the Transportation Unit in response to concerns from local residents about an increase in traffic on the existing rural roads network. With only four tents noted in the plan, the Transportation Unit was not of the opinion that there would be a significant increase to the movements in and out of the site. Nevertheless, the Transportation Unit considered the parking provision to be excessive, and that it would be reasonable to request that the applicant amend the plan to accurately reflect the numbers.

- (b) Exercising his right to speak, an objector to the application noted the following main points:-
- That he represented the residents of the Nebo community
  - That too many parking spaces had been noted for the proposal
  - There were no local provisions available for the enterprise - no shop, restaurants
  - The local roads network was narrow and winding and, therefore, it would be difficult for it to cope with more journeys
  - The proposal was very close to nearby houses that would have to deal with noise, dust, light pollution and unnecessary disturbance
  - The plan showed the tents as being close together.
  - The site was located on a hill, and was therefore prominent in the landscape
  - The general impact would be detrimental
  - A request for the Committee to follow the officers' recommendation and refuse the application

- (c) Exercising his right to speak, the applicant's agent noted the following main points:-
- That the hard standings would not be permanent - they would be removed at the end of the season
  - That caravan sites provided hard standings, water and electricity - this was a common provision.
  - The proposal was not dissimilar to touring caravan sites
  - That it would be possible to make amendments in the context of paths and lighting so that they would not seem obtrusive
- The above reasons responded to reasons 1 and 4 for refusal, and therefore there were no grounds for refusal
- That it was important to consider the scale of the location - it would be marketed for families
  - There would be no noise, and Public Protection had not submitted observations on this matter
  - It was suggested that a condition could be imposed for some of the features and, consequently, refusal reason 3 did not stand in terms of connecting with a sewer. It was highlighted that Welsh Water had expressed that it would not be practical to connect the pipe - no justification for doing this.
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(ch) It was proposed and seconded to refuse the application.

(d) In response to a question regarding a decision at a recent appeal with regard to the size and surface area of the tents and how this application compared with the application in question, the Planning Manager noted that, amongst other things, the application of the appeal had no intention to connect services, and was therefore different to the application in question.

**RESOLVED to refuse the application on the following grounds:**

1. The proposal involved the creation of a new static alternative camping accommodation site within a Special Landscape Area. Policy TWR 3 of the Gwynedd and Anglesey Joint Local Development Plan did not permit the development of new alternative static caravan sites within Special Landscape Areas. The proposal was, therefore, contrary to Policy TWR 3 of the Anglesey and Gwynedd Joint Local Development Plan (July 2017).
2. Policy ISA 1 approved proposals only when adequate infrastructure capacity existed. In this case, it was not believed that providing private sewerage treatment work within an area with a public sewerage system was acceptable and therefore it was not believed that the proposal satisfied the relevant requirements of policy ISA 1 of the Gwynedd and Anglesey Joint Local Development Plan (July 2017).
3. Criterion 7 of Policy PCYFF 2 states that proposals will be refused if they have a significant detrimental impact on the amenities of occupants of local residences due to an increase in activity, disturbance, noise or other forms of nuisance. The Local Planning Authority was of the opinion that the proposal was likely to lead to unacceptable disturbance on the amenities of local houses and that this would be contrary to the requirements of policy PCYFF 2 of the Gwynedd and Anglesey Joint Local Development Plan (July 2017).
4. The relevant requirements of policies PCYFF 3 and PCYFF 4 noted that developments were expected to respect the context of the site and its place in the landscape and integrate with its surroundings. It was believed that the proposal, based on the scale of the entire proposed development site, as well as the presence, form and scale of permanent features such as an access road, parking spaces, access paths, timber

platforms, sauna building and permanent connections were unacceptable features that were contrary to the relevant requirements of criteria 1 and 2 of policy PCYFF 3 as well as PCYFF 4 of the Gwynedd and Anglesey Joint Local Development Plan (July 2017) which stated that all proposals should integrate with their surroundings.

**3. Application Number C19/0306/03/DA – 3 Pant yr Onnen, Ffordd Glanpwll, Rhiwbrydir, Blaenau Ffestiniog**

An unsubstantial amendment to permission number C13/0288/03/LL - to construct a smaller extension with white render rather than natural stone as approved

- (a) The Planning Manager elaborated on the background of the application, and noted that it had been submitted to the Planning Committee as the applicant's wife was a Councillor. It was highlighted that the proposal was acceptable and complied with the relevant requirements of local and national policies.
- (b) It was proposed and seconded to approve the application in accordance with the recommendation.

**RESOLVED to approve the application**

- 1. Five years.
- 2. In accordance with the plans.

**4. Application No. C19/0355/17/LL – 7 Bedd Gwenan Estate, Llandwrog, Caernarfon**

Application to alter the roof at the front of the building in order to facilitate an extension to the existing property.

- (a) The Development Control Manager elaborated on the background of the application, noting that this was an application to extend the current two-storey house at the rear and to the front. The extension would include making internal alterations including moving an existing bedroom to the new extension space and creating a bathroom in place of the former bedroom, as well as increasing the size of an existing bedroom on the first floor and extending the existing hallway on the ground floor.

It was explained that the application had been resubmitted as a previous application for the same proposal had been refused, and that it was a Local Member who was submitting the application to the Committee as he was of the opinion that a further assessment of the plans was required. It was highlighted that the applicant had refused to compromise and that the planning officers, although of the opinion that the proposal was acceptable, suggested that the design could be improved as the scale of the plan in question was unsuitable. It was considered that the extension created a dominant, top-heavy and alien feature which would neither improve its character nor respect its site context within the estate. It was reiterated that this would be contrary to Policy PCYFF 3 of the Local Development Plan

It was explained that the property stood in one of the farthest plots from the estate entrance. Despite this, its setting was visible from the entrance. Although the officers were of the opinion that the extension would be unacceptable from a visual aspect, it was not believed that it would have a detrimental effect on the neighbours' amenities or that it would cause them an unacceptable disturbance. Therefore, with regard to this aspect, it was not believed that it would be contrary to the relevant requirements of policy PCYFF 2 of the LDP.

- (b) Exercising his right to speak, the Local Member read a letter on behalf of the applicant, who was unable to attend:

It was noted,

- that the roof's height needed to be raised in order to overcome a lack of height in the bathroom.
- that a number of the houses in the estate had been modified by the original developer, or had been modified after changing hands.
- that this application was for raising the roof level, and there was no application to extend
- the change would barely be noticeable.
- although the officers refused the application, it was highlighted that there was no public objection to the proposal.

The local member (a member of this Planning Committee) made the following main points:

- That a number of the houses in the estate had been adapted and, although the applicant had planned adaptations to houses numbers 11 and 12, he regretted that he had not adapted his house sooner.
- That letters of support of the application had been received
- That the estate was tidy
- That the proposal was not contrary to Policy PCYFF 2 of the Local Development Plan

(c) It was proposed and seconded to approve the application, contrary to the recommendation, because it was considered that the design was acceptable.

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

- That a few houses in the estate had already been adapted
- That the design was an improvement to a plain house
- That no local objections had been received

**RESOLVED to approve the application as the design is acceptable**

**Conditions:**

1. Five years
2. In accordance with plans
3. Materials to be in-keeping with the existing materials

The meeting commenced at 1.00pm and concluded at 2.20pm.

**CHAIR**