
PLANNING COMMITTEE 1/7/19

Present: Councillor Elwyn Edwards – Chair
Councillor Eric M. Jones – Vice-chair

Councillors: Stephen Churchman, Anne Lloyd Jones, Berwyn Parry Jones, Huw G. Wyn Jones, Edgar Wyn Owen, Gareth A. Roberts, Eirwyn Williams, Gruffydd Williams and Owain Williams.

Others invited: Councillors Annwen Daniels and John Brynmor Hughes (Local Members).

Also in attendance: Gareth Jones (Senior Planning Service Manager), Cara Owen (Planning Manager), Keira Sweenie (Development Control Team Leader), Rhun ap Gareth (Senior Solicitor) and Bethan Adams (Member Support Officer).

Apologies: Councillors Simon Glyn, Louise Hughes, Elin Walker Jones and Dilwyn Lloyd.

1. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

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

- Councillor John Brynmor Hughes (not a member of this Planning Committee), in relation to item 5.3 on the agenda (planning application no. C19/0027/39/LL);
- Councillor Annwen Daniels (not a member of this Planning Committee), in relation to item 5.4 on the agenda, (planning application number C19/0154/03/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 10 June 2019, 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 C19/0149/46/LL - Congl y Cae, Llangwnnadi, Pwllheli

Demolish existing outbuilding and construct a single-storey extension to dwelling and conversion of outbuilding into two holiday units

- (a) The Planning Manager elaborated on the background of the application, noting that this application was deferred at the Committee meeting on 20 May 2019 in order to have an opportunity to consider the context of appeal number (C18/0023/42/LL), which was refused for reasons relating to an excess of second homes in the area. It was noted that as a result of the figures noted in the appeal decision, it was considered necessary to re-assess the application against the relevant figures.

It was noted that an application for the 'Demolition of outbuilding attached the house and erect a single-storey extension in its place', which formed part of the submitted application, had been approved on 28 June 2019.

It was reported that an appeal for a lack of decision had been registered with the Planning Inspectorate. It was explained that should the application be refused or deferred, the appeal would continue.

Attention was drawn to additional comments received, which included the observations of the Business Support Unit of the Economy and Community Department on the robustness of the business plan.

It was noted that Policy TWR 2 of the Gwynedd and Anglesey Joint Local Development Plan (JLDP) permitted proposals to convert existing buildings such as agricultural buildings into holiday accommodation as provided they complied with five criteria. Reference was made to criterion 'v', which required that 'The development does not lead to an excess of such accommodation in the area.'

It was revealed that the applicant, in accordance with the requirements of Policy TWR 2, had submitted a comprehensive business plan that included investment figures, costs and projected letting figures, and it was considered that its content was realistic and demonstrated the viability as holiday use. The Business Support Unit of the Economy and Community Department agreed with these findings, and were satisfied that it was a suitable business plan for the application.

It was noted that over-concentration had been assessed in the context of the Supplementary Planning Guidance: Holiday Accommodation and the appeal decision on Ty'n Pwll, Nefyn. It was revealed that the assessment had confirmed that 14% of the domestic units in the area of Tudweiliog Community Council were second homes, therefore this was higher than the 10% threshold used by the Inspector on the appeal in Nefyn. It was explained that the applicant did not agree with the figures, and noted that the majority of second homes were not let, and that he disagreed with the grounds to which the over-concentration was assessed.

It was noted that despite the applicant's arguments and although all the other TWR 2 matters were acceptable, on the basis of the current above figures and in light of the Inspector's decision and assessment on the Ty'n Pwll, Nefyn appeal, a recommendation to refuse the application had to be made on the grounds of an over-provision of such accommodation and contrary to criterion 'v' TWR 2 of the LDP and the threshold of Supplementary Planning Guidance: Holiday Accommodation (2011).

- (b) Taking advantage of the right to speak, the applicant noted the following main points:-
- That substantial alterations had been made to the proposal in order to make the development acceptable;
 - That the recommendation of the officers had been amended, and the figure of 14% of domestic units being second homes in the area of Tudweiliog Community Council was the basis to the recommendation to refuse the application;
 - That the Supplementary Planning Guidance: Holiday Accommodation (2011) was outdated. The Supplementary Planning Guidance – Tourist Facilities and Accommodation, which was to be adopted, considered the strength of the business case rather than specific percentages. The planning officers and the Business Support Unit confirmed the robustness of the business case;
 - That the current average of second homes in Gwynedd was 8.5%, with Tudweiliog at 14% and Nefyn at 33%;
 - Extensive research had been conducted, which had demonstrated that there were no more than 25 self-service units in the ward, and none of them were at a 5* level, namely the intention for this development;

- That Nefyn's situation was different to the Tudweiliog area, with five times more second homes in Nefyn;
- The proposal would mean keeping the same footprint and external characteristics;
- A local person would be employed to supervise the site, and the intention was for the applicant and his family to settle in Congl Cae after his children completed their education.

RESOLVED to refuse the application.

Reason:

Since 14% of second homes were within Tudweiliog Community Council the proposal would lead to an over-concentration of self-serviced holiday accommodation in the area and was therefore contrary to criterion v of Policy TWR 2 of the Gwynedd and Anglesey Joint Local Development Plan (2017) and Supplementary Planning Guidance: Holiday Accommodation (2011).

2. Application no C18/1133/14/LL – Cwm Cadnant Valley, Ffordd Llanberis, Caernarfon

Replace 32 touring caravan pitches with 25 holiday lodges for year round holiday use.

- (a) The Planning Manager elaborated on the background to the application, and noted that the proposal involved locating 25 holiday units within a concealed site and within the built environment and it was considered that this proposal would not lead to an over-concentration of similar static caravan/chalet sites in the vicinity of the application and that, in itself, it would not have a substantial and significant impact on the character and amenities of the local landscape. It was explained that the proposal would reduce the density of the use of the current site, by replacing 32 touring caravans.

Given its concealed location within the townscape; its scale which was less dense than the current use and the fact that it appeared that the holiday accommodation and the overall site would provide high quality facilities, the proposal was acceptable.

It was revealed that there were flooding issues on parts of the site, and that the applicant had moved the chalets from the part that suffered flooding, and that there was no access within the flood zone. It was noted that Natural Resources Wales was satisfied with the proposal.

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.

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

- There were many static unit sites in the area, and the number of static units in the area was way above the threshold of over-concentration. Of the opinion that converting a static caravan site into a permanent static units site was a step too far;
- With regard to the Tourism Unit's concern regarding the overprovision of static units and the lack of touring sites in the Caernarfon area, what assessment had been made? The number of touring caravan sites in the area needed to be protected;
- The proposal would mean less transport, and would not be visible from anywhere;
- The development was better than the existing development. Would the applicant sell or let the chalets?
- The proposal would be an improvement to the site, with a reduction in the number of units. The Town Council did not object the proposal, it was not possible to restrict the use of the site to 11 months in accordance with their wish, but imposing a

holiday use condition only/keeping a register would ensure that the chalets would not be occupied as permanent homes.

- (c) In response to the above observations, the officers noted:
- In the context of Policy TWR 3 of the JLDP, over-concentration was assessed in terms of the capacity of the local landscape for additional holiday chalet or caravan developments. The development would not be visible in the landscape;
 - That the Tourism Unit's wish was to have more touring sites. That there were touring sites in the area and there was potential in the landscape for new touring sites. The proposal did not undermine any planning policies;
 - The Anglesey, Gwynedd and Snowdonia National Park Capacity and Sensitivity Study - (Gillespies, 2014), noted that there was capacity for small developments;
 - The applicant's intention to sell or let the chalets was unknown, but there was no requirement to receive this confirmation.

RESOLVED to approve the application.

Conditions:

1. Time (five years)
2. In accordance with the plans
3. Submit and agree a detailed Environmental Construction Method Statement for the period of developing the site.
4. Must adhere closely to the submitted Ecological Survey recommendations
5. Condition of holiday use only/keep a register
6. Welsh Water Condition
7. A lighting plan must be submitted

Notes

1. Welsh Water
2. Natural Resources Wales

3. Application no C19/0027/39/LL – Land near Drws y Llan, Llanengan, Pwllheli

Construction of two affordable dwellings (amended application).

- (a) The Planning Manager elaborated on the background of the application and noted that the site was in the countryside on the outskirts of the housing cluster of Llanengan. It was explained that Policy TAI 6 of the JLDP was the relevant housing policy for clusters, and this could enable the construction of houses in clusters if compliance could be secured with all criteria contained in the policy.

Details were given on the criteria:

- Criterion 1: 'The need for an affordable house for local need (in accordance with the List of Terms) has been proven' - That the need for an affordable house for the initial occupiers of house number 1 had been proven, but the need for an affordable house for the occupiers of house number 2 had not been proven. In light of this, the proposal does not fully meet criterion 1 with regard to proving the need for affordable housing.
- Criterion 2: 'The site is an infill site, between buildings highlighted on the relevant Inset Map, or a site directly opposite the curtilage of a coloured building' - The application site was not an infill site as it was not located directly adjacent to the curtilage of a coloured building with the county road between the road coloured in red and the site. The New Houses in Rural Villages Supplementary Planning Guidance gave an idea of the type of sites which were acceptable, and that sites where there was a road between the building coloured in red and the site were not suitable.

- There was no concern with regard to criterion 3 and 4.
- Criterion 5: 'The size of the property reflects the specific need for an affordable house in terms of the size and the number of bedrooms' - The houses in question were two-storey with an internal floor surface area of approximately 116m². Since the application was submitted, a new Supplementary Planning Guidance (SPG) Affordable Housing has been adopted. It could be seen that the size of the affordable houses had been reduced in comparison to the previous Affordable Housing SPG; now, the size for a two-storey, 5 person, three bedroom house was 94 square metres. It was not considered that the size of the houses reflected the size of affordable properties.
- There was no concern with regard to criterion 6.
- Criterion 7: 'There are mechanisms to restrict the occupancy of the house initially and in perpetuity to those who have a need for an affordable house' - As part of the application, an estimate was received for the proposed houses, which was prepared by Beresford Adams. The estimate noted that the open market price for the houses would be £325,000. A 45% discount linked to the Affordable Housing 106 agreement would not make the houses affordable for other families in the area. There had been instances in the parish of Llanengan in the past, where house prices were high and, therefore they were not really affordable houses. Consequently, 106 agreements were removed from the houses, thus making them open market houses.

It was recommended to refuse the application as the proposal was contrary to many criteria in Policy TAI 6. The need for an affordable house for local need had not been proven for both houses, the site was not in an infill site between buildings or a site that was directly adjacent to the curtilage of a coloured building, the size of the houses were larger than what was noted in the Affordable Housing SPG, and the price of the houses, even with a discount, would not ensure that they were affordable houses forever. The proposal was also contrary to Policy AMG 5 of the JLDP, because a reptile survey had not been submitted.

- (b) Taking advantage of the right to speak, the applicant noted the following main points:
- They had lived in the area for years, and that they felt passionate about the village and the location;
 - The proposal would enable both couples to stay in the area to raise a family;
 - The applicants worked in the area and contributed to the community; two of the applicants were builders, one worked in the medical field locally, and she was a new Headteacher at a local school;
 - As part of her work as a Headteacher, she worked in accordance with the Language Charter and Welsh Government's Cymraeg 2050 report, which aims to have a million Welsh speakers by 2050. Welsh Government's document noted: 'In Welsh communities, the challenge is to ensure that people have high quality jobs, attractive careers and homes in order for them to be able to stay or return to these communities';
 - That house prices in the area were extremely high, and the only option to settle there was to build a house. Land had been received from family in order to self-build, which was affordable in the true meaning of the word;
 - The prospective occupiers of house number 2 were not eligible under Tai Teg, because Tai Teg processes did not provide for self-builds;
 - The development would infill appropriately;
 - An attempt had been made to reduce the size in order to get closer to the criteria, but this was an attempt to develop homes for life;
 - Completely accepted the conditions of the Biodiversity Unit, and intended to follow the guidelines in order to avoid harm to the area's biodiversity.
- (c) The local member (not a member of this Planning Committee) noted the following main points:

- That he had received a letter of support to the application from Liz Saville Roberts, Member of Parliament for Dwyfor Meirionnydd. He agreed with the observations in the letter, and therefore, he would read the content of the letter;
- That the application site was an appropriate infill site;
- That the propriety of the authority's affordable housing policies needed to be scrutinised in communities such as Llanengan;
- The situation of Llanengan could not be compared with the situation of other communities in Gwynedd as Llanengan was an extension of Abersoch, and the open market housing in the area were not affordable;
- The way the affordable housing policy was interpreted for the market housing situation in Llanengan should be revised; unless this was done, the affordable housing policy would not be implemented in accordance with the aspirations of the people of Gwynedd;
- The specific circumstances of the applicants had not been considered in the context of self-builds;
- That the size of the houses had been somewhat reduced, and the applicants were prepared to sign a 106 agreement;
- In terms of the value of the houses in future, in order to satisfy the need, a sub-standard design would need to be agreed. The specification of affordable houses on a housing estate in Mynytho was different, therefore there was no consistency;
- That the applicants had the means and the skills, and something was amiss in the interpretation of the policy if they were not worthy of affordable houses;
- That the applicants had received advice from an officer that an application for two houses would be more acceptable in terms of infill;
- That two small cottages were for sale near the site; one for over £300,000 and another for £250,000;
- That the houses would only be served by one access, with the boundary being set back to widen the road;
- Should the Committee believe that the application be refused, a site visit should be considered, because an appeal would be submitted should the application be refused;
- Support for the application had been received from councillors and former councillors;
- That the Community Council were surprised that their views had not been accepted.

(ch) It was proposed and seconded to approve the application contrary to the officers' recommendation.

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

- That the application in question was unique, and would provide homes for life for professional Welsh people, enabling them to stay in Llanengan;
- The policy did not take into consideration the situation of the nearby areas of Abersoch in terms of market prices;
- Sympathy for the applicant's situation, but the proposal was contrary to too many policies, therefore the application could not be supported;
- Full sympathy was given to the applicants, but a similar application had been refused in Llanbedrog. There was a need for consistency;
- That the Welsh language and culture was under threat, and the economy of the area was fragile. It was a difficult decision, and that refusing the application would shatter the hopes of young families to stay in Pen Llŷn. Welsh Government's ambition of achieving a million Welsh speakers would not be realised if this application be refused;
- A difficult application to determine. If the application be approved, it would go against policies and the policies would need to be reviewed; consequently, there would be an influx of such developments;

- Sympathy with the applicants' situation, but the houses would be there forever. Tai Teg should look at the affordability of self-builds. The policies did not support the application;
- Self-building was the only way to obtain an affordable house. In the context of infill, the houses were dispersed in Llanengan, and the land opposite was no better. That house prices in the Abersoch area were out of reach for young people and that they moved out of the area. The only way to keep Welsh speakers in the area was to approve the application. In accordance with what was noted in the Supplementary Planning Guidance, that the size of an affordable house was 94m², which is too small to raise a family, therefore the size aimed for should be revisited;
- The houses should be bound to an Affordable Housing 106 Agreement.

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

- Whilst understanding that it was a difficult decision for the Committee, the policy set the circumstances in the context of affordable housing. The houses had been valued at £325,000, therefore the houses were not affordable, and there was no purpose to creating a 106 agreement. Approving the application would mean approving open market housing in the countryside;
- That there were firm reasons to refuse, therefore approving the application would be contrary to the recommendation and contrary to policy. It was understood that members wished to support local people, but there were many properties for sale nearby. Although the houses would be affordable to build due to the skills of the applicants and land ownership, the houses would not be affordable in future. An intention to refer the application to a cooling-off period, should the application be approved, was noted;
- The houses would not be affordable, even with a 45% discount linked to a 106 agreement. There had been a successful appeal to lift an Affordable Housing 106 agreement from a site near the application site, as it was not an affordable house. There was no doubt about the motivation of the applicants, but the houses would not be affordable. Similar applications had been refused not so long ago, and the application in question was contrary to policies relating to developments in the countryside. That there was a need to be aware of the implications of approving the application;
- Although applications were considered on their own merits, consistency was necessary in relation to implementation. The application in Llanbedrog was refused on the grounds of affordability. There was a need to be cautious of the impact of a decision to approve the application on other applications. The reasons for refusing were robust and, of course, the applicants had a right to appeal;
- That the Gwynedd and Anglesey Joint Local Development Plan was being monitored, and the plan would be reviewed in 2021, which could mean amendments, but the decision had to be made on the basis of existing policies;
- Should the application be approved, it should be noted that it would be subject to receiving a reptile survey in order to comply with the requirements of legislation;
- The houses could be bound to an Affordable Housing 106 agreement, but this would mean additional costs for the applicants. The agreement could be lifted on appeal as the houses would not be affordable.

RESOLVED to approve the application, contrary to the officers' recommendation, subject to receiving a reptile survey report.

Reason:

Satisfies the local need for housing.

The Senior Planning Service Manager noted his intention, in accordance with the Procedural Rules of this committee, to refer the application to a cooling-off period

and to bring a further report before the committee highlighting the risks associated with approving the application.

4. Application no C19/0154/03/LL – Market Hall, Church Street, Blaenau Ffestiniog

Conversion of building into 14 flats.

- (a) It was reported that late observations had been received from the Language Unit, which noted that they did not feel that sufficient information had been submitted by the developer in order to be able to form a full opinion on the impact of the development on the Welsh language; and, due to a lack of clarity in the developer's documents, the standpoint that there would be no impact could not be supported. The Committee was requested to defer the application in order to discuss with the applicant, and to understand the linguistic situation in the context of what was being offered as part of the proposal.

A proposal to undertake a site visit was made and seconded. A vote was taken on the proposal, but it fell.

RESOLVED to defer the application.

5. Application no C19/0323/11/LL – 233-235, High Street, Bangor

Alterations to the first and second floors to create eight self-contained living units, along with modifications to the front elevation of the building.

- (a) The Planning Manager elaborated on the background of the application, and it was noted that Policy TAI 9 of the Gwynedd and Anglesey Local Development Plan (JLDP) permitted the subdivision of existing properties into self-contained flats, provided they complied with the relevant criteria.

It was noted that the Housing Mix Statement submitted by the applicant stated that there was a lack of provision with regard to one-bedroom units in Bangor. The information received from the Housing Strategy Unit confirmed a lack of provision with regard to this type of accommodation, stating that there were 940 applicants on the Council's Housing Options Team register who wished to obtain one-bedroom units in the Bangor area; and that approving this application would go some way toward responding to the demand for social housing of this kind.

It was confirmed that although the proposal did not provide more units than the indicative housing provision, the applicant had voluntarily submitted a Language and Community Statement. It was noted that the Language Unit had concluded that the development itself would not have a significant impact on the character and linguistic character of the community.

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

It was recommended to impose an additional condition to what was stated in the report, in order to ensure a waste bin/storage provision to satisfy the needs of the units permitted.

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

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

- There was an increasing number of applications to modify buildings into residential units in Bangor, and that there was a need to question whether there was any demand for these types of units;

- 940 applicants who were on the Council's Housing Options Team register wished to obtain one-bedroom units in the area;
- Many applications of this kind were being approved, but not being developed; A concern that the applications would be implemented at the same time, leading to an influx of new one or two bedroom units at the same time;
- There was no parking provision on the site - although there were public transport links, car parks and streets were full as employees parked all day, meaning that there were no parking areas for visitors. The situation needed to be monitored.

(c) In response to the above observations, an officer noted:

- Monitoring work would be undertaken and consideration would be given to planning permissions and those that were being implemented in the context of the JLDP in its entirety.

RESOLVED to approve the application.

Conditions:

1. Five years.
2. In accordance with the plans.
3. Ensure that two of the units are affordable by submitting an affordable housing scheme.
4. A waste/bin storage provision to satisfy the needs of the units.

6. Application no C19/0414/18/LL – Rhiwlas Waste Water Treatment Works, Rhiwlas, Bangor

Extension of existing water treatment works site to install appliances, equipment and landscaping

(a) The Planning Manager elaborated on the background of the application, and it was noted that the principle of approving developments for utilities' infrastructure such as water supply was based on Policy ISA 1 of the Gwynedd and Anglesey Local Development Plan. Considering the scale and nature of this development in mind, it was considered that the proposal was acceptable in principle.

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

(b) In response to an enquiry from a member, the Planning Manager noted that although the application was submitted by Welsh Water, observations were submitted as part of the statutory consultation from a different Unit from within Welsh Water.

RESOLVED to approve the application.

Conditions:

1. Five years.
2. In accordance with the plans.
3. Landscaping.
4. Comply with the mitigation measures of the Preliminary Ecological Report.

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

CHAIR