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## PLANNING COMMITTEE 2/07/20

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**Present:** Councillor Elwyn Edwards – Chair  
Councillor Eric Merfyn Jones – Vice-chair

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

**Also present:** Gareth Jones (Assistant Head of Planning and the Environment), Cara Owen (Planning Manager), Rhun ap Gareth (Senior Solicitor), Gareth Roberts (Senior Development Control Engineer) and Lowri Haf Evans (Democratic Services Officer).

**Others invited:** Cllr Elin Walker Jones (Local Member)

### 1. APOLOGIES

None to note

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

- (a) The following members declared a personal interest in the following item for the reasons noted:
- Councillor Owain Williams in item 5.1 on the agenda, (planning application number C19/0903/33/LL) as he owned a Caravan Site less than 6 miles from the site.
  - Councillor Gruffydd Williams in item 5.1 on the agenda (planning application number C19/0903/33/LL) as he was the son of the owner of a Caravan Site less than 6 miles from the application site.

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

- b) The following member declared that she was a local member in relation to the items noted:-
- Councillor Elin Walker Jones (not a member of this Planning Committee) in relation to items 5.3 and 5.4 on the agenda (planning applications number C19/0002/11/LL and C20/0083/11/DT). The Member declared an interest in relation to application (C19/0002/11/LL) as she was a school Governor at Ysgol Tryfan and she felt that this development would impact on the interests of Ysgol Tryfan.

### 3. URGENT ITEMS

None to note

### 4. MINUTES

The Chair signed the minutes of the previous meeting of this committee, held on 2nd March 2020 as a true record, subject to noting that Councillor Louise Hughes and Councillor Dilwyn Lloyd were present at the meeting.

In response to a comment that the decision on one of the applications had been to arrange a site visit, the Senior Solicitor expressed that it was not practical to conduct site visits during the Covid pandemic, therefore inevitably there would be a significant delay should the Committee visit the site. It was highlighted that this could lead to risks relating to an appeal, and the rationality of any decision would likely be scrutinised closely. A decision found to be unreasonable could lead to costs. A request was made for the Committee, before calling for a site visit, to highlight what additional information it required.

The Planning Manager added that the Officers of the Planning Department would consider the possibility of making use of technology to address any issues e.g. by providing additional images or videos to address the request for further information. If the Committee's opinion was that the further information could not be acquired in this manner, the members of the Committee would need to provide clear reasons for this, which would be recorded.

## **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.

## **6. APPLICATION NO C19/0903/33/LL PLAS YNG NGHEIDIO, CEIDIO, PWLLHELI**

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

The application was submitted to Committee as the site was owned by a member of the Council.

- a) The Planning Manager elaborated on the background of the application, noting that this was an application to amend conditions 4 (restriction of pitching season), 7 (submission and agreement of pod details) and 8 (agreement of storage arrangements) attached to planning permission C14/1218/33/LL. It was explained that planning permission C14/1218/33/LL provided conditional planning consent for the change of use of a field to create a touring caravan site for 11 touring caravans and 2 camping 'pods' along with the construction of a toilet block. Based on the information submitted as part of the application to hand, it was noted that the occupancy period of the pods would be between 1 March and 31 October but that the pods would remain on site without being let/occupied for the rest of the year. Details of the pods had not been submitted, nor were details of the site where they would be stored, as required by conditions 7 and 8 of the planning permission granted in March 2015.

When conditional planning consent was granted for the pods in question in 2015, this had been done on the understanding that they would be portable pods which could be moved to and from the site easily. Despite the clear conditions attached to the original permission to agree the details of the pods and storage arrangements, this was not done. The officer also drew attention to the condition which stated that no touring caravans or pods were to be stored on site between 1 November and 28 February the following year.

He highlighted that the application stated that the pods on the site were of the type that could be weakened or damaged in being moved at the end or start of the season, and that the applicant intended to keep the pods on-site throughout the year. Since the applicant did not intend to remove them from the site during the winter months, the application had been given consideration under Policy TWR 3 of the LDP, which related to static caravan and chalet sites and permanent alternative camping accommodation.

It was noted that the site was located in open countryside outside any development boundaries recognised in the adopted development plan, and within a Special Landscape Area. It was also located within a Landscape of Outstanding Historic Interest. Due to its location within a Special Landscape Area, Policy TWR 3 of the LDP stated that proposals for the development of new permanent alternative camping accommodation within such areas will be refused. It was not considered that approval of a permanent pod site in this location would assist in preserving, enhancing or restoring the character of the Special Landscape Area. Although the pods in question were located near to existing buildings, a permanent development of this nature would be likely to cause harm to the visual quality of the landscape and it was therefore considered that the proposal was contrary to the requirements of Policy PCYFF 4 and Policy AMG 2 of the LDP.

- b) It was proposed and seconded to refuse the application.
- c) During the ensuing discussion the members made the following comments:
- To approve the application would set a dangerous precedent
  - Approval would be unfair to applicants who had already been refused
  - They accepted that there were costs involved with moving the pods, but given that a condition had been attached to the application before the pods were sited, surely the cost element had been taken into consideration
  - The conditions from 2015 clearly stipulated that the pods should be portable and removed during the winter
  - Conditions were set for a reason
  - The applicant should comply with the conditions
  
  - There were already two wooden pods on-site and they looked presentable
  - There was no local objection to the application
  - Removing the pods would involve additional costs
  - The development would not have a wider impact on the historic landscape, and was therefore acceptable in respect of policy AT1 of the LDP
  - The proposal was unlikely to cause significant harm to the amenities of the local neighbourhood and was acceptable in respect of Policy PCYFF2 of the LDP
- ch) In response to the observations, the Assistant Head of Planning and the Environment noted that although on the surface the application appeared to be harmless, approving the application would set a dangerous precedent and would undermine Planning policies.

#### **RESOLVED to refuse the application**

- 1. The proposal would equate to the creation of a permanent alternative camping accommodation site within a Special Landscape Area and was**

therefore contrary to criterion 1 of Policy TWR 3 of the LDP.

2. It was not considered that the proposal would do anything to preserve, enhance or restore the recognised character of the Special Landscape Area and the proposal was therefore contrary to the requirements of Policies PCYFF 4 and AMG 2 of the LDP.

**7. APPLICATION NO C19/1123/40/LL WARWS HUFENFA DE ARFON, Y FFOR, PWLLHELI**

The application was submitted to the Committee as the applicant's father was an Elected Member.

- a) The Planning Manager elaborated on the background of the application, noting that this was an application for the change of use of part of the building to create a garage and MOT site. It was added that the proposal included the installation of relevant equipment to run the garage inside the building, and that no external alterations were proposed. It was noted that the site was located within the development boundary of Y Ffôr and was designated as a protected employment site within the Gwynedd and Anglesey Joint Local Development Plan. The officer added that the site formed part of an existing industrial estate where there were various industries at present, with some dwellings in the vicinity of the industrial estate.

It was highlighted that the proposal was for changing the use of part of the building into a vehicle repairs garage and MOT centre, which fell under use class B2. It was not considered that the change of use of part of the building into a garage would have a detrimental effect on the amenities of the local neighbourhood, bearing in mind that the site was already being used for employment / industry purposes. It was considered that the proposed use was acceptable and that it would not impact on the amenities, character or appearance of the site or the surrounding area, and that it conformed to the attributes of the relevant policies.

- b) It was proposed and seconded to approve the application in accordance with the recommendation.
- c) During the ensuing discussion, members made the following main observations:
  - Welcomed an application that offered employment
  - Welcomed an application that made the best use of a building within an industrial estate
  - Good use of an old building
  - Accepted the need for diversification in the current climate
  - Although the application is welcomed, it is important not to disregard the future needs of the creamery

**RESOLVED to approve the application**

1. **Commence within five years.**
2. **In accordance with the plans.**
3. **Restrict use of the unit to use class B2.**

## 8. APPLICATION NO C20/0002/11/LL LAND NEAR YSGOL FRIARS, BANGOR

Attention was drawn to the late observations form – highlighting the condition for additional trees.

- a) The Planning Manager elaborated on the background of the application, explaining that this was an application for creating two level play areas on land at Ysgol Friars using soil from the Ysgol y Garnedd construction project. As part of the proposal and to compensate for the loss of a play area, it was proposed to improve a section of the playing field at Ysgol Friars by raising the ground level and creating two levelled plateaus with additional land drainage provision.

The officer explained that the Waste Planning Assessment that had been submitted with the application confirmed that the work of creating the first plateau had commenced at the same time as the preparation works for the Ysgol y Garnedd project, between April and May 2019. It was anticipated that the remaining work to create the second plateau and lay down the topsoil over the entire site would be completed before the end of May 2020.

All the topsoil had already been piled on the site's northern boundary and it was proposed to move the remaining materials from Ysgol y Garnedd directly to Friars playing field without transporting them on a public highway. Although the initial comments by Gwynedd Council's Transport Service suggested an abnormal traffic agreement, it was highlighted that the service had now been given to understand that the proposed development would not have a detrimental impact on any road or proposed road as all the material for the project was located on the same land-holding as the application site. The only recommendation was to include an appropriate condition to restrict the hours of transport activity so that they did not clash with the opening and closing hours of the school – it was highlighted that the applicant had already offered to work within the hours imposed under a Planning condition on the Ysgol y Garnedd development. It was noted that there was no evidence to suggest that the remaining work required on the site would cause harm to neighbouring residents or to the users of the nearby public footpath.

- b) It was proposed and seconded to approve the application.
- c) During the ensuing discussion members made the following observations:
- The work needed to be completed
  - There was a long list of conditions therefore we need to ensure that the developer adheres to them
- ch) In response to a question regarding the note 'no response received' during the public consultation, the officer noted that this meant that no letters had been received - either objecting or supporting the application.

**RESOLVED to delegate powers to the Assistant Head to approve the application, subject to the following conditions;**

- **Commence the development within five years**
- **14 days' notice of the commencement and completion of the work**
- **Soil to be laid down in accordance with the Welsh Government's recovery guidelines in MTAN1: Aggregates.**
- **After-care provision for a 5 year period after seeding the site to include**

**provision for the collection of stones, chemical analysis, land drainage, the timing of the work and any restorative work.**

- **Comply with the plans and details of the application,**
- **It is not permitted to use any equipment on the site unless adequate dust suppression systems have been installed for these equipment to prevent the release of dust.**
- **Hours of operation are to be 08.00 - 18.00, Monday to Friday, 08.00 - 13.00 on Saturdays and no work on Sundays or Bank holidays,**
- **Any work on site must be suspended and the Planning and Public Protection Service notified immediately, should any unusual land condition be encountered during the development,**
- **Hours of operation of the waste separation equipment will be 08.00 - 18.00, Monday to Friday, 08.00 - 13.00 on Saturdays and no work on Sundays or Bank holidays,**
- **A note to the Applicant to include the comments of the Water and Environment Unit on the application, advising the developer to contact them in light of the need for an Ordinary Water Course Consent for any work that could impact the flow of a water course either permanently or temporarily,**
- **A note to the applicant that the application had been assessed according to the seven sustainability goals of the Well-being of Future Generations (Wales) Act (2015).**
- **Ensure that all the trees enclosed within the Construction Exclusion Zone are protected from building operations throughout the development in accordance with BS5837: 2012 under the surveillance of the project's tree specialist.**

## **9. APPLICATION NO C20/0083/11/DT 33 BRYN EITHINOG, BANGOR, GWYNEDD**

The Local Member had called in the application to the Committee

- a) The Planning Manager elaborated on the background of the application, explaining that this was an amended application to the one refused under planning application C19/1135/11/LL for the creation of an additional bedroom within the roof space by erecting a dormer window extension. It was proposed to erect an extension above the existing garage on the front of the property, and a one-storey extension to the rear of the property. The site was served by a double entrance off an unclassified nearby county road (Bryn Eithinog) with parking spaces for at least three vehicles within the front curtilage. It was considered that the extensions were acceptable in terms of their scale, setting and design and would not lead to the creation of incompatible structures in this part of the streetscape. It was reported that there were various other extensions around the site.

It was considered that the proposal complied with the requirements of the criteria under Policy PCYFF3 of the LDP. There would be no additional windows installed in the side of the front extension, and for the rear extension windows would be installed on the ground floor and two first-floor windows would be lost. Because of the distances between the proposed openings and their setting in relation to other residential properties, it was not considered that there would be any unacceptable overlooking or loss of privacy to nearby residents.

It was highlighted as part of the application that the only changes to what had

already been approved and which required formal planning permission was the reduction in height of the rear extension. Consequently, the proposal involved the creation of a rear extension which was less bulky and with less height and was therefore an improvement in terms of its visual impact on the streetscape. Attention was drawn to the space in the roof which would be suitable for a fifth bedroom. An officer emphasised that planning permission was not required to convert the attic into a bedroom.

It was reported that Bangor City Council had expressed concern that the proposal would have an impact on the safety of the public road which led to schools in the area and which was popular with walkers. More cars on / outside the site would place extra pressure on the area's infrastructure.

The Transportation Unit had been consulted as part of the application. They had noted that the proposal would not have a detrimental impact on parking standards or public road safety. The current property conformed to the normal parking requirements for dwellings with four or more bedrooms by providing two parking spaces and a garage.

Having considered all the relevant planning matters including local and national planning policies and guidance and the associated planning history, the application was deemed acceptable based on principle, design, scale, materials, local building forms, setting, and highway matters and residential amenities, which meant it therefore complied with the requirements of relevant local and national policy and guidance.

- b) Taking advantage of the right to speak, the Local Member made the following points:-
- Concern with the development of an extra bedroom that there would be more cars on the site
  - The site had been the subject of a number of applications for a larger house
  - The house operated as a House in Multiple Occupation and was the subject of an enforcement investigation.
  - As a HMO, concerned that 5 double bedrooms would mean that 10 people could reside in the house with several cars outside
  - This extension was not for a family home
  - There were private estate roads around the site, but they were busy in terms of traffic and pedestrians
  - The Member requested that the Committee refused the application and conducted a site visit when convenient
- c) Proposed and seconded to refuse the application, contrary to the recommendation on the grounds of over-development of the site.
- d) In response to the Local Member's observation that the house was operating as a HMO, it was reported that confirmation had been received that the unit had been granted the appropriate licence to operate as a HMO in 2011 and that this licence remained in effect.

The officer added that refusal of the application would constitute a significant and costly risk, given that similar permissions had been granted on nearby sites and that this property already had extant permission which permitted a larger extension than what the current application was seeking. Should the

Committee refuse the application there was a risk that the Committee could be criticised for acting unreasonably. The members were asked to consider the evidence before them carefully.

- ch) During the ensuing discussion members made the following observations:
- Sympathised with the HMO issue
  - Refusal of the application, and the likelihood that the applicant would win on appeal would give him the right to build larger extensions and possibly a 6th bedroom
  - This scheme allowed some control of the size of the site
  - The application was acceptable in the context of planning policies and regulations
  - Need to ensure that the 5th bedroom in the attic complied with fire regulations
  - Need to ensure plenty of space for the recycling bins
  - The hard standing in front of the house could be extended to create more parking space
  - Suggest imposing a condition stating that the occupants must park on the site
  - Dwellings nearby had substantial extensions, therefore it was difficult to refuse
  - The plans were an improvement on the previous application
  - Suggest that the hedge was removed in order to improve visibility
  - Houses in multiple occupation had ruined the character of Bangor and created problems for local people
- a) In response to the comments about cutting the hedge, it was highlighted that it would not be possible to impose a condition specifically for this application unless it was a request for everyone in the area to cut their hedges. It was suggested that the officers could kindly ask the applicant to act on this. In respect of the number of parking spaces, it was noted that three parking spaces met the requirements of the Highways Department.
- b) A vote was taken on the proposal to refuse the application - it fell.
- dd) It was proposed and seconded to approve the application.

**RESOLVED to delegate powers to the Assistant Head of the Environment Department to approve the application, subject to the following conditions:**

- 1. Five years**
- 2. In accordance with plans.**
- 3. Welsh Water.**
- 4. Slates.**
- 5. Materials.**
- 6. Removal of General Permitted Development rights for any new windows/dormer windows.**
- 7. The garage/car parking spaces must be available for parking motor vehicles at all times.**

The meeting commenced at 11.00 am and concluded at 12.15 pm

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**CHAIRMAN**