
PLANNING COMMITTEE 31/01/22

Present: Chair: Councillor Eric M Jones
Vice-chair: Councillor Gareth A Roberts

Councillors: Elwyn Edwards, Simon Glyn, Anne Lloyd Jones, Berwyn Parry Jones, Gareth T Jones, Huw Wyn Jones, Louise Hughes, Edgar Owen, Eirwyn Williams and Owain Williams

Officers: Iwan Evans (Head of Legal Services), Keira Sweenie (Planning Manager), Dafydd Gareth Jones (Senior Minerals and Waste Planning Officer), Iwan Ap Trefor (Senior Engineer - Development Control) and Lowri Haf Evans (Democracy Services Officer)

Others invited:

Local Member: Councillor Dafydd Meurig

1. APOLOGIES

Apologies were received from Councillor Stephen Churchman and Councillor Dilwyn Lloyd.

It was announced that Dafydd Gareth Jones (Senior Planning, Minerals and Waste Officer) was retiring after 36 years of service with the Council. He was thanked for his advice and support to the Planning Committee over the years and best wishes were relayed to him.

2. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

- a) The following member declared that he was a local member in relation to the item noted:-
- Councillor Dafydd Meurig (not a member of this Planning Committee), in relation to item 5.2 (C15/0966/16/MG) on the agenda

3. URGENT ITEMS

None to note

4. MINUTES

The Chair signed the minutes of the previous meeting of this committee, held on 10 January 2022, as a true record subject to noting that Planning Application C21/0859/42/DT - Môn Arfon, Lôn Pen Rhos, Morfa Nefyn (item 5.7) **had been refused on grounds of overdevelopment.**

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 C21/0587/14/AC GWYNEDD SKIP HIRE, YSTÂD DDIWYDIANNOL CIBYN, CAERNARFON, GWYNEDD, LL55 2BD

Application under Section 73 of the Town and Country Planning Act 1990 to vary Condition 8 on planning permission C08A/0209/14/LL (Extension of existing recycling site with erection of new waste transfer building, parking facilities and erection of 5-metre-high perimeter screen) to increase the maximum annual throughput of waste from 75,000 to 125,000 tonnes at a maximum rate of 1,200 tonnes per day and no more than 2,800 tonnes per week.

Attention was drawn to the late observations form.

- a) The Senior Planning Manager – Minerals and Waste expanded on the background of the application, noting that the site had been established on the Industrial Estate in Cibyn for over 20 years which was earmarked on the Local Development Plan's proposals map for B1, B2 and B8 employment use. It was reiterated that Policy GWA 2 (Waste Management on Designated Sites) stated that waste management proposals should be approved on appropriate sites provided that the proposal was in accordance with the waste hierarchy and that there was a clear need for the development which was supported by a Waste Planning Assessment. No further construction or operational changes to the development were proposed.

It was noted that the site provided a commercial waste recycling and transfer service in accordance with the terms of the existing permission. It was explained that the waste received included waste collected in skips namely household waste, commercial and industrial waste and waste from road cleaning work along with some items described as hazardous waste to include car batteries, asbestos sheets bonded with cement and electrical waste. The waste carried to the site would be sorted for recycling or reuse.

It was highlighted that the facility had been operating successfully to the extent that demand from existing customers and potential customers was growing at a rate that would exceed the limit imposed by the planning condition and therefore the applicant was seeking an increase in the permitted throughput of waste. It was reiterated that a recent upgrade to the waste transfer station had led to additional capacity, namely construction and demolition waste and a contract with energy from waste plants in Wales and England meant a supply of material deriving from processing waste from construction, household and commercial sources and it was anticipated that this waste flow would continue. Increased capacity was also needed to provide for an increase in producing and distributing biomass to local biomass operations. It was noted that the site had the capacity to expand and the development proposed here would ensure that the existing facility continued to sort and process materials sustainably and contribute to reaching Welsh Government targets to divert waste from landfill.

In terms of setting targets for managing household, industrial and commercial waste, 'Towards Zero Waste' insisted that at least 70% of such waste should be reused and/or recycled by 2025. It was considered that this application would contribute to how much the area recycled and would reduce the waste sent to landfill. It was reported that, for all types of waste, Edition 11, Planning

Policy Wales made it mandatory to identify sites that were suitable for sustainable waste management developments in development plans in addition to setting criteria for determining applications for such developments, recognising that the most appropriate locations would be those with the least detrimental impact on the local population and the environment and with the best potential to contribute towards a wider infrastructure framework.

In the context of transport and access matters it was noted that parking provision had been shown on the submitted plan with the additional details, but also, the company had a holding yard on the far end of the industrial estate where articulated vehicles parked until they were called into the main yard when it was clear. The Transportation Unit did not have any objection to the proposal.

It was considered that the development was acceptable in principle and complied with policies PS5, PS22 and GWA 2 of the Gwynedd and Anglesey Joint Local Development Plan 2011 - 2026. The amount of waste to be handled in a sustainable way must be significantly increased if it was to meet Welsh Government targets; and reduce the percentage of waste that was sent to landfill in Gwynedd. This development would contribute towards providing a network of sustainable waste facilities in the County in accordance with the requirements of Policy GWA 2 of Gwynedd and Anglesey Joint Local Development Plan 2011 - 2026;

- b) It was proposed and seconded to approve the application
- c) During the ensuing discussion, the following observations were made by members:
- The development was to be welcomed.
 - The new bypass would be beneficial for lorries
 - That the proposal responded to recycling targets.
 - The company was well-established and fulfilled a necessary duty.

In response to the observation of the need to consider concerns relating to bad odours, it was noted that the matter had been resolved and was the outcome of waste being left to stand. It was reiterated that procedures had been updated to avoid this in future. In response to a comment that lorries were queuing along the road, there was reference to one case where this had happened as a result of someone parking across the entrance.

RESOLVED

- **To approve the application, subject to the following change to Condition 8 on planning permission C08A/0209/14/LL to increase the maximum annual throughput of waste to 125,000 tonnes at a maximum rate of 1,200 tonnes per day and no more than 2,800 tonnes per week to:**

With the exception of receiving prior written permission from the waste planning authority, it is not permitted to move more than 125,000 tonnes of dry solid household, commercial and industrial waste through the waste transfer station in any given year at a maximum rate of 1,200 tonnes per day and no more than 2,800 tonnes per week. It must be ensured that the figures of the site's throughput over any specified period shall be made available to the waste planning authority within 21 days of request.

- **To review conditions relating to the management and monitoring of noise, dust, odours, rubbish in accordance with the submitted mitigation details.**

7. APPLICATION NO C15/0966/16/MG LAND AT PENTWMPATH, LLANDYGAI, LL57 4LG

Reserved matters application to erect 15 dwellings to include five affordable dwellings, following an outline permission under reference C09A/0518/16/AM

Attention was drawn to the late observations form.

- a) The Planning Manager highlighted that the outline application had been approved for constructing 15 houses including five affordable houses, with all matters reserved, and therefore the application submitted before the Committee was for agreement on all reserved matters including layout, scale, appearance and landscaping.

It was explained that the site was located within the village boundary of Llandygai and under the Gwynedd Unitary Development Plan (2009), when the proposal was given outline permission, the site had been designated for housing. However; the site was not currently designated, but it remained within the development boundary. It was explained that the land was currently used for grazing with a stone wall and hedge running along the western boundary of the site with the adjacent public road. It was reiterated that mature trees, protected under a recent Tree Preservation Order (04.10.2019), were situated along the northern boundary of the site, and a private road led to a cluster of houses along the southern boundary.

It was reported that the application had been subject to extensive discussions with the agent over a period of time, and the latest plans had been submitted (13.08.2021) proposing to reduce the number of affordable dwellings from five to three and retain a buffer area between the protected trees and the housing development. It was reiterated that there was a proposal to provide one vehicular access to the estate along with a pedestrian access through the existing hedge - with the complete removal of the hedge at the part located to the south of the entrance.

Although the amended plans proposed a reduction in the number of affordable homes from five to three, it was noted that although it was possible to amend the number of affordable houses under another separate application, this could not be done via a reserved matters application as the outline application form and the outline planning consent referred specifically to the provision of five affordable units in the context of this application. Despite discussions on reducing the number of affordable houses to three, and that this could be done via a separate application, neither the application form nor the amended plans confirmed clearly that there was a change to three affordable properties. It was outlined that the application had been assessed for five affordable houses.

The reasons for refusing the application were explained noting that refusal reason 4 had now been deleted, as the agent had provided correspondence between them and Welsh Water confirming that Welsh Water were satisfied for them to connect to the main sewer. It was noted that outline planning permission had been approved for the proposal which included providing a sewage treatment system and it was not possible to deal with the change to connect to the main sewer through a reserved matters application.

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

- That the committee report and the recommendation were unexpected given all the collaboration and discussions that had taken place with Gwynedd Council since the application was submitted in 2015.
- Responses to the reasons for refusal:

Reason: 1. Affordable Housing

- That the Housing Strategic Unit had confirmed that the affordable units met the local need and the open market units were in accordance with the SPG's Housing Mix Statement.
- The number of affordable units had been reduced on grounds of the planning officer's advice. However, as the reduction had led to a reason for refusal, the number of affordable units as approved to five had been restored
- A Housing Mix Statement had been submitted along with an updated valuation: the floor surface area of the affordable units had been reduced to accord with policy - amended plans submitted

Reason for refusal 2. Biodiversity

- Site plan had been amended in response to a comment in the report that providing a gap for the vehicular access only would be acceptable but that the remainder of the hedge should be kept.

Reason for refusal 3. Trees

- In response to the observations that the proposal related to providing hard floors, parking spaces and gardens within tree root protection areas, it was noted that no gardens, patios or parking spaces had been set within the RPZs as this area had been designated as a buffer. The management company would ensure that the area was left for wildlife and would prevent any development. These trees did not reach over any garden or house.

Reason for refusal 4 - Foul Water Drainage:

- With regard to a confirmation of the intention to connect to the

main sewer, NRW did not have an objection to the application and they welcomed the connection through Welsh Water.

- The Committee Report stated that no amended information had been received from the applicant and therefore it was considered that the proposal was not acceptable.
 - Correspondence to the planning officer between Welsh Water, Gwynedd Council and the agent had been resubmitted along with confirmation that the connection was acceptable - these had been submitted on 12.03.2020 along with an amended application form.
- The scheme would provide a well-designed attractive development with a good mix of housing in accordance with the Gwynedd Housing Mix SPG.
- c) Taking advantage of the right to speak, the local member made the following points:
- That the application dated back to 2009.
 - That the field in question was reasonable but there were a number of associated difficulties and unresolved issues.
 - Drew attention to NRW's significant concerns.
 - Locally, many were concerned about the increase in traffic and the access, although it was possible to deal with these matters.
 - Observations regarding surface water and imposing a condition to manage it was acceptable.
 - That there was a need to draw attention to an element of overlooking - three houses on one side of the field - a downward slope from the field
 - Need confirmation that there were five affordable houses - three were not acceptable, in principle more affordable houses should be included - Tai Teg suggested 63%.
 - The application was not mature enough.
 - Agreed with the recommendation to refuse based on the three reasons
- ch) It was proposed and seconded to refuse the application.
- d) In response to a question regarding the fact that the application was a historical one (2009) and the land, although within the development boundary, was no longer designated for housing, albeit there was a need for housing locally, it was noted that perhaps better sustainable sites nearer to Bangor had already been approved and that the area had now reached the target. It was reiterated that this was a reserved matters application and should the application be refused a new application would be needed to respond to the need for housing locally.
- e) During the ensuing discussion, the following observations were made by members:
- That the plan and the site were acceptable.
 - Information between the agent and the Planning Unit contradicted each other.
 - That the application submitted in 2009 responded to the need for affordable housing.

RESOLVED to Refuse.

Reasons:

1. **As a result of the changes to the plan that are not reflected in the housing mix statement and the lack of information in terms of the valuation, it is not considered that the proposal as a whole complies with the requirements of policies TAI 8 of the Gwynedd and Anglesey Joint Local Development Plan**

2017 and SPG Housing Mix in terms of justifying the mix provided, or policies PS18 and TAI 15 of the Gwynedd and Anglesey Joint Local Development Plan 2017 and SPG Affordable Housing in terms of justifying the floor area of the affordable units and ensuring that the units are affordable in price in perpetuity.

- 2. It is considered that the proposal, due to the proximity of the proposed houses and hard standings, is likely to have a detrimental impact on the condition and future of the hedge which could contribute to losing substantial parts of the hedges on the western boundary will have a significant detrimental impact on the character of the area and so the proposal is contrary to the requirements of criteria 2 and 3 of policy PCYFF 3 of the Gwynedd and Anglesey Joint Local Development Plan 2017 in terms of respecting the context of the site and incorporating soft landscaping when appropriate, and criteria 3, 4 and 6 of policy PCYFF 4 of the Gwynedd and Anglesey Joint Local Development Plan 2017 in terms of respecting and protecting local views and any positive natural features that exist and providing justification for circumstances where it is not possible to avoid removing/losing trees or hedges.**

- 3. The proposal involves providing hard standings, and supplementary activities to the houses such as parking and gardens directly on the boundary for tree root protection areas designated as an ancient woodland and protected under a Tree Preservation Order and to this end, it is considered that the proposal is likely to have a detrimental impact on the protected trees and that the proposal is contrary to the requirements of criterion 8 of policy PS19 of the Gwynedd and Anglesey Joint Local Development Plan 2017 as the proposal does not ensure the retention or enhancement of trees, hedges and woodlands of value."**

The meeting commenced at 10.00 am and concluded at 10.50 am

CHAIRMAN