
PLANNING COMMITTEE 21/12/20

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

Councillors: Stephen Churchman, Elwyn Edwards, Simon Glyn, Louise Hughes, Anne Lloyd Jones, Berwyn Parry Jones, Eric Merfyn Jones, Gareth T Jones, Huw G. Wyn Jones, Edgar Wyn Owen, Eirwyn Williams and Gruffydd Williams

Also in attendance: Gareth Jones (Assistant Head of Planning and the Environment), Cara Owen (Planning Manager), Rhun ap Gareth (Senior Solicitor), Iwan Evans (Head of the Legal Department / Monitoring Officer - for item 4.1 only), Gareth Roberts (Senior Development Control Engineer), Keira Sweeney (Development Control Team Leader), Rebeca Jones (Planning Manager Joint Planning Policy), Moira Duell Parry (Environmental Health Officer) and Lowri Haf Evans (Democratic Services Officer)

Others invited: Councillor John Brynmor Hughes (Local Member)

1. APOLOGIES

Apologies were received from Councillors Dilwyn Lloyd and Owain Williams

2. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

- a) Councillor Berwyn P Jones in item 4.1 on the agenda, (planning application number C19/1072/11/LL), as he was a member of the Adra Board

Councillor Simon Glyn in item 4.3 on the agenda, (planning application number C20/0898/42/DT)

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

- b) The Solicitor, Rhun ap Gareth, in item 4.1 on the agenda (planning application number C19/1072/11/LL) as his parents in law lived near the site.

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

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

Councillor Gareth A Roberts (a member of this Planning Committee), in item 4.1 on the agenda (planning application number C19/1072/11/LL)

Councillor John Brynmor Hughes (not a member of this Planning Committee), in item 4.2 on the agenda (planning application number C20/0070/39/DT)

Councillor Gareth T Jones (a member of this Planning Committee), in item 4.3 on the agenda (planning application number C20/0898/42/DT)

The members stated that they had received an e-mail from an objector encouraging them to refuse application C19/1072/11/LL - a residential development of 30 units on land adjacent to Pen y Ffridd, Pen y Ffridd Road, Penrhosgarnedd, Bangor

3. URGENT ITEMS

None to note

4. 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

4.1. Application Number C19/1072/11/LL - Land adjacent to Pen y Ffridd, Pen y Ffridd Road, Penrhosgarnedd, Bangor

A residential development of 30 units (to include 12 affordable units) together with infrastructure, parking areas, access, paths and an open space

Attention was drawn to the late observations form. It was highlighted that appendix 1 (Committee report 20/10/20) of the cooling-off report had been included in the late observations form together with a written submission of the applicant's observations and the objector's observations as well as the comments of the Joint Planning Policy Unit.

A presentation of the plans subject to the application was given and the amended plan was highlighted that included children's play equipment on the open space.

- a) The Assistant Head of Planning and Environment explained that the application discussed at the committee on 20 October 2020 had been refused, contrary to the officers' recommendation. The application had been refused for 6 reasons and consequently the application had been referred to a cooling-off period.

Information was re-submitted to the Committee highlighting the policies, risks and options available to them. Reference was made to an amended linguistic statement that complied with the requirements of PS1 and the relevant Supplementary Planning Guidance together with a plan showing the children's play area and equipment within the application site. In addition, a second consultation was conducted with all the relevant consultees for them to have an opportunity to confirm their views and observations on the application for 30 houses (2 or 3 bedroom semi-detached houses) with 12 of the houses being 100% affordable and 18 of the houses being open market housing and 5 being offered for intermediate rent or a 'rent to buy' scheme. This would enable eligible families to rent a house with the option to buy in the future and within the Bangor development boundary.

Reference was made to Part 3 of the report that confirmed the relevant policies together with the responses to the 6 reasons for refusal. It was added that the report included detailed evidence of the need for housing with the Housing Service and the Joint Planning Policy confirming the need for affordable housing in the area together with the general need for 2 or 3 bedroom housing. The proposal therefore complied with policies TAI 1, 8 and 15.

In the context of flooding matters, NRW, the Council's Water Unit and Welsh Water were re-consulted and confirmation was received that they had no objection to the application.

The Public Protection Service was re-consulted regarding land contamination and it was reported they did not have any objection to the application and they were satisfied for the remedial strategy to be implemented by imposing a standard planning condition. It was added that the Transportation Unit had no objection in terms of road safety, traffic flow and the capacity and suitability of Ffordd Pen y Ffridd and the Ysbyty Gwynedd roundabout.

It was considered that the contents of the report responded to and overcame the 6 reasons for refusal. No objections had been received from the statutory consultees or the other relevant consultees and therefore in the opinion of the Assistant Head, there was no sufficient evidence to support the 6 reasons for refusal. Consequently, reference was made to the possible risks to the Council as a result of refusing the application referring specifically to the possible substantial financial risks for the Council in an appeal, as it was not considered that there was evidence to defend the reasons for refusal. It was also confirmed that the applicant had submitted an appeal to the inspectorate and it was understood that the applicant intended to make an application for costs.

In section 5 of the report the options open to the Committee were listed. It was emphasised that there were risks with each of the refusal reasons and the risk increased as the number of reasons to refuse increased. It was reported that should the Committee decide to refuse the application, then in accordance with usual procedure the proposer and seconder would have to defend the appeal on behalf of the Council, however, Officers would give advice and support to Members as far as possible, as had occurred with past appeals.

It was stressed that the recommendation was to approve the application and there was sufficient evidence to confirm that the development complied with the relevant planning policies.

b) Taking advantage of the right to speak, the Local Member made the following points:

- Following canvassing work, holding discussions and meetings locally there was sufficient evidence that there was no local need for the development - no one locally supported the development.
- All the arguments had already been submitted.
- The site was not suitable for a housing development
- The application needed to be refused

c) Proposed (Councillor Gruffydd Williams) and seconded (Councillor Simon Glyn) to refuse the application on the grounds of the negative impact on the Welsh Language and transportation matters (Pen y Ffridd road was unsuitable for access to a development of this size).

ch) During the ensuing discussion, the following observations were made by Members:

- No sufficient amendments to the original report / assessment
- 12 affordable houses not enough - the rest of the houses were open market housing
- Why consider 'Bangor' as a community? Bangor was a patchwork of individual communities and therefore it was unsuitable to set a basis for Bangor as one entity
- It was necessary to further consider the impact on the Welsh language
- The Ysbyty Gwynedd Roundabout would reach capacity as a result of the improvements to schools - the impact of this on the infrastructure had not been evidenced - a back-up plan was required if there was congestion
- There was a need to respect the wishes of the local community who objected the development as well as the views of the Local Members

- The infrastructure was not sufficient
 - The application was fragmented - there would be a detrimental effect and impact on the Welsh language together with transportation
 - The unsuitability of the narrow road into the estate had to be considered

 - That the proposal complied with the Gwynedd Council Housing Strategy and provided housing for local people very similar to Yr Hendre development, Caernarfon
 - The site was located within the development boundary of the Local Development Plan
 - No evidence to object - the argument for refusal was weak
- d) In response to an observation that the report, in the context of the risks to the Council, was threatening in its nature, the Monitoring Officer noted that the Planning Service had a responsibility to highlight the planning policy situation, the evidence that was to hand including possible risks to the Council, as this was the purpose of the procedure to submit a cooling-off report as the report explains.
- dd) In response to a question regarding if consideration had been given to the capacity of local surgeries, the Planning Manager noted that the Planning Service sought to consult with the Local Health Board on major applications, however, a response was not received every time.
- e) In accordance with the Procedural Rules, the following vote to **refuse the application** was recorded:

In favour of the proposal to refuse the application (7): Councillors Elwyn Edwards, Simon Glyn, Louise Hughes, Gareth M Jones, Huw W Jones, Eirwyn Williams and Gruffydd Williams

Against the proposal to refuse the application (3): Councillors Edgar Owen, Anne Lloyd Jones and Stephen Churchman

Abstention (1): Councillor Eric M. Jones

RESOLVED to refuse the application contrary to the recommendation

Reasons:

1. **A negative impact on the Welsh language.**
2. **Pen y Ffridd Road is unsuitable for access to a development of this size**

4.2. Application Number C20/0070/39/DT - Tŷ Wiggins, 12 Lôn Cernyw, Bwlchtocyn, Pwllheli

An extension including raising the roof height

Attention was drawn to the late observations form.

Two short videos were presented outlining the variation in ground levels together with the size of the houses and the estate design.

- a) The Planning Manager elaborated on the application's background noting that this was a re-submission of an application following the decision of the Committee on 16 November 2020 to defer in order to prepare a video and additional photographs of the estate and the site. It was added that the application was for alterations to the existing house by

raising the height of the roof in order to use the roof-space for rooms and build an extension to the rear to create a first-floor balcony. Members were reminded that currently the ridge of the house was approximately 5 metres and the proposed proposal noted a ridge height of 6.5 metres.

It was reported that the site was within an estate of houses within the AONB and the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest.

It was considered that the proposal would not have a harmful impact on the area or on the AONB, and the proposal's design, scale and size were acceptable as there was plenty of land surrounding the property. It was considered that the proposal was not an over development and there were no implications in terms of road safety or the amenities of nearby residents. On the whole, the design retained the appearance of the house and therefore did not create a detrimental impact.

- b) Taking advantage of the right to speak, the Local Member made the following points:
- That he opposed the application and represented the estate residents
 - That the size of the house was sufficient as it was
 - The proposed extension was substantial - when considering the size permitted for an affordable dwelling
 - It would never be a house for local people
 - There was a danger of setting a precedent to others on the estate and therefore consistency and the original character would be lost.
- b) It was proposed and seconded to approve the application.
- c) During the ensuing discussion members made the following observations:
- Houses were being adapted and would be out of reach of local people
 - The proposal was an over development
 - It set a dangerous precedent that would change the character of the site
 - The tendency was to add an extension or upgrade every house
 - The extension would transform the property from a bungalow to a house.
 - It should be retained as an estate of bungalows and no houses should be introduced onto the estate
 - A policy was required to safeguard this - the nature of housing estates now was to have extensions
- Neither the Town Council nor the AONB had any objections
- ch) The members voted on the proposal to approve the application

The proposal fell

The members voted on the proposal to refuse on the grounds that the proposal was an over development of the site

RESOLVED: To refuse the application contrary to the recommendation

Reason: The application was considered to be an over-development of the site.

4.3 Application number 20/0898/42/DT - Tŷ Pen Lôn Las, Morfa Nefyn, Pwllheli,

Extensions and alterations to the existing dwelling.

- a) The Development Control Team Leader elaborated on the background of the application, and noted that there were several elements to the application for extensions and adaptations to the existing two-storey house
- Erection of a first-floor extension to the front of the dwelling
 - Changing the ground floor extension at the front / side of the property to have a hip roof rather than a gable roof
 - Demolishing the chimney
 - Erection of a first-floor extension at the rear of the property
 - Replacing two existing pitched roof single-storey extensions at the rear with a flat roof extension - the new extension would extend 1.2m further to the rear than the existing extension
 - Creating a balcony on top of the flat roof extension with surrounding glazed balustrade and a screen measuring 1.8m in height

It was explained that the property was a detached house in a residential area within the development boundary of Morfa Nefyn, backing onto open rural green fields with the back of the houses to be seen from the main road between Morfa Nefyn and Edern.

The proposed adaptations were discussed by referring to the plans that compared the existing aspects with the desired. It was explained that the plans detailed the comparisons as the agent was trying to respond to the comments received from the Town Council and from the public consultation that the development was an over development of the site. It was highlighted that the size of the proposal did not significantly increase the site.

Attention was drawn to the general and residential amenities noting that there was a recommendation to impose a condition to ensure a screen to prevent visibility from the balcony. It was reported that there was a mix of housing and designs in the residential area and reference was made to policy PCYFF3 that assesses design, materials and visual impact of any development and policy PCYFF2 that assesses the significant detrimental impact on the health, safety or amenities of local property occupiers.

It was considered that the planning application met with the requirements of local and national planning policy.

- b) Taking advantage of the right to speak, the applicant's agent noted the following background information and the justification for the design.
- It was an application to; 1. Regenerate and create a permanent home in accordance with the 'lifetime home standards'. 2. Thermal improvements and repair of water leak problems, 3. Maximising natural light 4. Reshaping the plain façade without any character and offer a high quality surface that reflects local characteristics.
 - Present a better combination of materials rather than an unimaginative finish as it was currently.
 - A full analysis had been undertaken to establish what characteristics offered a positive contribution to the identity of the village as well as to the area's native character. This information had been used to form the proposals in question.
 - Although the property could be clearly seen from Lôn Las, it was not considered that the proposals contributed to a negative impact - to the contrary the design would offer a significant improvement.
 - The most notable change would be on the rear elevation namely a flat roof and a balcony with a sedum grass cover and an increased glazed area - including a similar surface to what had been approved nearby.
 - The proposal was for permission to increase the floor area by 14%, which was substantially lower than similar projects granted recently.

- The design had been developed sympathetically re-using sections of the property already developed rather than using more of the curtilage.
 - In response to concerns regarding 'overdevelopment', it was considered that the increase of 14% was not tantamount to an overdevelopment. It was noted that the proposals were significantly lower than the average increase granted in the area over the last few months.
 - Bearing in mind that the proposals used previously developed land, the gross curtilage area would only be reduced by 35 square metres (a reduction of less than 1%) - this was further evidence that the proposal was not an overdevelopment of the property.
- c) Taking advantage of the right to speak, the Local Member made the following points:
- That the house was two-storey with 4 bedrooms, of a substantial size - modern and sufficient
 - The front of the house was in keeping with nearby houses, however, the back was very different to every other house on Lôn Las - none of the others had a balcony
 - The balcony and a great deal of the back extension was glazed, stood out and could be clearly seen - an eyesore
 - Accepting that other houses had a balcony, however, these were less obvious and unobtrusive
 - There was concern about the impact of the change on the amenities of nearby residents - a high and ugly screen would be required to ensure privacy.
 - It would not be 'some overlooking' as stated in the report but 'substantial overlooking over neighbours' property - screen or otherwise
 - A screen would be unlikely to withstand strong winds
 - The development would be an overdevelopment and would cause substantial significant harm
 - He requested for it to be refused due to the obtrusive elements.
- ch) Proposed and seconded - to refuse the application on the grounds of its impact on the amenities of nearby residents and the proposal was an over-development of the site.
- d) During the ensuing discussion members made the following observations:
- That the proposal was an over-development of the site.
 - It would have an impact on visual amenities
 - Notice had to be taken of local concerns.
 - That erecting a screen was inappropriate
 - The adaptations would tidy up the existing building although the design was not appropriate
 - There was no problem with the extensions, but the balcony would have an impact on neighbours
- dd) In response to a question about holding further discussions with the applicant to discuss the features of the balcony, the Planning Manager noted that the balcony was part of the plan before them and although it was possible to hold further discussions regarding the balcony this would not solve the other objections / comments that had come to hand.
- e) An amendment to the proposal was proposed and seconded to defer the decision in order to get a better understanding of the impact of the balcony and to hold further discussions with the applicant regarding the balcony.

RESOLVED: To defer

- **more information is required about the impact of the balcony**
- **discuss with the applicant to see if it is possible to take the balcony out of the plans**

The meeting commenced at 11:00 and concluded at 13:05pm.

CHAIR