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## PLANNING COMMITTEE 11-01-21

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**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, Gareth T. Jones, Huw Wyn Jones, Dilwyn Lloyd, Edgar Owen and Owain Williams

**Also in attendance:** Gareth Jones (Assistant Head of Planning and 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:** Councillors Ioan Thomas and Menna Baines (Local Members)

### 1. APOLOGIES

Apologies were received from Councillors Eirwyn Williams and Gruffydd Williams along with Councillors Rheinallt Puw and Glyn Daniels (Local Members)

Condolences were expressed to Councillor Anne Lloyd Jones as her mother had passed away recently

Best wishes for a speedy recovery were sent to Councillor Eirwyn Williams who had recently undergone surgery.

The Solicitor, Rhun ap Gareth, was congratulated on his appointment as Head of Legal at Conwy County Borough Council. He was thanked for his advice and support to the Planning Committee and best wishes were relayed to him in his new post.

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

- a) Councillor Eric M Jones in item 5.1 on the agenda (planning application number C20/0811/14/LL) as his son owned the property

Councillor Berwyn P Jones in item 5.4 on the agenda, (planning application number C20/0538/03/LL), as he was a member of the Adra Board

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

Councillor Ioan Thomas (not a member of this Planning Committee) in relation to item 5.1 on the agenda (planning application number C20/0811/14/LL).

Councillor Menna Baines (not a member of this Planning Committee), in item 5.3 on the agenda (planning application number C20/0804/25/LL)

- c) The Solicitor highlighted that the Members had received an e-mail from an individual regarding application 5.3. The e-mail shared sensitive information about the background

of the application. A suggestion was made for Members to be careful not to refer to the information during the discussion.

### **3. URGENT ITEMS**

None to note

### **4. MINUTES**

The Chair signed the minutes of the previous meeting of this committee, held on 7 December 2020, as a true record, subject to the description of application 5.3 Land Opposite Maes Bleddyn, Bethesda, noting 'Provision of 30 affordable residential units' and not 'erect 30 houses including 15 affordable housing'.

### **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**

#### **5.1. Application Number C20/0811/14/LL - Llanw, 6 Sydney Road, Caernarfon, Gwynedd, LL55 1ET**

Application for the extension of the existing balcony on the front elevation of the property

- a) The Planning Manager explained the background of the application, noting that this was an application to extend the current balcony approximately 2m around the front elevation and gable end of the property around the existing dining room and lounge. It was noted that the balcony would be constructed from a steel frame, with glazed panels and a timber board floor. It was reiterated that the property was a single-storey house located on a slope on a junction within a residential area of the town of Caernarfon. A public road surrounds three sides of the property.

It was highlighted that the application was being submitted to the Planning Committee as the applicant was related to a Member of the Planning Committee.

It was considered that the proposal was suitable for the site and for the dwelling in terms of size and design and therefore complied with the requirements of policies PCYFF 2, 3 and PS5. It was not considered that it would have a substantially greater impact on any nearby property or have a substantially greater impact on the area's amenities. Therefore, the proposal complies with the requirements of local and national policy.

- b) Taking advantage of the right to speak, the Local Member made the following points:
- That this was an application to extend the balcony and that the main considerations would be the loss of privacy of others due to overlooking - it was expressed that there would be no overlooking onto nearby property from this property
  - That the view from the property overlooked the Menai Straits, therefore, it would be appropriate to take advantage of that
  - Supported the recommendation
  - That clarity was needed on the Welsh Water note

- c) In response to a question regarding the Welsh Water note, it was noted that this was a 'note' and not a 'condition' and that it was a general note to raise the applicant's awareness

(ch) It was proposed and seconded to approve the application

**RESOLVED to approve the application**

**Conditions:**

**1. In accordance with the plans**

**Welsh Water Note**

**5.2. Application Number C20/0018/13/LL – Land near Llain y Pebyll, Bethesda, LL57 3NQ**

Erection of 7 residential dwellings for older persons together with parking spaces and a turning area

- a) The Planning Manager elaborated on the background of the application, and noted that this was a full application, with many elements to the application:-
- Provision of 5, two-bedroom bungalows together with 2 one-bedroom flats on affordable social rent for older people.
  - Provision of parking spaces and a new access off the trunk road to serve the bungalows on plot numbers 3 and 4.
  - The other dwellings will be served from the access and the existing driveway that serves Llain y Pebyll Estate.
  - Provision of private amenity spaces/gardens within the site.
  - Provision of infrastructure to include bin/recycling storage for each dwelling.

It was reported that the site is located outside, but adjacent to, the Bethesda development boundary as included in the Gwynedd and Anglesey Joint Local Development Plan 2017 (LDP). Although developments for affordable units and open market units have been approved recently in Bethesda, the local need for new housing specifically for older people has not been met.

It was explained that the application had been the subject of discussions between North Wales Housing (developer) and the Council's Strategic Housing Unit. As a result, it was resolved to include it on the reserve plan list in the Transfer Programme Plan to receive grant funding, subject to the receipt of planning permission and the appointment of a contractor. Given that the proposal responds to an acknowledged need and provides an appropriate mix of units, it was considered that the proposal was an opportunity to develop a quality plan and meet acknowledged needs and thus, in accordance with the Policy requirements.

On the grounds of visual amenities, it was considered that the proposal to develop a small estate of new housing is acceptable and that the layout, scale, design and materials of the houses are acceptable, considering its surroundings. No concerns were considered in the context of general and residential amenities, biodiversity or archaeological matters.

It was reiterated that the proposal included extending the existing adopted estate road leading into Llain y Pebyll Estate in order to serve the proposed bungalows on plots numbers 5, 6 and 7 only with associated parking spaces. It was noted that the bungalow and two-storey houses on plots 1, 2, 3 and 4 are served directly off the nearby trunk road. The Transportation Unit or Trunk Road Unit did not have any objection to the application

on the grounds of creating an access from the existing Llain y Pebyll estate road or from the nearby trunk road.

Following the receipt of the initial observations of the Language Unit, a Welsh Language Statement was submitted with the application and based on the content of the Statement, the Unit agreed with the content of the document which confirms that the development will have a positive impact on the Welsh language in Bethesda.

Based on the above assessment, it was not considered that the proposal was contrary to local or national policies and there was no material planning matter that outweighed the policy considerations. To this end, it was considered that the proposal was acceptable, subject to the inclusion of appropriate conditions.

- b) It was proposed and seconded to approve the application.
- c) During the ensuing discussion, the following observations were made by members:
  - Welcomed a development for older people - similar developments across the County would be welcomed
  - That the development kept people in their home area and close to their families
  - That the proposal fitted in neatly with the adjacent estate
- ch) In response to the confirmation that the proposal is affordable, it was noted that the site has been designated as a 'rural exception' site and that only affordable housing would be considered. The houses will be provided via a Social Landlord with conditions restricting affordable use

In response to a question about the background to the observations of the Community Council and access concerns from the A5 trunk road, it was highlighted that Welsh Government's Trunk Road Unit submitted observations on the application, and not the Council's Transportation Unit. It was reiterated that the Trunk Road Unit had given assurances to the Community Council that they were satisfied that the development is acceptable and that there would be no unacceptable impacts on the trunk road.

In response to observations that the access from the A5 trunk road was dangerous and the suggestion of having one access to the development via the Llain Pebyll Estate, it was highlighted that there was a substantial difference in levels between the front of the development and the rear of the development and therefore, including both accesses was the best option.

In response to an observation that the plans highlighted that the road through the estate was likely to be extended and therefore made one suspect a further development, adjacent to the future, it was noted that lines highlighting drains were on the plans and not a road. It was noted that the drains ran through the estate of suitable width to ensure protection.

**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 the plans.**
3. **Natural slate roofing.**
4. **Agree the houses' external elevations including the solar panels.**
5. **Remove permitted development rights from the residential dwellings.**
6. **Highway conditions concerning the provision of parking spaces, estate road and associated footpaths.**

7. **Submission of a programme of archaeology works to be agreed with the LPA prior to the commencement of any work on the site.**
8. **A detailed report on the archaeology, in accordance with condition 7, will need to be submitted to and agreed in writing by the Local Planning Authority within six months of completing the archaeology work.**
9. **The Biodiversity Unit's conditions concerning no vegetation, trees or shrubs to be cleared during the nesting season (1 March to 31 August); prior to the commencement of any work a scheme should be submitted for approval by the LPA to ensure that no reptiles will be harmed during the construction work which is to be implemented to the complete satisfaction of the LPA; prior to the commencement of any work a Biodiversity Improvements and Mitigation Plan shall be submitted to and agreed with the LPA; and prior to the commencement of any work on the site a Plan to Destroy Non-native Invasive Plants shall be submitted to be agreed with the LPA.**
10. **Condition to comply with the mitigation measures in the Preliminary Ecological Evaluation Report.**
11. **Condition to comply with the recommendations and mitigation measures included in the Trees Report.**
12. **Public Protection Unit condition regarding conducting a site contamination investigation.**
13. **Welsh Government Conditions regarding visibility splays, drainage and resurfacing the pavement near the site.**
14. **Secure/agree with affordable housing scheme**
15. **That the units are affordable for older residents aged 55+**

#### **Notes**

1. **NOTE: The applicant is instructed to sign an Agreement under Section 38, Highways Act, 1980 with the Council if it is proposed for the extension to Llain y Pebyll road to be adopted.**
2. **NOTE: The applicant's attention is drawn to the letter from Welsh Water dated 11.02.20, advising of the need to ensure that the development is in compliance with the advice contained therein.**
3. **NOTE: The applicant's attention is drawn to the letter from Wales and West Utilities dated 14.02.20 and the need to ensure that the development is in compliance with the advice contained therein.**
4. **NOTE: The applicant's attention is drawn to the need to introduce a sustainable water system to be agreed with the Council's Water and Environment Unit.**

### **5.3 Application Number C20/0804/25/LL - 8, Llys Castan, Ffordd Y Parc, Parc Menai, Bangor**

Change of use of vacant unit from an office from B1 Use Class into a D1 Use Class dental practice (re-submission of the application refused under reference number C20/0351/25/LL)

- a) The Planning Manager elaborated on the background of the application, noting that this was a resubmission of an application refused in June 2020 for the change of use of an office (B1 Use Class) to a dentist surgery (D1 Use Class) within an empty unit at Llys Castan, Parc Menai.

When considering the principle of the proposed use, it was highlighted that it should be ensured that the proposal complies with all the criteria in policy ISA 2 (community facilities) of the LDP. For the purposes of the policy, it was confirmed that community facilities include 'facilities used by local communities for health purposes...and any other facility that achieve the role of serving the community'.

It was reported that Policy PS13 and Policy CYF1 of the LDP note that the site and unit are protected for employment use in B1 Use Class. In accordance with Policy CYF5 (alternative uses of existing Employment Sites), it was reported that proposals to release land in B1, B2 or B8 Use Class on existing protected employment sites for alternative use will only be approved in special circumstances and only where one or more of the policy's criteria can be met:

- "In the case that the site is vacant, is unlikely to be used in the short and medium term for original use or safeguarding use, or;
- There is an over provision of employment sites within the vicinity, or
- The current employment use is having a detrimental effect on amenity and the environment, or
- The proposal would not have a detrimental effect on employment uses at adjacent sites, or
- There is no other suitable alternative site for the proposed use, or
- If the site is used for short-term use (temporary), that appropriate restoration measures are in place to the satisfaction of the Local Planning Authority."

It was highlighted that detailed and extensive information had been submitted by the applicant in support of the application, including a Planning Statement, as well as a Planning Statement from the agent, a Sequential Test Statement, along with the Sites' Accessibility Evidence Document, highlight the following observations:

- The community of Penrhosgarnedd are closer to the application site than other dental practices in Bangor.
- The community of Parc Menai is closer to the site than other dental practices in Bangor.
- The staff/community of Ysbyty Gwynedd are closer to the application site than other dental practices in Bangor.
- There is a regular bus service by various companies that serve other business in Parc Menai.
- An existing cycle network as well as public footpaths serve Parc Menai.
- The site is geographically accessible to local and regional users who use the A55.
- It is noted that the vast majority of patients of the existing facility use a car (with a number of them being older patients where it would be inconvenient or impossible to use public transport). This situation would not change with this new site in Parc Menai. If anything, it would be closer for a large number of patients who use the existing facility and who travel from the north, east and south to their appointment.

Based on the information to support the proposal on this scale, it is not considered that the proposal would undermine the relevant local and national sustainability requirements and objectives and therefore, is acceptable on the grounds of the requirements of Policy PS4, PS5 and Policy TRA4 of the LDP.

Despite the fact that extensive and more robust information and evidence were submitted to support this latest application compared to what was submitted with the previous application, it is not considered that this information and evidence overcome all concerns

that were highlighted. Specifically, officers did not consider that the proposal could meet the requirements of criterion 1 of Policy ISA 2 involving the siting of new community facilities. Under the circumstances, and although the specialist nature of the proposed facility was acknowledged, they recommended refusing the application.

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

- That he was a dentist who had a specialist interest in complex dentistry and was eager to create a unique dental practice
- The proposal would be to focus on patient referrals from dentists from Gwynedd, Anglesey and North Wales for complex and specialised dental treatment, as well as high quality general dentistry.
- His ambition was to open a bespoke dental practice that would provide complex treatment for local patients without them having to travel for a service in Liverpool or Manchester.
- A Specialist Recovery Advisor would also be located in the practice.
- The dental practice would be designed to be the first of its kind in Wales with bespoke ventilation system to allow for safe dental care.
- A discussion was held on the sequential test and the steps that needed to be completed to satisfy the original refusal with the Planning Service. This process had been undertaken, approximately 12 months previously, by searching for a suitable building on-line and with commercial property estate agents. When the search was extended, 8 Llys Castan was discovered - a building that was suitable for a modern practice.
- That two BUPA private dental practices were already located in Business Parks in Gwynedd; one in Penrhyndeudraeth located in the same building as the Council's Galw Gwynedd office.
- That Planning Officers recommended refusing the application on the grounds of one section of policy ISA 2, but that he had responded to this in full.
- That the officer had not referred to the important explanatory paragraph in 6.1.20, which was included under policy ISA2: "*Where a new facility is proposed outside a settlement, it must be demonstrated that the proposed location is the best available and is accessible to the local community*".
- That the sequential test has been accepted by the officer to respond to other policies successfully, showing that there are no other suitable units within the development boundary.
- That their "accessibility statement proves that the site in Parc Menai is easily accessible for the public, convenient for the community of Penrhosgarnedd and for the daily staff of Ysbyty Gwynedd. This will be the Dental Practice located closest to them on foot or by bicycle.
- That the plan obviously meets the requirement noted in Policy ISA 2, namely 'a new facility outside a settlement boundary'.
- That he was kindly asking the members to vote in favour of the innovative plan, the first of its kind in Gwynedd.
- That he felt passionate about getting this project achieved locally to support the health and well-being of our Welsh communities for years to come, allowing patient access to high quality and specialist dental care in North Wales.

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

- That the applicant had set a clear vision.
- That the specialist service would be a huge accolade for the area - there was no such dental practice in Gwynedd and Anglesey.
- With a dentist and specialist recovery advisor on the site, the dental practice would fill a 'gap'.

- Alongside this, general dentistry would also be offered - the combination of the two services made the business unique
- A local Welshman was behind the venture
- The dental practice would create employment - an opportunity to nurture skills and mentor young dentists
- The dental practice would be bilingual
- That the Planning Unit refused the application for one reason - because the location was not within the development boundary and contrary to policy ISA 2, which related to community facilities - it was noted that Llys Castan was within 900m of the development boundary - is this not 'adjacent'?
- That ISA 2 encourages new businesses and aims to protect facilities with health needs being listed
- That the location is accessible and the applicant has submitted information / evidence to prove this
- That Parc Menai was local to Penrhosgarnedd and is conveniently located near Ysbyty Gwynedd; therefore, there is sufficient justification for a 'health resource' in a 'local community'.
- That access to the dental practice is convenient and easy
- It is an exciting application and offers a unique resource
- The applicant had overcome every refusal reason, bar one, due to vague wording
- Local business enterprises should be supported in a challenging period
- That this is an opportunity to use a vacant unit for a worthwhile purpose

ch) It was proposed and seconded to approve the application subject to the recommendation

d) During the ensuing discussion, the following observations were made by members:

- That this is a unique opportunity and that local specialist services should be welcomed
- That this was a matter of splitting hairs over the wording of a policy
- The site was convenient and the location was suitable
- That there was a number of vacant business units in Parc Menai
- That there was a genuine need for a local dentist and local specialist service - there was a lack of dentists in the area
- Appreciated the officers' work in adhering to policies; however, in this case, the arguments in favour were stronger
- That the word 'adjacent' was vague in terms of its definition / meaning
- That there was a need for flexibility - suggested imposing a condition to return to purposeful use
- Despite the wish to see such a business on the high street, that using a vacant unit in Parc Menai was advantageous in comparison with having to travel out of the County for a specialist service
- That this was a local business and was run by a local person
- Good luck to the enterprise

**RESOLVED to approve the application contrary to the recommendation**

**Conditions:**

- 1. development to be commenced within five years**
- 2. undertake the development in accordance with the submitted plans**
- 3. condition to ensure that use of the building reverts to its original use if use as a dental surgery ceases in future.**



#### 5.4 Application Number 20/0538/03/LL – Ffordd Wynne, Blaenau Ffestiniog

Demolish existing building and construct 6 new dwellings

Attention was drawn to the late observations form.

- a) The Planning Manager elaborated on the background of the application, noting that this was a full application to demolish an existing empty building and erect six new residential houses. It was explained that the site is located within the development boundary of Blaenau Ffestiniog and was previously used as a Multi-purpose Health Centre, but which is now empty since the resource was relocated to the new Health Centre nearby. It was highlighted that there were many elements to the application:-
- Provision of 4 three-bedroom houses (5 persons) and 2 two-bedroom houses (4 persons)
  - Provide infrastructure to include water attenuation/retention areas within the site, bin / recycling storage and a shed for each house, 12 parking spaces for the users/residents of the new houses, erection of timber fence along the sides and rear of the site.
  - Provision of individual gardens for each house to the rear of the site.
  - It is proposed to demolish the existing building and locate the new houses more or less on the same footprint, they will be laid out in three sets of semi-detached houses with external elevations to include slate roofs and external walls a mix of render and slate cladding.

The proposal involves providing 6 residential units and in accordance with the requirements of Policy TAI 15 at least 10% of the units should be affordable. It was confirmed that *Adra* is associated with the development and that it intends to let the six units at social housing rent levels. It was reiterated that *Adra* was in the process of applying for this scheme to be included on the grant programme in Gwynedd, with the intention of purchasing the houses from the developer at GPA levels for affordable units. As would be the case with an application where the Registered Social Landlord such as *Adra* is not the applicant, but was expressing an interest in developing the site, it was considered reasonable to draw up a 106 agreement to ensure that the development is transferred to the Registered Social Landlord, ensuring control and affordability in the future.

There were no objections on the grounds of visual, general, residential or transportation amenities. It was not considered that the proposal was contrary to local or national policies, and that there are no material planning matters that outweigh the policy considerations. The proposal was considered acceptable, subject to the inclusion of appropriate conditions.

- b) It was proposed and seconded to approve the application.
- c) During the ensuing discussion, the following observations were made by members:
- That the area is suitable for the proposal
  - That there is a local need for housing
  - That there were over 100 holiday homes in Blaenau Ffestiniog, therefore, the application for housing for local people was welcomed.

**RESOLVED: To delegate powers to the Assistant Head of the Environment Department to approve the application subject to the applicant completing a**

**Section 106 agreement in order to transfer the units to a housing association and to the following conditions:**

- 1. Five years.**
- 2. In accordance with the plans.**
- 3. Slate as roofing material**
- 4. Samples of materials and colours for the buildings to be agreed with the LPA.**
- 5. Highway conditions for parking / access.**
- 6. Soft and hard landscaping.**
- 7. Working hours limited to 8:00 - 18:00 during the week, 08:00 - 12:00 on a Saturday and no working at all on Sundays and Bank Holidays.**
- 8. Agree on details regarding a Welsh name for the development together with advertising signage informing of and promoting the development within and outside the site.**
- 9. Removal of general development rights for all units.**
- 10. Submission of a Construction Method Statement including demolition work and working arrangements during the construction phase to be agreed with the LPA.**
- 11. Secure / agree on an affordable housing scheme (standard)**

**Note:  
SUDS  
Welsh Water**

The meeting commenced at 11.00am and concluded at 12.45pm.

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**CHAIR**