
PLANNING COMMITTEE 01/02/16

Present: Councillor Michael Sol Owen – Chair
Councillor Anne Lloyd Jones – Vice-chair

Councillors: Elwyn Edwards, Simon Glyn, Gwen Griffith, Eric Merfyn Jones, June Marshall, W. Tudor Owen, John Pughe Roberts, Eirwyn Williams, Gruffydd Williams, Hefin Williams, Owain Williams and Eurig Wyn.

Others invited: Councillor Gweno Glyn, Sion Jones and Elin Walker Jones

Also in attendance: Gareth Jones (Senior Planning Service Manager), Cara Owen (Development Control Manager), Idwal Williams (Senior Development Control Officer), Gareth Roberts (Senior Development Control Officer), Rhun ap Gareth (Senior Solicitor) and Lowri Haf Evans (Member Support and Scrutiny Officer).

1. **APOLOGIES:** Councillors Dyfrig Jones and Mair Rowlands (Local Member).

2. DECLARATION OF PERSONAL INTEREST

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

- Councillor Gweno Glyn (not a member of this Planning Committee) in relation to item 5.1 on the agenda, (planning application number C15/0793/32/LL);
- Councillor Sion Jones (not a member of this Planning Committee) in relation to item 5.2 on the agenda, (planning application number C15/0915/18/LL);
- Councillor Eurig Wyn (a member of this Planning Committee) in relation to item 5.3 on the agenda, (planning application number C15/0994/26/LL);
- Councillor June Marshall (a member of this Planning Committee) in relation to item 5.5 on the agenda, (planning application C15/1217/11/LL);
- Councillor Elin Walker Jones (not a member of this Planning Committee) in relation to item 5.7 on the agenda, (planning application number C15/1281/11/LL);

The members withdrew to the other side of the Chamber during the discussions on the applications in question and did not vote on these matters.

1. URGENT ITEMS

None to note

2. MINUTES

The Chairman signed the minutes of the previous meetings of this committee, held on 11 January 2016 and 14 December 2015, as a true record.

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 aspects of the policies.

RESOLVED:

1 Application number C15/0793/32/LL – Nanhoron Estate, Botwnnog

Erection of solar farm and associated works

- (a) The Development Control Manager expanded on the background of the application, and noted that this was an application for the installation of photovoltaic (PV) solar panels on agricultural land for a period of 30 years in order to create a solar farm, along with supplementary works including the installation of ancillary equipment to connect to the electricity network, building compound, security fence, landscaping improvements and adaptations to the access. It was explained that the application site was in open countryside amongst a rolling landscape, and measured approximately 12 hectares (22.6 acres) and included agricultural land located on a gentle slope approximately 700 metres south east of the village of Botwnnog. It was noted that towards the eastern boundary of the site there were mature trees with hedgerows surrounding the majority of the fields.

Attention was drawn to the additional observations submitted.

It was noted that Natural Resources Wales had withdrawn its objection by now. It was highlighted that the main details of the application had been included in the report and the relevant policies had been listed.

In terms of principle, it was noted that the proposal was acceptable and complied with the requirements of policy C1 of the Unitary Development Plan. It was also added that there was a series of criteria that should be considered when discussing sustainable renewable energy schemes which involved an impact on the visual quality of the landscape as well as social and environmental factors.

In response to an objection from the owner of a nearby building, who objected on the grounds of an impact on the views from the site and the impact of glint and glare, it was noted that there was an intention to plant a hedgerow to grow to a height of 3m on the field's eastern boundary. This would be a method of screening the proposal and reducing its visual impact from the nearby property. In the context of glint and glare, it was noted that a Glint Assessment received as part of the application recognised that there was 'potential for glinting' but, with the existing natural screening around the site and the proposal to plant a new hedgerow, it is not considered that the proposal would cause significant harm in terms of amenities.

In terms of transport and access matters it was highlighted that the Transportation Unit was satisfied with the proposal in relation to road safety, and recommended conditions involving completing the entrance in line with the plans. In terms of Conservation and Archaeological matters, it was noted that the fields' physical patterns would largely be retained and in light of the site's location, the landscaping and landforms, it was not considered that the proposal would significantly impact the Landscape of Outstanding Historic Interest. It was explained that, although additional observations had been received from the Gwynedd Archaeological Planning Service, further work was being undertaken to deliver the information. In terms of Biodiversity matters, it was noted that the Unit was of the opinion that there was potential for biodiversity to benefit from the development in the long term, and in light of its observations that the proposal was acceptable and that it would not have a detrimental impact on protected species or their habitats should it be managed in line with the proposed conditions.

It was not considered that the proposal was contrary to any of the relevant policies and as highlighted in the report, there was no relevant planning matter stating to the contrary. It was therefore considered that the proposal was acceptable subject to relevant conditions and the late information base, the recommendations and the additional information which was yet to be received.

- (b) Taking advantage of the right to speak, the applicant's representative noted the following main points:-
- That he was a member of the YnNi Llŷn community group and that he welcomed the proposal
 - That the development was a step in the right direction in relation to reducing the carbon footprint and carbon emission savings.
 - The community group was willing to assist and educate communities about renewable energy
 - The local community would benefit from the proposal
 - The company would use local contractors to undertake the installation work as well as boarders and caterers
 - The area's average energy costs survey had highlighted fuel poverty amongst residents - the company had agreed to collaborate with YnNi Llŷn to address these matters.
- (c) The Local Member (who was not a member of this Planning Committee) noted:
- The development was relatively large in size
 - The development would create an impact beyond the Botwnnog community
 - A suggestion that a site visit should be held
- (ch) In response to these observations, the Senior Planning Service Manager noted that a site visit could be arranged for the Planning Committee to be able to consider the visual impact.
- (d) It was proposed and seconded to visit the site.

RESOLVED: To organise that the Planning committee visits the site.

2. Application number C15/0915/18/LL - Cil Fynydd, Penrhos, Bethel

Application to extend and convert an attached garage into an annexe and construct a new garage

The members had visited the site.

- (a) The Development Control Manager elaborated on the background of the application, and noted that the application had been deferred at the Planning Committee held on 30.11.2015 to hold a site visit. The applicant had been requested to consider changing the size and design following the discussion at the Committee on 30.11.2015, but no response had been received. It was highlighted that the existing dwelling was a detached house within a substantial curtilage on the outskirts of the village of Bethel. The property was located outside the village's development boundary and was defined as a site which was within open countryside in terms of the Unitary Development Plan's policies. It was explained that the existing property was a four bedroom house with two of the bedrooms on the ground floor, and the attached existing garage was single-storey and attached to the side of the dwelling. The proposal involved converting and extending the attached garage in order to create an 'annexe' and to erect a detached garage with a storeroom above. It was added that the Local Member had called in this application for a decision from the Planning Committee.

The proposal was for the conversion and extension of an attached garage to form a self-contained annexe on the side of the existing property. A residential annexe could be defined as accommodation which is supplementary to the main house which is of appropriate scale and located within its curtilage. It should be specifically used for this purpose i.e. not as a separate house. The internal floor area of the existing property (from

the measurements on the plans which include an additional utility and dormer windows) measured approximately 157 square metres, while the proposed annexe would measure approximately 127 square metres. In order to place the size of the annexe in context, it was highlighted that the size of the annexe would be larger than the approved size of a two-storey two-bedroom affordable house (90 metres squared). It was noted that to all intents and purposes the annexe was a new house that could exist totally separately from the existing property on the site. The annexe would equate to a new house in open countryside without justification, and the proposal was therefore contrary to Policy CH9 of the UDP and national guidance. In addition, it was considered that the two-storey garage and the proposed extension to the house would be likely to create an alien feature and would have an unacceptable impact on the existing property and the visual amenities of the area. It was considered that the proposal was also contrary to the requirements of policies B24 and B22.

- (b) The local member (who was not a member of this Planning Committee) made the following observations:
- The application was a reasonable one and that he supported it
 - Appreciated the family's wish to provide an annexe for extended family
 - Residents and neighbours of Penrhos, Bethel supported the application
 - The proposal did not involve constructing a brand new house - it was an extension to some extent
 - Only officers objected to the application - no local objection
 - Accepted the need to adhere to policies but common sense needed to be used in some circumstances
 - There was an intention to use local builders and to use in-keeping material so that there would be no visual impact
 - Welsh communities had to be supported
- (c) Proposed and seconded to approve the application contrary to the recommendation
- (ch) In response to the proposal, the Senior Planning Service Manager noted that the application was an unusual one - it was an application for an annexe which was similar to a large house and that there was no doubt that the property was situated within open countryside. It was added that, if the intention was to approve the proposal, it had to be ensured that there was control over keeping the annexe as part of the house. It was added that the recommendations noted in the report were robust, but it was suggested, in response to the proposal, for the committee to consider imposing a 106 Agreement on the property to ensure that it could not be sold separately and to impose a condition to ensure an internal link between the main dwelling and the annexe.
- (d) During the discussion, the following observations were made:
- Set a 106 Agreement to ensure what was being sought
 - Accepted that the suggestion was a creative one
 - Outlined the importance that there was a connecting link between both dwellings - this to be included as a condition
 - That approving the application was contrary to policy and was likely to set a dangerous precedent

Resolved: To approve the application subject to the applicant signing a 106 Agreement to ensure that the main dwelling and the annexe could not be sold separately and standard conditions relating to:

- 1 Time**
- 2 In accordance with the plans**

- 3 Slate
- 4 Materials
- 5 Ensure an internal link between the main dwelling and the annexe

3. **Application number C15/0994/26/LL - Tyn Cae Newydd, Waunfawr**

Retrospective application for the change of use of agricultural building to a mixed use of agricultural and as a horse riding establishment (including exercise area), construction of extension to include loose boxes and storage area for vegetables preparation, together with provision of car parking and external hard standing for horses

- (a) The Senior Development Control Manager elaborated on the background of the application, and noted that the application was a retrospective application to change the use of an agricultural building to mixed agricultural use and a horse riding establishment, which included indoor exercise area, an area for vegetable preparation, an agricultural machines/equipment storage area and an area to store horse feed. It was noted that the application also included a single-storey extension to include nine loose boxes and a tack room, together with the provision of a car park and a hard standing for horses.

It was noted that the site was located outside the development boundary of Waunfawr, and the building itself was located approximately 72m from the nearest residential dwelling. It was not considered that the mixed use made of the building would cause significant harm to the amenities of the local neighbourhood and that it was acceptable in terms of Policy B23. The building was described as one of standard agricultural construction in terms of its design and size; that the extension to the existing building was in-keeping with the current agricultural building with dark green sheet cladding on the walls and on the roof.

Although there was concern amongst local residents in terms of how adequate the unclassified existing highway which served the site was to cope with the increase in traffic, it was considered that the proposal itself would not exacerbate the situation to such a degree that the application could be refused on the grounds of road safety.

The local residents' objections had been given full consideration and this had been highlighted in the report. As a result, it was considered that the application complied with local planning policies and national planning guidelines. It was not considered that the proposal would cause significant harm to the area's visual amenities, the general amenities of nearby residential properties, or would have a detrimental impact on road safety on the nearby highway, and was therefore acceptable to be approved with relevant conditions.

- (b) Taking advantage of the right to speak, an objector to the application noted the following main points:-
- The road to the site was a single-lane road and was narrow - it was difficult even for a vehicle to pass pedestrians
 - Concern regarding an increase in traffic as a result of the enterprise's success
 - Willing to consider restrictions by setting relevant conditions to those restrictions in order to prevent any new owner in future from disagreeing with the restrictions
 - Suggested a site visit for officers to see how narrow the road was
- (c) Taking advantage of the right to speak, the applicant noted the following main points:
- The intention was to have 8 - 12 clients per day in one to one lessons

- The site was reachable from two directions - the wide road would be used most frequently
- Likely clients already living in Waunfawr would arrive on foot or on horseback
- It was a specialist development and not a traditional equestrian school - there would be no group or route lessons
- Vegetables would be sold off the property - provide and transport goods only
- Narrow roads were characteristic of rural Welsh areas and therefore it was not possible to differentiate here
- The facilities were not adequate to enable a large establishment
- It was not possible to reach the site with large vehicles due to the size of the entrance

(ch) The local member (who was a member of this Planning Committee) noted the following:

- Support for the enterprise and welcomed a development that would have a possible creative association with other local enterprises
- Countryside culture had to be safeguarded
- Emphasised the need to improve public footpaths on the outskirts of the site and encouraged the developer to do this and to clear the site
- Promoted healthy living

(d) In response to traffic concerns and the narrow roads, which were characteristic of the Waunfawr area's rural nature, the Senior Transport Development Control Officer noted that the development was not likely to lead to an increase in traffic flow. The enterprise would offer one to one lessons rather than classes and therefore this would not have a likely impact on the roads.

(dd) In response to the Local Member's observation on public footpaths, it was noted that the observation would be referred to the Countryside and Access Unit.

(e) Proposed and seconded – to approve the application.

(f) During the discussion, the following observations were made:

- Rural roads were a part of the pattern of Welsh countryside
- An opportunity to diversify the industry
- Their intention was to distribute vegetables

Resolved: To approve with the following conditions:

1. The building/property is used for agricultural purposes and as an equestrian/horse training establishment, and not for any other purpose (including any other purpose in class D2 of the Town and Country Order (Use Classes) 1987 (or in any provision equal to that class in any statutory instrument which supersedes or re-enacts that order with amendments or without amendments).

2. The five additional parking spaces would be set out in line with the approved plans within three months of the date of the planning permission in accordance with the details which are to be agreed with the Local Planning Authority beforehand. The parking space provided would be available to park vehicles in it at all times.

4. Application no. C15/1115/25/LL – Goetre Uchaf, Off Penrhos Road, Bangor

(a) The Senior Planning Service Manager noted that late information had been submitted to officers by the application's objector. It was highlighted that Members of the Committee had

received the document (Welsh Language Assessment) during the previous week, but that the document had been given to officers on the morning of the Committee. It was noted that there had not been appropriate time for the applicant and the officers to assess the information and therefore, in order to ensure that the observations were given full consideration, it was suggested to defer the decision and to submit a new report to include observations of the assessment.

- (b) It was proposed and seconded to defer the application.
- (c) During the discussion, the following observations were made:
- The recommendation to defer the decision based on language matters was welcomed
 - The fact that a linguistic assessment had been submitted was welcomed
 - A suggestion for the officers to also consider the 'Wales - a Play Friendly Country' document which was a statutory requirement since 2014
 - Request for evidence of the 'assessed need' on policies CH1 and CH6 - It had been noted in the report 'that policies CH1 and CH6 do not require housing developers to prove a need for housing on allocated sites as the need had been acknowledged and assessed during the process of preparing the UDP'

Resolved: To defer the decision

5. Application number C15/1217/11/LL - Sherwood, 4, Holyhead Road, Bangor

Change of use of existing office building into a four bedroom student accommodation including installation of three additional windows

- (a) The Senior Development Control Officer elaborated on the background of the application, and noted that this was a full application to change the use of existing vacant offices to student accommodation. It was noted that the building in question was a concrete / rendered brick building with concrete sheet roofing and was located within the curtilage of a significantly sized property which was already used as student accommodation. It was highlighted that the proposal did not involve any external alterations to the building apart from installing three additional windows, one in the front elevation and two in the southern side elevation. It was noted that the site was located off Holyhead Road in a mixed-use area of Bangor City which had not been allocated to any specific purpose in the Unitary Development Plan. It was highlighted that this application had been submitted to Committee as three of more observations contrary to the officer's recommendation had been received.

Having considered policies C1, C4 and CH3, it was noted that the development was in-keeping with the main relevant policies of the Unitary Development Plan and that this proposal was acceptable in principle from a planning perspective.

In the context of general and residential amenities, it was not considered that there would be a likely significant difference between the amenity impacts of the authorised use as an office and the proposed use as student accommodation, especially given the presence of existing student accommodation on the same site. It was highlighted that the plans included using an existing vehicular access together with allocating four parking spaces for the development. It was noted that the Transportation Unit had confirmed that this arrangement was acceptable.

It was highlighted that the objections to the application received were on the grounds of the existing building's suitability to be used as a dwelling, but in terms of planning considerations it was expressed that the building's size, site arrangement and location was suitable and there would be no significant change in the appearance or use of the site. It was a matter for the applicant to assess the structural suitability of the building for

the proposed use in terms of proposed changes and the building's ability to comply with the building control system.

- (b) The Local Member (who was a member of this Planning Committee) noted:
- That there were concerns regarding the building's suitability - it was very similar to an industrial building rather than a residential building
 - It was not attractive and was not ideal for people and therefore consultation with the building control system and Officers from the Multi-occupancy Housing Team was required
- (c) It was proposed and seconded to approve the application.
- (ch) During the discussion, the following observations were noted:
- That appropriate landscaping conditions needed to be imposed to seek a residential appearance together with a suggestion relating to pebble dash
 - Had observations been received from the Fire Service?
 - Concern regarding the number of student developments in Bangor
- (d) In response to the observation, it was noted that it was possible to discuss the building's appearance with the applicant and that the Fire Service would have an opportunity to approve the application under relevant building regulations. In response to an observation regarding the use of the marginal buildings, it was noted that one was a dentist and the other was used as student accommodation.

RESOLVED to approve the application with the following conditions:

1. **5 years**
2. **In accordance with the plans**
3. **Welsh Water Condition**
4. **Materials/external finish**

6. Application number C15/1239/30/LL - The Cottage, Rhiw

Removal of occupancy condition

- (a) The Development Control Manager elaborated on the background of the application, and noted that it was an application to revoke a planning condition which limits the use of a building, known as 'The Cottage', Rhiwenfa, Rhiw, only as a residential unit in association with the adjacent Rhiwenfa property. The condition was imposed on historical permission number 2/10/113A dated 20 December 1978 which involved changing the use of the building from a shop to a house. It was a small single-storey building, which included a kitchen, a bathroom, a living room and two bedrooms and there was a small car park in front of it. The proposal did not involve any changes to the property. The adjacent property and an unclassified road were situated in a central location in the rural village of Rhiw, and were within the Area of Outstanding Natural Beauty designation.

Reference was made to the Welsh Government Circular 016/2014: 'Use of planning conditions to manage developments', as it set the general criteria for the validity of planning conditions. Using planning conditions, when used appropriately, could enable proposals which would otherwise possibly be refused approval. The Circular together with Planning Policy Wales noted that conditions should only be set if they met the requirements of the six below criteria, namely that they were:

- necessary;
- relevant to planning;
- relevant to the development which was to be permitted;

- practical to enforce;
- detailed;
- reasonable in all other aspects.

Conditions should not be retained if there was no genuine reason to do so. It would therefore be required to assess whether the condition to limit the use of a building, 'The Cottage', Rhiw, only as a residential unit in association with the adjacent Rhiwenfa property continued to adhere to the requirements of the six above criteria.

According to the information on the application, 'The Cottage' had been left to the applicant in a will. It appeared that the former owner, who used to occasionally use the building to accommodate his visitors/family/friends in line with the condition, had separated both properties in his will. The Land Registry document submitted with the application indicated that both properties were now in separate occupancy and had been legally separated. Due to the changes in occupancy circumstances, it was not physically possible for the applicant to comply with the condition and therefore wished that it was revoked.

The Circular stated that conditions should not be imposed on land which was outside the applicant's control, although this had not been true when the condition was originally imposed; the change in situation made it impossible for the applicant to comply. Based on the change in circumstances, which was outside planning control, it would be difficult to argue in an appeal situation that the condition was necessary now given that the Local Planning Authority would be unable to enforce it due to the difference in occupancy.

The condition which limited the use of the 'The Cottage' building only as a residential building in association with the Rhiwenfa property as it stood did not meet with the requirements of the Welsh Government Circular 016/2014. For this reason, there was no reasonable justification to retain the condition.

- (b) Taking advantage of the right to speak, the applicant's representative noted the following main points:-
- That both buildings were now in separate legal occupancy
 - That the cottage had existed for decades
 - The cottage did not impact the view
 - There was no room to install an extension on the building
 - Although the applicant was not local, she was the legal owner of the property
- (c) It was proposed and seconded to approve the application.
- (d) During the discussion, the following main observations were noted:
- It would be sensible to approve
 - Circumstances had changed, a new situation had arisen - needed to adapt in order to move on

Resolved: To approve the application unconditionally

7. Application number C15/1281/11/LL - Coach House, Belmont Road, Bangor

Full application to demolish the existing house and erect a new house in its place (Amended Plan) (Re-submission of application C15/1027/11/LL)

- (a) The Senior Development Control Officer elaborated on the background of the application, and noted that this was a re-submission of a full application that had been refused last year to demolish an existing dormer bungalow and garage and erect a new two-storey

house in its place. The size and volume of the new house would be substantially greater than the existing building with the roof level raised from 5.5m to 7.2m. The building's main orientation would also be changed by turning the main axis by approximately 45°. The main changes between this plan and the refused plan were that the building's orientation had been turned.

It was highlighted that the primary policy consideration in this case was Policy CH13 which related to considering proposals to demolish and reconstruct dwellings in rural villages and in the countryside. Consideration was given to the criteria of that policy and in principle, it was noted that the proposal was in-keeping with the policy.

The plans indicated that it was proposed to have three windows on the first floor of the northern elevation which would have the potential of overlooking the garden of the nearby Ashbrook house. However, it was noted that two of these windows would have opaque glass and the bedroom window would be in house's western end. As a result, it was not considered that it would cause unacceptable direct overlooking of private areas around the neighbours' house. In addition, there would be no window on the first floor of the eastern elevation facing towards Ashbrook.

Similarly, it was not considered that the two roof windows in the northern slope would create overlooking problems as no intention had been stated to use the roof space as a residential room. It was believed that it would be reasonable to impose a condition preventing any work to extend the roof e.g. by installing a dormer window which would be necessary to enable use of the roof space as a residential room. In doing so, control could be ensured over any overlooking risk in future.

Concerns had been raised by an objector regarding the impact of the proposed drainage system on a nearby property but a consultation had taken place with Natural Resources Wales, Welsh Water and the Public Protection Service and no objections had been raised to the proposals by any of these organisations, and therefore, the application was consistent with policy CH18 of the UDP.

Having given full consideration to all material planning matters, it was noted that the principle of erecting a house of similar size and design to what was proposed in this location was acceptable. It was also noted that the changes that had been undertaken to the design and the location of the proposed house had overcome most of the objections, and that the amended proposal was acceptable under the policies of the Gwynedd Unitary Development Plan.

- (b) Attention was drawn to the additional observations submitted.
- (c) Taking advantage of the right to speak, an objector to the application noted the following main points:
 - There was no objection in principle to redeveloping the site.
 - No objection to the layout and design of the house
 - Concern that a new septic tank would endanger the entire drainage system and therefore there was a suggestion to relocate it
 - Concern that surface water would accumulate
 - The setting would prevent light from coming in to the garden
- (ch) Taking advantage of the opportunity to speak, the applicant noted the following points:
 - The application was a re-submission of a previous application - vast discussions had been held with the Planning Unit and therefore this plan was a response to those observations
 - The site needed to be improved and developed

- The neighbours who possessed a covenant over any construction development on the plot had withdrawn their objection
 - There was no intention to construct a three-storey house
 - There was no intention to use the roof space as a residential room
 - The property was 5.5m from the boundary which had been planted with Leyland hedges approximately measuring approximately 3-4m of height
 - Opaque glass would be used to prevent overlooking
 - The intention was to construct a home - not many opportunities arising in the area
 - The intention was to live on the site - an ideal plot
 - The intention was to live in harmony with neighbours
- (d) The Local Member (not a member of this Planning committee) noted the following main points:
- Welcomed the development and the intention to include a family home
 - Several neighbours had raised concerns and therefore the input of Members and officers was required
 - Acknowledged that the applicant had addressed several concerns
 - Needed to consider neighbours' concerns relating to surface water / waste - suggestion to move the septic tank
 - In terms of the property's angle, this was a difference of opinion and a compromise needed to be sought
- (dd) It was proposed and seconded to approve the application with additional conditions in line with the Local Members' observations
- (e) During the discussion the following main points were noted:
- Would the suggested conditions be appropriate?

In response to the observation, it was highlighted that it would be possible to include a condition confirming the location of the septic tank, but in terms of matters such as drainage, that would come under Building Control with compliance with Welsh Water requirements.

The meeting commenced at 1pm and concluded at 3:10pm