PLANNING COMMITTEE 25/4/16

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

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

Others invited: Councillors Sian Wyn Hughes and R. H. Wyn Williams (Local members).

Also in attendance: Cara Owen (Development Control Manager), Aneurin Môn Parry (Enforcement Manager), Rhun ap Gareth (Senior Solicitor) and Bethan Adams (Member Support Officer).

Apologies: Councillors Endaf Cooke and Dyfrig Wynn Jones.

1. CONDOLENCES

Condolences were extended to the Senior Planning Service Manager following the recent death of his father.

2. DECLARATION OF PERSONAL INTEREST

(a) The following members declared a personal interest for the reasons noted:

- Councillor Gruffydd Williams, in relation to item 6.2 on the agenda, (planning application number C15/1358/42/LL) as his father owned a caravan park that was located less than six miles from the site;
- Councillor Owain Williams, in relation to item 6.2 on the agenda (planning application number C15/1358/42/LL) as he was the owner of a caravan park that was located less than six miles from the site.

The Members were of the opinion that they were prejudicial interests, and they withdrew from the Chamber during the discussion on the applications noted.

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

- Councillor R. H. Wyn Williams, (not a member of this Planning Committee), in relation to item 5 on the agenda;
- Councillor Sian Wyn Hughes, (not a member of this Planning Committee) in relation to item 6.2 on the agenda, (planning application C15/1358/42/LL);
- Councillor Gruffydd Williams (a member of this Planning Committee), in relation to item 6.3 on the agenda (planning application C16/0034/42/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.

3. MINUTES

The Chair signed the minutes of the previous meeting of this committee, held on 4 April 2016, as a true record.

4. TREE PRESERVATION ORDER (TPO) – LAND BETWEEN GILFACH GOED AND GORSE BANK, LÔN PEN CEI, ABERSOCH

Submitted - the report of the Head of Regulatory Department by the Enforcement Manager. It was noted that a temporary Order had been placed on four trees (two cypress and two fir trees) on land between Gilfach Goed and Gorse Bank, Lôn Pen Cei, Abersoch on 19 November 2015 following a visit and an assessment of the trees by an officer from the Council's Biodiversity Unit.

It was reported that the trees had scored higher than the required threshold for meriting a Tree Preservation Order.

Following a further assessment of the trees by an officer from the Biodiversity Unit, it was noted that the Planning Service was of the view that consideration should be given to omitting tree T2 from the final order as the tree was tilting across the adjacent site which had outline planning permission for a residential house.

Details were given of the objections received, referring to correspondence received after the report had been published.

Planning Officers considered that these objections did not outweigh the considerable contribution of the trees to the surrounding area's visual amenities and appearance, and their importance due to the lack of mature trees in the area. It was noted that it was recommended that the order should be confirmed with amendments, with the omission of tree T2 from the Schedule to the order itself.

It was noted that the members had four choices, namely:

- to confirm the order as it stood, without amendments;
- to confirm the order with amendments;
- not to confirm the order; or
- to conduct a public inquiry.

The local member, (not a member of this Planning Committee), noted that he had supported confirming the Order, but having received details about the objections from Gorse Bank's owner, he was of the view that the decision should be deferred in order to hold further discussions regarding the removal of the trees, and planting other trees to replace them.

In response, the Enforcement Manager noted that the Service was aware of the observations, but that there was nothing to convince them that the trees were hazardous.

During the ensuing discussion, the following main observations were noted by members:

- It was important to protect the trees, and the order should be confirmed;
- They were not species of trees which were indigenous to Wales and were therefore not important to the area;
- The owners of the adjacent land that had received outline permission were aware of the existence of the trees prior to submitting the application;
- The trees that were considered to be indigenous could change over time;
- Whether the habitat where the trees were located was suitable for the trees' growth and could their condition be monitored?
- The trees were prominent in the landscape and were part of Abersoch and therefore it was important to retain them.

In response to the above observations, the officers noted:-

- That the trees had been assessed in accordance with recognised procedure;

- It was the landowner's responsibility to maintain their condition, and the trees recommended for protection had scored 5 in relation to their condition, the highest score under the TEMPO system (*Tree Evaluation Method for Preservation Orders*).

RESOLVED to confirm the order with amendments, with the omission of tree T2 from the Schedule to the order itself.

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 C15/0215/40/LL – Land adjacent to Tan yr Eglwys, Abererch

Erect eight new houses to include two affordable dwellings together with forming an internal access road and pedestrian route.

(a) The Development Control Manager elaborated on the background of the application and noted that the application had previously been submitted to the Planning Committee on 11 January 2016, 22 February 2016 and had been deferred at the meeting held on 14 March 2016 in order to receive the observations of the Joint Planning Policy Unit on the Community and Linguistic Statement.

It was noted that the application had been amended since its original submission to be a full application to erect eight houses instead of nine within the development boundary of Abererch, which had been designated within the Gwynedd Unitary Development Plan for new housing for the general market. It was added that as a result of the reduction in the number of proposed houses, the number of affordable houses being offered had been reduced from three to two.

It was considered that the application in its amended form was acceptable for the site, and would make suitable use of the land (based on density).

It was reported that observations had been received from the Joint Planning Policy Unit on the Community and Linguistic Statement, and as a result of these observations it was considered that the proposal was acceptable and that it would not have an impact on the Welsh language.

The development complied with the GUDP for the reasons noted in the report.

(b) It was proposed and seconded to approve the application.

During the ensuing discussion, the following main observations were noted:

- The local member's concern in relation to the layout of the houses;
- The Joint Planning Policy Unit noted in its observations that the percentage of affordable houses offered, namely 25%, was lower than the indicative percentage of 35% noted in the GUDP;
- Concern that applications with fewer affordable houses that the indicative percentage were being approved;
- A condition should be imposed that the work on the road was completed before the houses could be occupied;

- The location of the site was within the development boundary;
- There was local support;
- The plans had been amended in response to concerns.

(c) In response to the above observations, the officers noted:-

- That the application in its amended form responded to concerns in relation to the setting of the houses and the impact on nearby amenities;
- Officers were of the view that the applicant had reduced the number of houses from nine to eight in response to concerns in relation to the setting of the houses and that the percentage of affordable houses being offered was reasonable. It was noted that the location and nature of the houses would be likely to regulate their affordability and that they would appeal to the local population;
- The inclusion of three affordable houses in the proposal equated to 40% of the development and considering that the Council had asked the applicant to amend the plan, that it was acceptable;
- It was recommended to place a condition in relation to the completion of the access road.

RESOLVED to delegate powers to the Senior Planning Manager to approve the application subject to signing a 106 agreement to bind two of the units for affordable housing.

Conditions:

1. Commence within five years.
2. In accordance with amended plans.
3. Agree on the finish of the external walls and the roofs of the houses.
4. Removal of permitted development rights for extensions and curtilage buildings for the two affordable units.
5. Public footpath No. 7 Llannor, which is affected by this development must be diverted under Section 257 of the Town and Country Planning Act 1990 before any work is commenced on the site.
6. Ground floor level to be at least 4.6m AOD.
7. Submitting and approval of a surface water disposal plan.
8. Landscaping.
9. Boundary wall / hedge / fence with the estate road not to be higher than 1 metre.
10. Complete the estate road with compacted and fixed stabilising rocks and the completion of a surface water system.
11. Complete roads and pavements for the foundation course and ensure that lights are working before houses are occupied.
12. Installation of kerbs on sides of the estate road, surfacing of carriageway and footway and lighting before the last dwelling on the estate is occupied.
13. Separate disposal of surface and foul water from the site
14. No surface water to connect directly or indirectly with the public sewer system.
15. No land drainage discharge to be allowed to connect directly or indirectly with the public sewer system.

2. Application number C15/1358/42/LL – Fferm Porthdinllaen, Morfa Nefyn

Improvements to touring caravan site which include increasing numbers from 36 to 60 units, formation of 61 hard-standings, re-siting of playing field and creation of a new play area, service connections, demolition of amenity block and erect new amenity building to include shop, formation of internal roadway and parking area, siting a manager's caravan and undertaking landscaping works.

(a) The Enforcement Manager expanded on the background of the application, noting that the site was within the Llŷn Area of Outstanding Natural Beauty.

It was reported that additional observations had been received from Natural Resources Wales questioning the suitability of a private treatment plant on a seasonal touring caravan site stating that there was no objection to the application.

It was noted that the overall intention was acceptable, but officers had not been convinced that the plan as a whole led to environmental and visual improvements to enhance the appearance of the site in the landscape as it was not considered that the design of the new amenity building proposed respected the site and its vicinity in terms of its scale, size and form and that it would have an unacceptable detrimental impact on prominent vistas and on the form and character of the landscape which was contrary to Policies B22 and D20 of the GUDP and Supplementary Planning Guidance: Holiday Accommodation.

(b) The following main points were made by the local member (not a member of this Planning Committee):-

- She was supportive of the application;
- The current facilities were insufficient and the proposed amenity building was fit for purpose, and was in keeping with the farm buildings and buildings in similar sites;
- A space in the roof of the amenity building was needed to enable steam from the showers to circulate;
- It was intended to provide high standard facilities to meet customers' needs, including provision for disabled people;
- A corner of the reception was used to keep caravan-related goods to sell to customers so that they did not have to travel far;
- The building would not affect views from nearby locations and there would be landscaping work;
- The applicant had invested approximately £250,000 to improve the site and there would be seasonal employment as a result of the development.

In response to the local member's observations, the Development Control Manager noted that the officers did not object to the increase in the number of units or the need for more facilities, but the proposed building had a domestic appearance and did not respect the form of the existing buildings on the farm. It was considered that any building should be in keeping with its location, and should reflect an agricultural building or nearby buildings on the farm.

(c) It was proposed and seconded to refuse the application.

During the ensuing discussion, the following main observations were noted:-

- The application should be approved as the amenity buildings were not excessive in considering the visitor numbers and that it was in keeping with its location;
- The application should be deferred so that officers could hold discussions with the applicant in relation to the building's design;
- Standards were important to customers, and this type of development would attract more tourists, thereby contributing to the economy.

(ch) An amendment was made to defer the application so that officers could hold discussions with the applicant in relation to the amenity building's design. The amendment was seconded.

RESOLVED to defer the application so that officers could hold discussions with the applicant in relation to the amenity building's design.

3. Application number C16/0034/42/LL – Fron Hyfryd, Mynydd Nefyn

Construction of a single-storey extension and porch to house, conversion of existing garage to a self-contained holiday unit and construction of stables.

(a) The Development Control Manager elaborated on the background of the application, noting that the application had been deferred at the Committee meeting held on 4 April 2016 in order to hold a site visit. Members of the Committee had visited the site prior to the meeting.

It was noted that the site was situated in open countryside and within the Llŷn Area of Outstanding Natural Beauty (AONB). It was not considered that the proposal in its entirety would cause significant harm to the AONB landscape and that a positive attempt had been made by the applicant to respond to the original concerns regarding the size of the stables (by submitting an amended plan for the stables), and that it was now acceptable to the AONB Unit and acceptable in terms of Policy B8 of the GUDP.

Attention was drawn to the additional observations that had been received.

Reference was made to the site's planning history, noting that what was currently located on the site was wholly acceptable and correct, with the necessary planning permission in place, and that this permission followed an appeal that had been previously been refused for other developments on the site.

The development complied with the GUDP for the reasons noted in the report.

(b) The local member (a member of this Planning Committee) made the following main points:-

- It was an over-development and the cumulative effect of developments in Mynydd Nefyn were detrimental to the AONB;
- There was a statutory duty to protect the AONB and conservation and the protection of special attributes should be prioritised;
- The AONB Unit had expressed concern about the impact of the proposal on the AONB;
- Consideration should be given to the Inspector's comments on the refusal of the appeal in relation to planning application C09D/0039/42/LL.

(c) In response to the local member’s observations, the Development Control Manager noted:-

- That the assessment in the report gave full consideration to the AONB;
- The candidate, following the receipt of the AONB Unit's concerns had submitted amended plans for the stables, and the Unit had noted that it meant that the application was more acceptable in terms of the AONB;
- The circumstances were different since the refusal of the appeal, with a planning application having been granted following the appeal to reconcile the situation.

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

During the ensuing discussion, the following main observations were noted:-

- The recommended condition to remove the static caravan would lead to an improvement of the site;
- Consideration should be given to the inspector's comments that the policy situation had not changed. Were officers confident in the event of an appeal that they could prove that their recommendation was in accordance with the policies?
- Developments that were approved led to changes in the features of the countryside, and one purpose of the AONB designation was to retain traditional features;
- The house had been developed over the years and therefore the house was not in its original form;
- The stables were necessary to provide shelter for the applicant's horses during winter.

(d) In response to the above observations, the officers noted:-:-

- That the situation was different as the appeal in 2011 related to unauthorised matters. The impact of the proposal should be considered in relation to the current situation, and care should be taken in relying on the appeal's adjudication;
- The report was balanced, comprehensive and included an assessment on the proposal's impact on the AONB.

RESOLVED to approve the application.

Conditions:

1. Commence within five years.
2. In accordance with the plans.
3. The slates for the roofs of the extensions, porch and any alterations to the roof of the holiday unit to match the existing slates.
4. Agree on the colour of the stable roof.
5. Agree on the colour of the render to the extensions and external walls of the holiday unit.
6. Agree on local natural stone for the external walls of the porch.
7. The timber boards on the external stable walls to be left to weather naturally.
8. No business use of the stable.
9. The existing static caravan on the site to be moved entirely off the site within 2 months of completing the extension substantially or before the holiday unit is occupied for the first time, whichever happens first. Subsequently, it is not permitted to locate a caravan within the property's curtilage.
10. Withdrawal of permitted development rights for the holiday unit.
11. The holiday unit to be used for holiday use only and not to be used as a separate residential unit. Need to keep a register of the visitors.
12. Landscaping / *cloddiau* scheme

4. Application number C16/0183/32/LL – Gwrych y Dryw, Botwnnog

An application to retain an extension to an agricultural building.

(a) The Enforcement Manager elaborated on the background of the application and noted that the fact that a working farm existed on the site was a material planning consideration when considering this current application. It was noted that the Council had already approved a similar extension to the building in 2015 under permitted development regulations.

It was added that the surface area of the current extension measured approximately 15% of the size of the existing buildings and that consequently it was an ancillary part of the site. It was considered that the proposal did not have a significant impact on the area's visual amenities nor would it have an additional substantial detrimental impact on the amenities of nearby residents.

Attention was drawn to the additional observations that had been received.

The development complied with the GUDP for the reasons noted in the report and it was recommended for approval with a condition to restrict it to agricultural use only.

(b) Taking advantage of the right to speak, an objector noted the following main points:-

- That she had an agricultural background and understood the need for farms to change in order to remain sustainable in the current economic climate;
- No notice had been received about the planning application decided in February 2015;
- The notice advertisement for this application had not been visible;

- The information regarding the extensions was incorrect on the Track and Trace system;
- The Planning Service had not checked the original extension and that she had drawn the Service's attention to the fact that the extension was twice the permitted size which had led to this retrospective application;
- There had been a detrimental impact on her family;
- Her concern in relation to road safety and the health and safety risks due to traffic to the farm;
- The building did not conform to European regulations as it was within 400m to a house which was not linked to the farm;
- She requested that members visited the site.

(c) In response to the objector's observations, the Development Control Manager noted
- That the track and Trace system showed indicative plans;
- A notice had been placed on the site relevant to this application and the previous application;
- A number of the matters referred to were civil matters;
- European regulations were relevant to the use of buildings to keep animals on a permanent year-round basis. It was understood that the intention was to keep the animals inside over the winter, and it that it would be possible to place a condition to that end.

(ch) Proposed and seconded to undertake a site visit.

RESOLVED to undertake a site visit.

5. Application number C16/0190/03/LL – Llwyn Rhedyn, 1 Oakeley Square, Blaenau Ffestiniog

A retrospective application to retain timber decking at the rear of the building.

(a) The Development Control Manager elaborated on the background of the application and noted that there was no objection in principle to the erection of wooden decking within a residential garden provided that the scale and design of the development was in keeping with the surrounding building and area. While it was recognised that the size of the timber decking occupied a large part of the rear, however it was not visible from public areas.

Attention was drawn to the additional observations that had been received.

It was reported that a number of objections to the proposal had been received in relation to overlooking, but it was not considered that there would be any direct overlooking. It was noted that while there was an element of overlooking the residential gardens of the terraced houses located to the south of the site, it was considered that this was permissible overlooking that was an inevitable part of an urban environment and therefore it would not lead to an unacceptable impact on the amenities and privacy of the residential houses in question.

It was noted that it was recommended that a 1.7m high fence above the floor level of the decking should be erected along its southerly edge to overcome the objections and to ensure that the amenities and privacy of nearby residents were maintained.

The development complied with the GUDP for the reasons noted in the report.

(b) It was proposed and seconded to approve the application.

In response to the members' observations in relation to the safety and standard of the structure, the Development Control Manager noted that the maintenance of the structure was a matter for the applicant and that a note would be sent to the attention of the Buildings Control Unit.

RESOLVED to approve the application.

Conditions:

1. In accordance with plans;

2. To install a solid 1.7 metre high fence above the level of the decking along its southerly edge within one month of the permission date, and maintain it on all occasions thereafter to the full satisfaction of the local planning authority;

3. To paint the structure dark brown within two months of the completion date and maintain it on all occasions thereafter to the full satisfaction of the local planning authority.

The meeting commenced at 1.00pm and concluded at 2.50pm.

CHAIR