
PLANNING COMMITTEE 20/5/19

Councillors: Stephen Churchman, Elwyn Edwards, Louise Hughes, Simon Glyn, Anne Lloyd Jones, Berwyn Parry Jones, Elin Walker Jones, Eric M Jones, Huw G. Wyn Jones, Dilwyn Lloyd, Edgar Wyn Owen, Gareth A. Roberts, Eirwyn Williams, Gruffydd Williams and Owain Williams

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

1. ELECTION OF CHAIR

Resolved: To re-elect Councillor Elwyn Edwards as Chair of this Committee for 2019/20.

2. ELECTION OF VICE-CHAIR

Resolved: To elect Councillor Eric Merfyn Jones as Vice-chair of this Committee for 2019/20.

3. APOLOGIES:

Apologies were received from Councillor Menna Baines and Councillor Peter Garlick

4. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

(a) The following member declared a personal interest in the following item, for the reason noted:

- Councillor Edgar Owen in item 7.2 on the agenda (planning application number C19/0169/19/AM as his daughter-in-law worked for the applicant

The Member was of the opinion that it was a prejudicial interest and he withdrew from the Chamber during the discussion on the application.

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

- Councillor Edgar Owen (a member of this Planning Committee), in relation to item 7.1 on the agenda (planning application number C18/0993/26/LL)
- Councillor Elin Walker Jones (a member of this Planning Committee), in relation to item 7.5 on the agenda (planning application number C19/0328/11/LL).

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

5. URGENT ITEMS

None to note

6. MINUTES

The Chair signed the minutes of the previous meeting of this Committee, that took place on 29 April 2019, as a true record.

7. 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:

1. **Application Number C18/0993/26/LL – Land Adjacent to Hen Gapel, Ffordd Waunfawr, Caeathro**

Change condition 1 of planning permission C09A/0412/26/LL in order to extend the time granted to commence work for a further five years

- (a) The Development Control Manager elaborated on the background of the application, and noted that the application was deferred in the committee meeting on 29.4.19 in order to allow the Planning Officers to consider the late observations of the Language Unit.

It was highlighted that the entire application was located within the development boundary of Caeathro as included in the LDP, in a relatively prominent location in the centre of the village. It was noted that the design, elevations, materials, plan or form of the houses had not changed since the previous application was approved in 2014 and so it was considered that the proposal remained acceptable.

It was reported that the development included four affordable houses, which equated to 33%. As no official valuation has been received to establish the open market value of the houses, it was noted that the developer would be required to agree on the price with the Planning Department in order to determine an appropriate discount for the affordable houses. It was highlighted that this could be done by means of an appropriate condition that would ensure affordable housing.

When considering educational provision matters, it was anticipated that a total of 15 primary school pupils would emanate from this application for 12 houses, along with another of the developer's developments for 29 houses in Bontnewydd. It was highlighted that Ysgol Bontnewydd, namely the catchment area school, had capacity for 182 pupils (167 at present). Consequently, no financial contribution would be required for the educational provision as admitting an additional 15 pupils would not exceed the capacity.

It was considered that the proposal was acceptable in terms of the principle, location, scale, density, visual / residential amenities, road safety and infrastructure matters and in accordance with the relevant policies.

- (b) Taking advantage of the right to speak, the applicant's agent noted the following main points:-
- That the application had already been identified as suitable and had been approved in 2014
 - That it was located within the Development Plan
 - Due to the challenging period in the construction sector, the developer had not been able to act within the period of time and therefore he was requesting an extension
 - That no adaptations had been made to the original application
 - That the developer would use local contractors and local materials
- (c) The local member (a member of this Planning Committee) made the following main points:-

- That there was a need for housing in Caeathro
- That he was supportive of the development.

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

(d) In response to a comment regarding flooding concerns on the site, it was highlighted that Planning Officers had consulted with Welsh Water and Natural Resources Wales and they were satisfied with the mitigation measures and the relevant conditions proposed.

(dd) In response to a comment regarding the statutory need to provide a safe play area and that expressing that the private gardens of the new houses provided an adequate response to that, it was highlighted that the Planning Officers had consulted with the relevant officers who confirmed that a substantial playing field already existed opposite the location and that this was sufficient.

In response to a further observations regarding the supply of equipment on the playing field, it was noted that the play area was reasonable as it was.

(e) In response to a suggestion to planting trees as a potentially effective natural method of flood prevention, reference was made to the condition of submitting a landscaping plan.

RESOLVED to approve the application subject to including the following conditions:

- 1. Five years.**
- 2. In accordance with the plans.**
- 3. Transportation**
- 4. Natural Resources Wales**
- 5. Flood Risk and Coastal Erosion Management Unit**
- 6. Landscaping.**
- 7. Submission of an Ecological Management Plan together with a Construction Environmental Management Plan.**
- 8. Materials / slates**
- 9. Removal of permitted rights for the affordable homes.**
- 10. Condition ensuring that the four houses are affordable through the submission of an affordable housing plan.**
- 11. Condition ensuring that Welsh names are used for the new development, names of houses and street(s).**

2. Application No. C19/0169/19/AM - Gypsy Wood, Bontnewydd, Caernarfon

Outline application for the erection of a rural enterprise dwelling

Attention was drawn to the late observations form that had been received

(a) The Planning Manager elaborated on the background of the application, and noted that it had been submitted to the Planning Committee at the request of the Local Member. It was explained that the decision had been deferred at the Planning Committee on 29.04.2019 in order to assess the content of the late letter received from the landowner's solicitor. The letter noted that the landowners would be transferring the business to the applicants and selling the section of land where it was intended to build the house that was the subject of the application, to the applicants.

It was reported that the application site was located approximately 250m away from the development boundary of the village of Bontnewydd, and in terms of the Local Development Plan, it was located in open countryside. As a result of the need to maintain and protect the

countryside, special justification was needed to approve the construction of new houses in the countryside. It was noted that Policy PS17 of the Local Development Plan stated that only housing developments that complied with Planning Policy Wales and Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities, would be approved in open countryside.

Attention was drawn to paragraph 4.3.1 of TAN6 which noted that one of the few circumstances in which new isolated residential development in the open countryside may be justified was when accommodation was required to enable rural enterprise workers to live at, or close to, their place of work. It was further explained that this essential need for accommodation would depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of the applicant.

It was noted, should the situation with the land ownership and the business change officially in the future, then it would be required to re-assess the proposal in its entirety against the relevant sections of TAN 6. It was reported that it was premature and inappropriate to assess the situation in the future as there was no certainty that this would happen. Should the ownership circumstances officially change in future, it would be required for the applicants to provide the appropriate information to reassess the application in its entirety.

Attention was drawn to paragraph 4.11 of TAN 6 which noted that evidence must be provided that there are no other dwelling(s) or buildings that could be modified to satisfy the need. If dwelling(s) already exist on the enterprise, there would be a need to demonstrate why these cannot be used to satisfy the needs of the enterprise for residential workers, and the reason that labour or residential arrangements cannot be reorganised in order to ensure that the existing accommodation meets the needs of the enterprise without the need for another dwelling.

It was considered that this proposal of erecting a rural enterprise dwelling in the context of the business on the site was contrary to the requirements of policies PCYFF 1 and PS17 of the LDP as well as paragraphs 4.2.36 - 37 of Planning Policy Wales, section 4.3.1 of TAN 6: Planning for Sustainable Rural Communities and section 2.13 of the Practical Guidance for TAN 6.

The Senior Solicitor expressed that the land had been transferred to the applicant, not the business, and with weekly modifications being received, it was difficult to assess the situation. It was suggested that the best solution would be to submit the application from scratch when the entire business had been transferred to the applicant.

- (c) It was highlighted that the Local Member was very supportive of a favourable outcome following the latest information that had been received.
- (ch) It was proposed and seconded to refuse the application.
- (d) During the ensuing discussion, the following main observations were noted by members:
 - That the recommendation to refuse was in line with the relevant policies
 - That approving the application would create a dangerous precedent
 - The need was not proven

In response to a question regarding proposing a different recommendation if the business had been transferred in full, the Planning Manager noted that tests would need to be completed and further evidence gathered.

(dd) RESOLVED to refuse the application on the following grounds

- The site is located in open countryside from a planning policy perspective, and the planning statement and rural enterprise dwelling evaluation confirms that individuals who own 50% of the rural enterprise business, own the land where the business is located and live in a property already located on the site. Therefore, the Local Planning Authority is of the opinion that any functional need that exists with the business on the site is already met and that erecting an additional dwelling on this site would therefore be contrary to the requirements of policies PCYFF 1 and PS17 of the LDP, as well as paragraphs 4.2.36 - 37 of Planning Policy Wales, section 4.3.1 of TAN 6: Planning for Sustainable Rural Communities and section 2.13 of the Practical Guidance for TAN 6.
- The current proposed access for use to serve the proposal in question is sub-standard with regard to visibility towards the direction of Bontnewydd. To this end, the proposal is contrary to the requirements of policy TRA 4 of the Gwynedd and Môn Unitary Development Plan 2017 with regard to ensuring road safety.

3. Application Number C19/0087/25/R3 Ysgol y Faenol, Penrhos Road, Penrhosgarnedd, Bangor

Demolish Penrhosgarnedd Centre and erect a new community centre and extend Ysgol y Faenol, new access road together with car park

Attention was drawn to the late observations form that had been received

The Members had visited the site.

- (a) The Planning Manager elaborated on the background of the application and noted that this was an application to rearrange and combine the sites of Ysgol y Faenol and the Community Centre in Penrhosgarnedd. It was noted that the site was located in a residential area, with the majority within the development boundary of Bangor Sub-regional Centre as defined by the Anglesey and Gwynedd Joint Local Development Plan. It was highlighted that the proposal included the following features:

- demolishing the existing community centre
- creating a new car park on the site of the community centre - the school's main vehicular entrance will move to the entrance of the car park, which will include 60 parking spaces and seven drop-off spaces.
- creating a new link road leading from the car park to the existing school site (this would be outside the city's development boundary) - there will be four disabled parking spaces near the building
- closing the main entrance to pedestrians, and creating a new entrance 55m to the west
- demolishing the external buildings to the rear of the school
- constructing extensions to the existing building, to include extra space for a new community centre.

It was reported that Policy ISA 2 of the LDP was supportive of providing new community facilities and it was considered that the proposal met all of that policy's criteria. Although the footprint of the new building would be approximately a third larger than the existing buildings, it was considered that the design was an architectural improvement to the existing unremarkable buildings. Due to the urban nature of the site, it was not considered that the proposal was likely to cause unacceptable long-term detrimental impact to residents nearby or the community in general, although unavoidably, there would be some increase in noise and disturbance. It was reiterated that any harmful impacts could be managed by imposing appropriate conditions on the development.

In response to late observations from Sport Wales, it was suggested that a desk exercise had been implemented by Sport Wales and that they were not familiar with the site. It was reiterated that the proposal improved the resources, was a substantial improvement to the play area and was acceptable in terms of visual amenities.

- (b) It was proposed and seconded to approve the application.
- (c) In response to a question regarding the lack of response of some agencies and whether the committee should proceed without their comments, it was reported that the situation of not receiving comments was quite common and the likelihood was that a response or comment would have been received if these agencies had concerns. The Planning Manager did not have an opinion on the suggestion that some of these agencies were unable to respond due to work pressures.
- (ch) In response to a question regarding respecting the archaeological condition, the Planning Manager noted that the applicant was aware of this condition.
- (d) In response to a question regarding light pollution and the likely impact on the natural environment abutting the development, reference was made to paragraph 5.8 of the report where it was noted that the developer intended to install LED lights on poles and on bollards designed to mitigate light pollution. It was explained that there was potential for light pollution to be a nuisance to residents and cause harm to wildlife. It was considered reasonable to impose a condition on any planning permission to submit a detailed lighting plan to ensure that no unacceptable harm would derive from this aspect.
- (dd) In response to a comment from Sport Wales that the development would be responsible for the loss of a playing field and a games court, along with the statutory need to protect a minimum requirement in terms of the size of the playing field, the Planning Manager noted that much of the site as it stood was unsuitable for holding sports on it as it was on a slope. It was reiterated that the concerns had been addressed and that the provision submitted with the plan would be a substantial improvement - an increase of 300m².
- (e) During the ensuing discussion, the following main observations were noted by members:
 - That assurance was needed that the community centre would continue as a site that would be open to the public after school hours and for periods beyond the school timetable.
 - That the development was an exciting project
 - That this was an opportunity to tidy the site
 - That the plans improved road safety

RESOLVED to approve the application and to delegate powers to the Senior Officer to approve the application, subject to the expiry of the second consultation period with Sport Wales and additional conditions relating to the introduction of a lighting plan and traffic management plan and to the conditions noted below:

1. Time (five years)
2. In accordance with the plans
3. Agree on final materials and colours
4. Transport conditions
5. Submit and agree a detailed Environmental Construction Method Statement for the period of developing the site, including restrictions on the site's working hours.
6. Submit and agree upon a Detailed Boundary Plan
7. Must adhere to the Ecological Survey recommendations

8. Before the new school becomes operational a Demolition Plan must be submitted and agreed for the existing community centre that will include a timetable for the demolition work and for restoring the land.
9. Archaeological Condition
10. No development within the designated Wildlife Site without prior permission from the Local Planning Authority.

Notes

1. Welsh Water
2. Highways
3. Natural Resources Wales
4. Standard advice regarding SUDS

4. Application Number C19/0149/46/LL - Congl y Cae, Llangwnadl, Pwllheli

Demolish existing outbuilding and construct a single-storey extension to dwelling and conversion of outbuilding into two holiday units

- (a) Following the appeal decision of Tynpwll Cottage, Lon-ty'n-pwll, Nefyn, Pwllheli (C18/0023/42/LL), it was suggested that the Committee should defer the decision on the Congl y Cae application in order for Planning Officers to get to grips with the context of the appeal.
- (b) It was proposed and seconded to defer the application.

RESOLVED to defer the application so that the Planning Officers have an opportunity to consider the context of appeal number (C18/0023/42/LL)

5. Application Number C19/0328/11/LL – 33, Bryn Eithinog, Bangor

Extension at the rear and at the front of the property

Attention was drawn to the late observations form that had been received

- (a) The Development Control Manager elaborated on the background of the application, noting that this was an application to extend the current two-storey house in the rear and in the front. The rear extension would be two-storey and the front extension would be above the existing garage, with the exterior elevations of the extensions matching the existing elevations of the two-storey house.

In terms of the principle of the development, it was highlighted that Policy PCYFF2 of the LDP stated that proposals would be refused if the development would have a substantial impact on the health, safety or amenities of the occupiers of local property. It was highlighted that Policy PCYFF 3 states that proposals will be approved, including extensions and changes to existing buildings and structures, if they comply with a number of criteria, including: that the proposal adds to or enhances the character or appearance of the site, the building or the area in terms of setting, appearance, scale and height. It was considered that the proposal to extend the residential property was acceptable in principle and that the layout, form, materials, scale and design of the extensions would not create incongruous or dominating structures in this part of the streetscape.

In the context of general and residential amenities, it was noted that residential dwellings and their private gardens were located to the west (31 Bryn Eithinog) and to the north (26

Lôn y Bryn), adjacent to the application site. It was reported that an objection had been received from the occupier of number 31 Bryn Eithinog on the following grounds:-

- Loss of light by creating oppressive structures.
- Loss of privacy and overlooking into property known as 31 Bryn Eithinog.
- Creation of additional traffic.
- Impairing the area's character.

In response to the objection of loss of privacy and overlooking, it was explained that the extensions had been designed to avoid any direct overlooking into nearby property (31 Bryn Eithinog and 26 Lôn y Bryn in this context), therefore it was considered that the proposal, as submitted, would not lead to overlooking and loss of privacy to nearby residents.

In response to the objection of creating additional traffic, it was explained that the property was already a four-bedroom house and that there was no proposal to extend the number of bedrooms within the house. Consequently, the Planning Officers did not anticipate that there would be an increase in traffic entering and exiting the site. It was reiterated that the Transportation Unit did not have concerns regarding road safety or parking requirements and so the proposal was acceptable based on the requirements of Policy TRA2 and TRA4 of the LDP.

In response to the objection of impairing the area's character, it was reported that the nearby area included a varied collection of different types of residential dwellings on the grounds of elevations, scale, form and designs, with a number of them already extended and changed in the past. Having completed the assessment, it was considered that the extensions would not create dominating or incongruous structures in this section of the streetscene.

The Development Control Officer highlighted that observations had been submitted during the consultation period that were immaterial to planning. Some alleged the possibility that the house would be turned into a house in multiple occupation (HMO). It was emphasised that the application had been submitted based on erecting extensions to a Use Class C3 residential house, rather than to a Use Class C4 HMO. In response to this concern, the applicant's agent was contacted and written confirmation was received that the proposal did not relate to changing the use of a house (C3) into a HMO (C4). It was reiterated that the house was being let to students and from the information submitted with the application, there was no evidence submitted stating that the house was used as a HMO.

Having considered all the relevant planning matters and observations received, including the correspondence of objection, it was considered that this application was acceptable on the grounds of the principle, design, location, setting, use, materials, residential amenities, visual amenities and that it complied with the requirements of relevant local and national planning policies and guidance.

- (b) The local member (a member of this Planning Committee) made the following main points:-
- Attention was drawn to the applicant's original application to build the entire house in the garden of the house.
 - That the property was a student house - it was not being used at present as a family home
 - That more student houses were 'creeping' into this residential area - the houses had been originally intended for families
 - A suggestion was made for the Committee to consider the application in light of the transportation concerns and the overprovision of student houses.
- (c) It was proposed and seconded to approve the application.

(ch) In response to a question regarding the use of the existing house and the need for a clear definition of the difference between a student house and a HMO, the Planning Manager highlighted that the property had been assessed as a house for the application. It was reiterated that the house's legal use was as a house and there was no evidence to suggest that it was a HMO. If the applicant wished to change the use of the house into a HMO, a new planning application would have to be submitted, along with an application for a relevant licence. The Development Control Officer noted that the agent had confirmed that the house was being used as a house, and not as a HMO. In further response to the concern, the Senior Planning Manager noted that the allegation regarding the use of the existing house could be investigated.

The Senior Solicitor reiterated that refusing the application on the grounds that it could possibly be a HMO was not acceptable, and he reiterated that enforcement arrangements existed outside the Planning Committee forum. He noted that the Committee needed to consider the application as an extension to a house and that the Members should trust the enforcement process to deal with the HMO matter.

In response to the transportation concerns, it was highlighted that there were sufficient parking spaces outside the house, along with a sufficient curtilage in front of the property for parking purposes.

- (d) During the ensuing discussion, the following main observations were noted by members:
- that the effort being made to invest in order to make the house more comfortable raised doubts that the house was going to be used for business use
 - That the observations and evidence of neighbours regarding the use of the current house needed to be considered
 - That the information was unclear
 - That the work needed to be in accordance with the plans

RESOLVED to approve the application and propose a condition to investigate the current use of the house

Conditions

1. Five years.
2. In accordance with the plans.
3. Natural slate.

The meeting commenced at 1.00pm and concluded at 2.20pm.

CHAIR