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## PLANNING COMMITTEE 16/05/16

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**Present:**

**Councillors:** Elwyn Edwards, Simon Glyn, Gwen Griffith, Anne Lloyd Jones, Eric Merfyn Jones, June Marshall, Michael Sol Owen, W. Tudor Owen, John Pughe Roberts, Eirwyn Williams, Gruffydd Williams, Owain Williams (Substitute) and Eurig Wyn.

**Others invited:** Councillor Ioan Ceredig Thomas (Local member).

**Also in attendance:** Gareth Jones (Senior Planning Service Manager), Cara Owen (Development Control Manager), Idwal Williams (Senior Development Control Officer), Rhun ap Iarll (Senior Solicitor), Gareth Roberts (Senior Development Control Engineer) and Glynda O'Brien (Member Support and Scrutiny Officer).

**Apologies:** Councillors Endaf Cooke, Hefin Williams and Siân Gwenllian (Local Member)

### 1. ELECTION OF CHAIR

**Resolved:** To elect Councillor Anne Lloyd Jones as Chair of this Committee for 2016/17.

She thanked her fellow members for the honour of chairing this Committee and she took the opportunity to thank the former Chair, Councillor Michael Sol Owen, for his thorough work over the last two years.

Councillor Michael Sol Owen took the opportunity to thank Members, Officers, Minute takers, the Solicitor and Translators for their work with the Planning Committee and he noted that the Planning Department dealt with approximately 1,200 applications and only a very small percentage were submitted for the Committee's consideration.

### 2. ELECTION OF VICE-CHAIR

**Resolved:** To elect Councillor Elwyn Edwards as Vice-chair of this Committee for 2016/17.

### 3. DECLARATION OF PERSONAL INTEREST

(a) The following member declared a personal interest in relation to the item noted below:

- Councillor Ioan C Thomas (who was not a member of this Planning Committee), in item 7.3 on the agenda (planning application number C16/239/14/LL - Galeri Victoria Dock, Caernarfon as he was a Director of Galeri.

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

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

- Councillor John Wyn Williams (a member of this Planning Committee) in relation to item 7.1 on the agenda (planning application number C14/1110/20/LL);

- Councillor Ioan Ceredig Thomas (not a member of this Planning Committee) in relation to item 7.2 and 7.3 on the agenda, (planning application numbers C14/1228/14/LL and C16/239/14/LL);
- Councillor Anne Lloyd Jones (a member of this Planning Committee) in relation to item 7.4 on the agenda (planning application number C16/0265/09/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.

#### 4. MINUTES

The Chair signed the minutes of the previous meeting of this Committee, that took place on 25 April 2016, 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 C14/1110/20/LL – Oaklands, Penybryn, Y Felinheli

To erect four three-bedroom dwellings, with one of those being an affordable dwelling.

- (a) The Development Control Officer elaborated on the background of the application, and noted that the site was located within the development boundary of the village and two detached dwellings had already been permitted on the front section of the site. It was noted that the site was long and narrow with the Lôn Las Menai path running along one side of the site. Attention was drawn to the relevant policies together with the late observations received stating the requirement for an amended plan of the 'T' shape turning area at the end of the estate. Originally it was considered that two of the houses would need to be affordable together with an educational contribution for an additional two pupils at the local school. However, based on the Joint Planning Policy Unit's assessment of the viability of providing an educational contribution and offering two affordable units, it was considered that there would be a risk that the development would not be viable. Based on the above, it was considered that the provision of one affordable house as part of scheme was acceptable in order to ensure an affordable element and that the development was viable. It was not considered that the proposal was likely to cause significant overlooking or that it was inconsistent or incompatible with the development pattern of the area, and it was considered that the proposal was suitable in terms of its location, design and size. In terms of biodiversity matters, following discussions and based on reducing the number of houses that were subject to the original application from five to four, and changing their locations, it was considered that the proposal complied with national and local planning policies. The recommendation of the planning offers was to delegate the powers to approve the application subject to the completion of a Section 106 Agreement to ensure that one of the houses was an affordable house for general local need and in accordance with the conditions noted in the report.
- (b) Taking advantage of the right to speak, the applicant's representative noted the following main points:
- that the process had been lengthy and the application had been submitted for nearly two years

- the original design entailed five three-storey houses similar to those that had already been permitted to members of the family
  - observations were received from the Biodiversity Officer regarding concern about the nearby woodland and following further discussion the number of houses had to be reduced to four and to change their location in order to protect trees as well as a condition that trees should be planted on the original plot 5.
  - this meant that the door had been closed on any hope of building a fifth house, although they had offered to plant trees on another site.
  - because of the need to move the houses, three-storey houses did not suit the location and the application was re-designed in accordance with the requirements and there was significant expense with amended plans to satisfy the need for affordable housing.
  - an appeal was made for the committee to support the application.
- (c) Councillor John Wyn Williams (who was a Member of this Planning Committee and representing the local member as she had declared an interest) noted that he supported the application and accepted that several discussions had taken place and now they had reached a compromise that was best for all in terms of the development's viability and affordable housing.
- (ch) It was proposed and seconded to approve the application.
- (d) During the ensuing discussion the following points were highlighted:
- (i) In response to an enquiry regarding a financial contribution to the school, the Development Control Manager noted that a specific formula had been noted in the relevant SPG and a national figure of around £12,000 had been set as an educational contribution for each child likely to stem from a development where there was no capacity available within the school for them. In the context of the application before them, it was explained that the development would entail two additional pupils at the local school and in accordance with the Supplementary Planning Guidance: A Planning Obligation stating that the Council was keen to avoid risking the viability of development plans by seeking too many contributions from developers. Therefore, in this case there was an agreement that the provision of one affordable unit should be prioritised. In the context of other areas, it would be necessary to assess if there was space available in the school that was local to the development. The Senior Manager added, that educational contributions to the school where there was direct impact from the development on the local school had to be dealt with, and it would not be possible legally to request a contribution based on the percentage value of any developments.
  - (ii) Concern by a member that there was a tendency for planning officers to refuse applications submitted by applicants early on in the discussions, rather than to explain that the application was contrary to guidance and consequently application processing was a long process and caused frustration to the applicants. The member sensed from the application before them that permission for five houses would have fitted in with the pattern of the other houses built and would allow more affordable housing.
  - (iii) In response to the above, the Senior Planning Service Manager explained that the planning officers offered the best possible professional opinion to applicants based on the relevant planning policies. In relation to the application before them, the discussion was based on a difficult site in the context of biodiversity matters etc, and a decision had been reached in the end to approve in accordance with the discussions with the applicant. It was further explained that it was a matter for the applicants to submit applications, however, planning officers sought to give the best professional advice in order that applicants did not waste their money and were in a better position to deal with the application.

**RESOLVED:** To delegate powers to the Senior Planning Manager to approve the application, subject to signing a Section 106 Agreement to ensure that one of the houses would be affordable for local need, to accept the amended plan of the 'T' shape turning area at the end of the estate and to relevant conditions concerning:

**5 years**

**In accordance with plans**

**Slate roof**

**Welsh Water**

**Highways (parking and construction method statement)**

**Planting scheme/improving biodiversity to compensate and ensure that this area is preserved for Biodiversity value.**

**Safeguarding the public footpath**

**Withdrawal of permitted rights materials to be agreed**

**2. Application number C14/1228/14/LL – Parcia Bach, Bangor Road, Caernarfon**

- (a) The Senior Development Control Officer expanded on the background of the application to convert part of the existing agricultural building into 11 dog kennels together with siting a sewage storage tank nearby as well as the creation of an isolation unit to house dogs should they suffer from an infection or illness together with a lounge/office and a food preparation room. The site is located on the western outskirts of Caernarfon in a partially rural area which includes dispersed residential dwellings located to the north, west and south-east of the application site. Reference was made to the relevant policies and public consultations. It was noted that the principle was based on policy D10 of GUDP to create a variety of local employment opportunities by converting buildings for commercial and industrial uses. The proposal was expanded upon in terms of visual, general and residential amenities and specifically the impact of noise and disturbance on the amenities of nearby residents together with transport and access matters. Attention was drawn to the fact that the applicant had submitted additional information with the application to alleviate any traffic impact with the intention of collecting the dogs to reduce any increase in traffic coming in and out of the site. Any access to the site by the public/owners would be an exception and by invitation only (between 3.00pm and 6.00pm on Sundays). In response to the public consultation and the objections received for several reasons, it was not considered that any matter outweighed the relevant policy considerations and that the proposal was acceptable and complied with the requirements of relevant local and national policies and guidelines. The planning officers' recommendation was to approve the application in accordance with the conditions as outlined in the report.
- (b) The local member (who was not a member of this Planning Committee) noted
- that he acknowledged that there was a need for diversification and looking for other options and this would offer a new provision of a high standard
  - that the site was open and on the outskirts of Caernarfon and attracted a great deal of wildlife and it was a quiet spot
  - reference was made to the objections from the owners of nearby dwellings that mainly included concerns about noise and there were no guidance on the requirements of licensing commercial kennels
  - that the location was close to houses and the risk of creating a disturbance for nearby residents
  - uncertainty regarding the number of dogs on the site and concern about escaping dogs
  - the impact on the sustainability of a nearby bed and breakfast establishment
  - no mention of a property named Stablau in the report

- a suggestion that the Committee should inspect the site and give consideration to the objectors' concerns, specifically noise and amenities, access, water supply pipe, flooding and the licensing of commercial dog boarding kennels.
- (c) It was proposed and seconded that the Committee should visit the site.
- (ch) During the ensuing discussion the following points were highlighted by individual members:
- They agreed with the objectors' concerns and if the venture was successful then there might be a further application to board more dogs that in turn would cause more noise and disturbance to nearby dwellings
  - That it would be beneficial for the kennels to face due south rather than north to alleviate noise
  - Concern regarding the condition proposed by the applicant to collect the dogs and prevent visitors, bearing in mind that dog owners might need to visit the site before boarding their dogs there
  - Concern regarding the access considering the increased traffic to the site
  - That it would be advantageous to invite an appropriate officer from the Public Protection Department to the Planning Committee when the application was discussed to respond to the concerns regarding noise and disturbance to nearby residents.

**RESOLVED: To defer the application and request that the Senior Planning Service Manager arranges for the Planning Committee to visit the site and to invite an appropriate officer from the Public Protection Department to the Planning Committee when the application is discussed to respond to concerns regarding noise.**

### 3. Application number C16/239/14/LL – Galeri, Victoria Dock, Caernarfon

Construct a three-storey front extension in order to provide a two screen cinema, reception area, offices and retail facilities.

- (a) The Development Control Manager elaborated on the background of the application and noted that the external elevations of the extension would be a mixture of materials with an industrial 'look' to them and were chosen taking into consideration the open location of the site to salt water along with the aim of creating a building which reflected the industrial history of this part of the town. Reference was made to the relevant planning policies. It was considered that the proposal to extend the existing building was acceptable in principle, and in terms of visual amenities it was deemed that it would not create an incongruous structure in the streetscape. Neither would it have a significant or substantial impact on the amenities of nearby residents/users. In terms of transportation matters an amended plan was submitted in respect of the lay-by and reference was made to a statement by the Transportation Unit on the late observations form that they had no objection to the amended plan that would reduce the lay-by for one bus only. Attention was also drawn to Policy CH36, that stated that proposals for developments would be refused unless off-street parking was provided, however, in this case (although four parking spaces would be lost) the accessibility of the site by public transport and how easy it was to walk or cycle to the site together with its proximity to public parking spaces would compensate for the loss of the four parking spaces. On the grounds of all the considerations the planning officers were of the view that the proposal was acceptable on the basis of principle, scale, location, design, form, materials, road safety, visual and residential amenities as consequently they recommended that the proposal be approved.
- (b) It was proposed and seconded to approve the application.

- (c) During the ensuing discussion the following points were highlighted by individual members:
- whilst supporting the application, it was trusted that the provision would have more use than the existing cinema at would not be unused bearing in mind that people travelled to Llandudno to the cinema.
  - that it was an opportunity to get ahead of other towns and they should be innovative when advertising and selling the film industry effectively
  - that parking caused concern especially following the coming of the doctors' surgery nearby and perhaps it would be possible for the Council to open the Council's staff multi-storey car park located nearby for parking when not in use by Council staff members
  - four car parking spaces were not viable and there should be at least 100 spaces available for such a development
  - it was felt that the materials used were not sustainable considering the location of the building □
  - the design was welcomed for being different and exciting and it suited Victoria Dock given the area's industrial history
  - a lay by for one bus was not sufficient and should not the other parking spaces be reduced
  - concern regarding the number of disabled parking spaces and it was requested that sufficient spaces were provided
  - that they should be aware of the needs of persons who suffer from dementia regarding the floor finishes within the building
  - concern that the building would deprive the views

(ch) In response to the concerns highlighted above, the officers explained as follows:

- in terms of parking there were three public car parks within walking distance to the building and there was the potential to open the Council's staff car park after 6.00 pm.
- that two bus lay-bys would impair upon the access visibility
- that the plan indicated two disabled parking spaces, however, it would be possible for the Senior Development Control Engineer to discuss this further with the applicant for more disabled parking provision near the front door
- that the development would be on the eastern side and therefore would not impair the views

**RESOLVED: Unanimously to approve the application subject to relevant conditions regarding:-**

- 1. Five years**
- 2. In accordance with the plans.**
- 3. Welsh Water condition regarding the disposal of surface water from the site..**
- 4. Highway conditions**
- 5. External materials to be agreed**

**4. Application Number C16/0265/09/LL – 14 College Green, Tywyn**

**The Vice-chair took the chair for this application in order that the Chair could address the Committee as a Local Member.**

Change of use from shop (A1) to food and drink (A3) use together with extension to extraction unit and alterations to rear of property.

- (a) The Development Control Manager elaborated on the background of the application, noting that the proposal was for a change of use of a shop that had been empty for some time in

order to sell food and drink. The application indicated that a restaurant would be provided and it was also intended to sell hot takeaway food. The proposal involved external alterations to include an extension to provide customer toilets. In addition, it was proposed to install an extraction unit on the building's rear elevation, and a new shop frontage on the front elevation. Attention was drawn to the fact that the site was within the development boundary of the town of Tywyn and in an area with a mixture of uses which included residential housing, shops, eateries, public house and other businesses. Reference was made to the summary of the relevant policies within the report and late observations had been received from the Public Protection Unit requesting further information regarding the extraction unit. A petition was received from local businesses and residents objecting to the application for the same reasons referred to in the report. The report noted the building's poor condition and the period that it had been empty. Bearing in mind that Tywyn's defined town centre area was so long and that the site was on the outskirts it was not considered that the proposal would undermine the town's role as a retail centre. Neither was it considered that the proposal would cause unacceptable additional harm in terms of noise, odour or litter. It was noted that the details of the extraction unit should be agreed and implemented prior to the commencement of use. Reference was made to recent appeals and the opinion of the Inspector that it was better for a property to be used rather than an empty deteriorating shop that would as a result have an impact within the town. In terms of general and residential amenities, it was not considered that the proposal would add to or create an unacceptable concentration of this type of use which would cause a detrimental impact on the area. It was not considered that the small single-storey extension at the rear of the building would have a detrimental impact on the amenities of residents of nearby properties and therefore it was considered that the proposal complied with all the requirements of the relevant policy. Conditions would be imposed regarding opening hours as well as the extraction unit if the application was to be approved. It was recommended to delegate powers to approve the application subject to the receipt of more information from the Public Protection Unit regarding the extraction equipment and in accordance with the conditions noted in the report.

- (b) The local member (a member of this Planning Committee) stated that he had no objection to the application and the fact that there was no competition with other businesses within the area in question was not a reason to refuse the application. However, concerns had been highlighted by nearby residents yet it was trusted that the concerns regarding odour would be alleviated by the extraction system. He could not see how it could be refused and stated that the use of the property was to be welcomed rather than to stand empty and deteriorate.
- (c) It was proposed and seconded to approve the application.
- (ch) In response to enquiries from individual Members, the Development Control Manager noted as follows:
- That the Planning Department noted the conditions for the opening hours in order to safeguard local amenities
  - Whilst accepting that some such long established businesses operated without any conditions, they sought to be consistent with opening hours for new applications.
  - That owners would have the right to submit an application to the Licensing Unit to amend the condition.
  - It was trusted that the extraction unit would alleviate any odour.

**RESOLVED:** Unanimously to delegate powers to the Senior Planning and Environment Service Manager to approve the application, subject to the receipt of acceptable details regarding the extraction unit and the receipt of favourable observations from the Public Protection Service on those details and to the following conditions:-

1. The development to commence within five years of the date of the permission;
2. In accordance with the submitted plans;
3. Submit details of the extraction unit to receive written approval prior to commencement of use, the agreed extraction system must be operational prior to commencement of use;
4. Finishes to match the existing building;
5. The site will not be open to customers beyond the hours of 9:00 and 23:00 on any specific day;
6. No additional surface water to be disposed of into the public sewer;
7. Any relevant planning conditions recommended by the Public Protection Unit.

The meeting commenced at 1.00pm and concluded at 2.25pm.

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CHAIR