

NOTICE OF MEETING



Snowdonia National Park Authority

*Emyr Williams
Chief Executive*

Snowdonia National Park Authority

Penrhyndeudraeth

Gwynedd LL48 6LF

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Meeting: Planning & Access Committee

Date: Wednesday 26th June 2024

Time: 10.00 a.m.

Location: The Oakeley Room, Plas Tan
y Bwlch, Maentwrog and Via
Zoom

Members are asked to join the meeting 15 minutes before the designated start time

Members appointed by Gwynedd Council

*Councillor: Elwyn Edwards, Annwen Hughes, Louise Hughes
June Jones, Edgar Wyn Owen, Elfed Powell Roberts,
John Pughe Roberts, Meryl Roberts, Einir Williams;*

Members appointed by Conwy County Borough Council

Councillor: Ifor Glyn Lloyd, Jo Nuttall, Dilwyn Owain Roberts;

Members appointed by The Welsh Government

*Mr. Brian Angell, Vacancy, Mrs. Sarah Hattle,
Mr. Tim Jones, Ms. Naomi Luhde – Thompson, Ms. Delyth Lloyd.*

****This Agenda is also available in Welsh***

A G E N D A

Page Nos.

- 1.* **Chairman**
To elect a Chairman of the Committee for the ensuing year.
- 2.* **Vice-Chairman**
To elect a Vice-Chairman of the Committee for the ensuing year.
3. **Apologies for absence and Chairman's Announcements**
To receive any apologies for absence and Chairman's announcements.
4. **Declaration of Interest**
To receive any declaration of interest by any members or officers in respect of any item of business.
5. **Minutes** 4 - 7
The Chairman shall propose that the minutes of the meeting of this Committee held on the 22 May 2024 be signed as a true record (copy herewith) and to receive matters arising, for information.
6. **Appointment of Members to Serve on the Planning and Access Committee Inspection Panels** 8
To submit a report by the Director of Planning and Land Management. (Copy herewith)
7. **Reports by the Director of Planning and Land Management** 9 - 19
To submit the reports by the Director of Planning and Land Management on applications received. (Copy herewith)
8. **Update Reports** 20 - 25
To submit update reports, for information. (Copies herewith)
9. **Delegated Decisions** 26 - 31
To submit the list of applications which have been determined in accordance with delegated authority, for information. (Copy herewith)
10. **Compliance Report** 32 - 41
Update on compliance. (Copy herewith)
11. **Appeal Decisions**
To submit an oral report by the Director of Planning and Land Management on the Inspector's decision to refuse the following appeals:
 - (1) NP3/15/124N, Removal of Condition No.3 attached to planning approval notice NP3/15/124L dated 01/03/2018 to allow permanent retention of timber clad steel container, Coed Hen Doeth, Pentre Castell, Llanberis, appeal by Dr Lisa Handcock against the decision of the Snowdonia National Park Authority to refuse the application 42 - 44
(A copy of the Inspector's decision is enclosed - Copy herewith)

(2) NP5/71/269M, Restructuring and upgrading of 15 existing touring unit pitches into a lower density landscaped layout comprising of 5 touring caravans/motorhomes and 10 tents (Amended scheme), Bwch yn Uchaf, Llanuwchllyn, appeal by Mr Gareth Pugh against the decision of the Snowdonia National Park Authority to refuse the application

45 - 47

(A copy of the Inspector's decision is enclosed - Copy herewith)

* Your attention is drawn to standing order 5.8 which states that "No Member shall serve as Chairman or Vice-Chairman of more than one Committee".*

**SNOWDONIA NATIONAL PARK PLANNING AND ACCESS COMMITTEE
WEDNESDAY 22nd MAY 2024**

Councillor Elwyn Edwards (Gwynedd) (Chair)

PRESENT:

Members appointed by Gwynedd Council

Councillors Annwen Hughes, June Jones, Louise Hughes, Edgar Wyn Owen, John Pughe Roberts, Meryl Roberts, Einir Wyn Williams;

Members appointed by Conwy County Borough Council

Councillors Ifor Glyn Lloyd, Jo Nuttall, Dilwyn Owain Roberts;

Members appointed by the Welsh Government

Brian Angell, Sarah Hattle, Tim Jones, Naomi Luhde-Thompson.

Officers

G. Iwan Jones, Jonathan Cawley, Iona Roberts, Dafydd Thomas, Richard Thomas, David Jones, Gavin Roberts, Anwen Gaffey, Sarah Roberts.

The Director of Corporate Services stated that the meeting was being web-broadcast and would also be made available online at a later date.

1. **Apologies**

Councillor Elfed Powell Roberts; Delyth Lloyd.

2. **Declaration of Interest**

No declarations of Personal Interests were made in respect of any item.

3. **Minutes**

The minutes of the Planning and Access Committee meeting held on 17th April 2024 were accepted and the Chair signed them as a true record.

Arising thereon,

Item 6 (2) - Update Reports

NP5/69/56M – Sunbeach Holiday Park, Llwyngwriol

The Head of Development Management and Compliance confirmed that the application was being considered at today's meeting.

4. **Reports by the Director of Planning and Land Management**

Submitted – Reports by the Director of Planning and Land Management on planning applications.

Please see the Schedule of Planning Decisions attached.

5. **Update Reports**

Submitted – Update reports by the Director of Planning and Land Management on planning applications and Section 106 Agreements.

Please see the Schedule of Planning Decisions attached.

6. **Delegated Decisions**
Submitted and Received – List of applications determined in accordance with delegated authority.
RESOLVED to note the report, for information.
7. **Planning Appeals**
Submitted and Received – copies of the following appeal decisions:-
- (1) Appeal by Karl Jackson against the Authority's decision to refuse planning permission for the "Erection of timber structure to be used as classroom" at Coed Dwynant, Barmouth. (Appeal dismissed)
 - (2 & 3) Appeals by Ms R. Abrams against the Authority's decision to:-
Appeal A - refuse to grant listed building consent, and
Appeal B – refuse to grant planning permission for the conversion of three buildings in the curtilage of the main house into four cottages at Caerynwch, Brithdir. LL40 2RF (Appeals dismissed)

The meeting ended at 11.30

SCHEDULE OF PLANNING DECISIONS – 22nd MAY 2024

Item No.

4. Report by the Director of Planning and Land Management

- (1) NP4/11/393B – Conversion and extension of outbuilding to form short term self-catering holiday unit, creation of parking bay, alterations to vehicular access and associated works (Re-submission), Outbuilding at Craig Glanconwy, Betws y Coed. **Reported** – Case Officer presented the report, background and planning assessment and reported upon further information received and circulated to Members prior to the meeting.

Public Speaking

Sioned Morgan, the agent, addressed the Planning and Access Committee and asked Members to consider the following:-

- the agent thanked Members for the opportunity to speak.
- extensive pre-application discussions have been held with officers and previous applications were refused as officers considered that the building was a ruin without a roof and that a new access road would need to be provided, stating that the visibility splays were insufficient, and that the proposal would lead to damage to issues of an ecological nature and related to trees
- a new application was submitted (which is the application in front of you today) with changes to the plan so that the parking space was next to the lane with access on foot only to the cottage as well as providing a large area of tree planting.
- it was confirmed that the amended plan satisfied the access issues with acceptable visibility splays and no unacceptable impact on ecology.
- this application was deferred at a previous committee to give the applicant an opportunity to respond to comments received on the structural condition of the building which were not shared with the applicant until the report was published for committee. We have now had the opportunity to respond to the comments and the applicant's response has been included in its entirety as part of this committee's report package with further observations in response to the forestry officers concerns.
- officers recommend refusal as the proposal does not conform with policy 9 of the LDP based on the condition of the building and that it does not have a roof. In fact, when converting any external building to a residential unit, the roof would have to be removed and a new roof installed in order to comply with Building Control rules. Structural reports have been submitted since January by a Structural Engineer showing that the walls are sound and that the building was suitable to be converted. There is no evidence to the contrary to suggest that the report is not acceptable and that the building can be converted without affecting the roots of the trees.
- whilst recognising the policy states that buildings need to have a roof in place, there are other planning considerations to consider in this particular case. The building is a historic one which is recorded on historical maps. The Gwynedd Archeological Planning Service considers it a building worth recording because of its history which is a worthy reason to keep the building.
- if permission is not granted to re-use the building, the truth is it will deteriorate until it becomes a ruin.
- it was not clear where the second reason for refusal stems from - this concern has not been raised on any of the previous applications and the scheme was

now much simpler and sensitive and had less impact on the special qualities of the National Park.

- the Agent hoped that Members could go against officer recommendation on the grounds it was a historical building which is worth saving and support the application.

Arising thereon, Members considered the report in detail and were satisfied that the structure of the building could be converted without significant rebuilding. Members were also satisfied that the impact on the landscape and special qualities of the National Park was acceptable, and that the proposal would support an existing local tourism business.

RESOLVED to authorise the Director of Planning and Land Management to **grant** permission subject to appropriate conditions.

- (2) NP5/54/462 – Repair work to a track including essential work to a track retaining wall by replacing undermined gabion baskets with a traditional dry stone retaining wall, Llyn Cynwch, Brithdir.
Reported – Case Officer presented the report, background and planning assessment.
RESOLVED to **grant** permission in accordance with the recommendation.
- (3) NP5/69/56M – Extension of the holiday caravan site to provide (a) a new main site entrance with internal access road and amenity area; re-distribution of already consented holiday caravans and redevelopment within the existing holiday caravan site to provide (b) 24 static holiday caravans/lodges with landscaping; (c) 12 static holiday caravans/lodges in lieu of a residential dwellinghouse; and (d) 3 static holiday caravans in lieu of the old site shop. Up to 455 holiday caravans can be stationed on the holiday caravan site, Sunbeach Holiday Park, Llwyngwrl. LL37 2QQ
Reported – Case Officer presented the report, background and planning assessment.
RESOLVED to **refuse** permission in accordance with the recommendation.

6. Update Reports

- (1) Section 106 Agreements – **For Information**
RESOLVED to note the report.
- (2) Outstanding Applications where more than 13 weeks have elapsed – **For Information**
RESOLVED to note the report.

ITEM NO. 6

MEETING	Planning and Access Committee
DATE	26 June 2024
TITLE	APPOINTMENT OF MEMBERS TO SERVE ON THE PLANNING & ACCESS COMMITTEE INSPECTION PANELS
REPORT BY	Director of Planning and Land Management
PURPOSE	To appoint Members

1. **SUMMARY**

The Planning and Access Committee is invited to nominate Members to serve on the following Inspection Panels. The Panels are fully vacant with names of previous membership included, for information only, to assist members.

2. **RECOMMENDATION**

To appoint Members to serve on the following:-

Inspection Panels

(Potential for 8 meetings each a year)

If previous Members wish to now serve on a different inspection panel, it would be appreciated if notice could be given before the Committee.

Northern Area

(9 Members)

- 1) Cllr. June Jones
- 2) Cllr. Ifor Glyn Lloyd
- 3) Cllr. Jo Nuttall
- 4) Cllr. Edgar Wyn Owen
- 5) Cllr. Dilwyn Owain Roberts
- 6) Cllr. Einir Wyn Williams
- 7) Mr. Tim Jones
- 8) Ms. Naomi Luhde-Thompson
- 9) **Vacancy**

Southern Area

(9 Members)

- 1) Cllr. Elwyn Edwards
- 2) Cllr. Annwen Hughes
- 3) Cllr. Louise Hughes
- 4) Cllr. Elfed Powell Roberts
- 5) Cllr. John Pughe Roberts
- 6) Cllr. Meryl Roberts
- 7) Mr. Brian Angell
- 8) Ms. Sarah Hattle
- 9) Ms. Delyth Lloyd

<u>Rhif Eitem / Item No.</u>	<u>Cyfeirnod / Reference No.</u>	<u>Disgrifiad / Description.</u>	<u>Swyddog Achos / Case Officer</u>
	NP5/50/532H	Gosod drysau deublyg yn lle ffenestr lithro ac ymestyn defnydd A3 i ardal awyr agored ar gyfer bwyta a diod a brynwyd o'r eiddo, Uned 2, Wharf Gardens, Aberdyfi. LL35 0EE / Installation of bi-fold doors in lieu of sliding window and extending A3 use to outdoor area for consumption of food & drink purchased from the property, Unit 2, Wharf Gardens, Aberdyfi. LL35 0EE	Gavin Roberts

Snowdonia National Park Authority Date: 27 June 2024
– Planning & Access Committee

Application Number: NP5/50/532H

Date Application Registered: 15/03/24

Community: Aberdyfi

Grid Reference: 261433 295926

Case Officer: Mr Gavin Roberts

Location:

Unit 2, Wharf Gardens, Sea View Terrace
 Aberdyfi. LL35 0EE

Applicant:

Mr S Woodward
 Aberdyfi Ice Cream Limited
 The Sweet Shop
 2 Sea View Terrace
 Aberdyfi
 Gwynedd
 LL35 0EE

Description:

Installation of bi-fold doors in lieu of sliding window and extending A3 use to outdoor area for consumption of food & drink purchased from the property.

Summary of the Recommendation:

To GRANT permission subject to conditions relating to:

- Start work within 5 years.
- Accordance with approved plans.
- Extension of A3 use restricted to approved area only.

Reason(s) Application Reported to Committee:

Scheme of Delegation - The building subject of the application is within the ownership of the authority.

Land Designations / Constraints:

Within settlement boundary.
 Within Conservation Area.

Site Description:

The application site comprises Unit 2 Wharf Gardens (Unit 2) and circa 14m² of harbour land to its immediate rear.

Unit 2 forms part of the Aberdyfi Tourist Information Centre (TIC) building owned by Eryri National Park Authority. Unit 2 is leased from the National Park by tenant Aberdyfi Ice Cream Limited for commercial use (A3 - Food and drink) to supplement the revenue income of the site. The rest of the building is operated by the National Park Authority for its original intended use.

The TIC is a predominantly single storey modern building. Unit 2 is located at the southwest end of the building and is accessed from Sea View Terrace via a glazed door on its northwest (front) elevation. It has a sliding window hatch on its southeast (rear) elevation facing the harbour. Both elevations have commercial signage.

The TIC building is located centrally within the settlement of Aberdyfi in the quay area to the south of the A493. Land uses present here are primarily municipal and commercial in nature. Public toilets are situated in close proximity to the northwest, Aberdyfi Outward Bound Centre and Yacht Club are located to the west and the harbour master's office is located to the northeast.

The application site is within the Aberdyfi Conservation Area. Several local/traditional buildings and 3no. listed buildings are found to the north of the A493 along the designated retail area frontage. The estuary to the rear is designated as a RAMSAR site, NNR, SSSI, SAC and SPA.

Cyngor Gwynedd is the statutory harbour authority for Aberdyfi harbour and the owner of the wharf area to the rear of Unit 2.

Proposed Development:

The proposal entails the following:

The existing sliding window hatch on Unit 2's southeast (rear) elevation facing the harbour will be replaced with new aluminium bi-fold doors measuring 3000 x 2100mm.

Unit 2's A3 (Food and drink) use will be extended beyond the circa 8.5m² under cover area at the rear which already benefits from planning permission for A3 use, to include the circa 14m² area of wharf land to the rear of the unit (see dashed line area on the proposed floor plan).

Up to 6 removable tables and 16 removable chairs will be placed in this combined area for consumption of food and drink purchased from the premises. The removable table and chairs will be stored within the outdoor covered area when not in use.

Development Plan Policies:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises Future Wales and the Eryri Local Development Plan (LDP) 2016-2031 which was formally adopted by the Authority on 06 February 2019 and within which the following policies are of relevance:

Eryri Local Development Plan 2016-2031:

- DP1 General Development Principles
- SP D Natural Environment
- SP Ff Historic Environment
- DP6 Sustainable Design and Materials

Future Wales: The National Plan 2040

It appears there are no relevant policies in relation to this application.

Other Policy/Guidance

Supplementary Planning Guidance:

- SPG 1 Sustainable Design in National Parks
- SPG 2 General Development Considerations

National Policy/Guidance

- Planning Policy Wales (PPW), Edition 11 February 2021
- TAN 5 Nature Conservation and Planning
- TAN 12 Design
- TAN 24 The Historic Environment

Consultations:

Community/Town Council:	3no. concerns raised relating to precedent, market advantage and litter.
NRW	No objection. 1no. informative provided.
Cyngor Gwynedd Environmental Health	No comment.
Ecology (SNPA)	2no. conditions requested.
Built Environment (SNPA)	No observations received at the time of writing.
Property (SNPA)	No observations received at the time of writing.

Response to Publicity:

The application has been publicised twice by way of a site notice and neighbour letters. The re-consultation was necessary following the extension of the red line boundary beyond the covered area at the rear onto the wharf area.

At the time of writing this report 1no. objection has been received. The concerns raised related to:

- removal of the previous bench and the placement/storage of plastic tables and chairs in the shelter without consultation, thereby preventing use of the shelter by the wider community.

Assessment:

1. Background

1.1. The recent relevant planning history pertaining to the application site are as follows:

NP5/50/532C	External alterations to install bi-fold doors and window and part change of use to A3 (Café)	Approved 11/03/2016
NP5/50/532E	Alterations to previously approved application (NP5/50/532C dated 11/03/2016) to include installation of new door, window and disabled ramp on the north-west elevation, replace bi-fold door with window on the south-east elevation and installation of a door on the north-east elevation	Approved 13/09/2017
NPF/50/532F	Change external doors and glazing to shop fronts for new automatic opening doors, install notice boards on the front of the building, refurbish external ramps and installation of solar PV panels	Approved 24/01/2024
NP5/50/ENF532H	Enforcement File re: Part-change of use of Tourist Information Centre to Ice cream parlour (A3 use – food and drink) including outdoor seating and installation of serving window to northwest elevation	n/a

1.2. NP5/50/532C granted approval for Unit 2 and the circa 8.5m² undercover area to the rear to change use to A3 (Food and drink) use. Identical 3000 x 2100mm aluminium bi-fold doors to those proposed herein were also approved as was the removal of the public bench to facilitate customer access from the rear. The bi-fold doors were never installed.

- 1.3. NP5/50/532E proposed a sliding window hatch in place of the previously approved bi-fold doors. This proposal also entailed the removal of the public bench to facilitate customer access to the serving hatch. This scheme was approved and implemented.
- 1.4. NP5/50/532F pertained to the part of the TIC building operated by the National Park Authority and is relevant on biodiversity grounds.
- 1.5. The current application came about because of enforcement case NP5/50/ENF532H. This investigation brought to light that the A3 use of the wharf area to the rear of Unit 2 was unauthorised and so represented a breach of planning control. This part-retrospective application has been submitted to regularise this breach and to seek consent once again for 3000 x 2100mm aluminium bi-fold doors to the rear of Unit 2.

2. Principle of Development

- 2.1. The principle of development where the appropriateness of A3 (Food and drink) use to the rear of Unit 2 is concerned has already been established. This follows the inclusion of the rear covered area within the red line boundary submitted with NP5/50/532C. This circa 8.5m² area therefore already benefits from planning permission for A3 use.
- 2.2. There are no prohibitive land use policies, designations (aside from the wharf area being within Aberdyfi Conservation Area) or constraints where this proposed extension of A3 use is concerned. A modest increase to this area of circa 14m² (circa 22m² in total) is considered to be acceptable in principle, subject to compliance with the relevant policies and guidance outlined above.

3. Planning Assessment

- 3.1. The main issue is the impact of the development on the character of the conservation area.

Design and scale

- 3.2. DP1 and DP6 are material here and amongst their provisions are requirements that proposals conserve and enhance the Special Qualities and purpose of the National Park by ensuring that the nature, location and siting, height, form and scale of the development is compatible with the capacity and character of the site and locality within which it is located, that development is not unduly prominent, and it reflects a good sustainable design standard.

- 3.3. The proposal entails a relatively minor non-visually intrusive alteration to the rear elevation of Unit 2 comprising the installation of high-quality 3000 x 2100mm aluminium bi-fold doors the appearance, materials, and siting of which have already been deemed acceptable by this Authority under NP5/50/532C.
- 3.4. The only 'new' element the current application seeks permission for is to extend the A3 use to the circa 14m² area of wharf land to the rear of the unit.
- 3.5. In terms of scale and appearance, in physical/visual terms the proposed extension of the A3 use would entail the placement of 6 removable tables and 16 removable chairs within the combined circa 22m² area when the weather is conducive. And when not in use, their storage within the covered area to the rear of Unit 2. It is considered that the proposed extension of the A3 use onto this limited area of wharf land would be an appropriate non-visually intrusive intensification of the use of this relatively modern building, located among other non-traditional buildings on the wharf, which would not be unduly prominent.

Access

- 3.6. The applicant's agent has advised that the placement of removable table and chairs has agreement from the harbour master. Therefore, maintaining vehicular access to the harbour master's office and the northeast end of the wharf in general is not considered to be an issue by the harbour master when this section of the wharf is in A3 use. On this basis, it is considered that there is capacity on the wharf for the extended A3 use.

Heritage

- 3.7. SP Ff is also material and requires that development will not adversely affect in any way heritage assets including Conservation Areas and Listed Buildings, or where appropriate their settings and significant views. These assets must be conserved and enhanced, due to their contribution to the character and 'Special Qualities' of the National Park.

- 3.8. The draft Aberdyfi Conservation Area Management Plan identifies the wharf as part of Character Area 5 (Glan Dovey Terrace) of the Conservation Area. Referring to the wharf it states that *"most, if not all of its buildings are modern but for the historic footprint of the old wharf built in around the 1882 for the shipping trade"*. It is clear therefore that the wharf is included within the conservation area because of its historical significance not that of its current modern buildings. It is therefore considered that the extended A3 use would not harm the character or appearance of the modern TIC building, the historic footprint of the old wharf or the wider Conservation Area, the setting and significant views of which would also not be harmed. The 3no. nearby listed buildings on Glan Dovey Terrace would also be unaffected by the extended A3 use as the rear of the TIC building would not be visible from these properties.
- 3.9. Having regard to all these material considerations it is considered that the proposals meet the requirements of DP1 and DP6. It is also considered that the development is of a scale and appearance which will not significantly harm the character, setting or significant views of the conservation area or nearby listed buildings in line with SP Ff.

4. Other Matters

- 4.1. The planning application is accompanied by a Preliminary Ecological Assessment (PEA) recently submitted by this Authority, as the owner of the TIC building, with approved scheme NP5/50/532F. This indicates that no protected species are present and includes mitigation measures to prevent any impact on nesting birds. The report states that biodiversity enhancements will be achieved through the installation of four bird nesting boxes. The Authority's Ecologist sought to condition these requirements as part of this scheme. This is not necessary as they were conditioned under the NP5/50/532F approval. It is considered that the current interventions would accord with Planning Policy Wales (Edition 11) in providing a net biodiversity gain where the TIC building as a whole is concerned (see Figure 2).
- 4.2. Natural Resources Wales (NRW) provided a consultation response commenting that the proposal is not likely to have a significant effect on the SAC/SPA/Ramsar site due to the nature of the proposed development and there being no potential pathways to the protected site. NRW confirmed that they have no objection to the proposed development as submitted.
- 4.3. Overall, the scheme is considered to accord with Strategic Policy D Natural Environment.

- 4.4. The Community Council have responded to the consultation expressing 3no. concerns relating to the setting of a dangerous precedent, unfair competitive advantage, and litter generation/bird attacks. It is considered that the proposed scheme is compliant with relevant polices and will not cause significant harm to its surroundings. On this basis it is not likely to set a harmful precedent. Moreover, it is very unlikely that the same circumstances will occur elsewhere, and all cases will be judged on their own merits. Other businesses would not be prevented from doing the same if there were a similar opportunity in terms of space and access and where planning policy allows. Planning Permission NP5/50/320C relating to the erection of neighbouring Canolfan Dyfi (formerly The Black Shed) has also been reviewed. It was observed that there was no planning condition preventing A3 use at first floor level. Such a condition would not be necessary given that Canolfan Dyfi as a whole does not benefit from planning permission for A3 use. The potential issue of litter generation falls under a separate legislative framework to planning. Whilst these are understandable concerns, they are not afforded significant weight in the planning balance.
- 4.5. A total of 1no. objection was received following publicity of the application. The objector raised the issue of the removal of the previous bench and the placement/storage of plastic tables and chairs in the shelter without consultation, thereby preventing use of the shelter by the wider community. Removal of the bench was approved twice under NP5/50/532C and NP5/50/532E. Where the undercover area is concerned, A3 use was approved under NP5/50/532C. This consent entitles the owner to store or place tables and chairs in the undercover area (the unconsented area being the wharf area). NP5/50/532C was publicised via neighbour notification letters, site and press notice. NP5/50/532E was publicised by site and press notice. The removal of the bench was therefore a conscious decision made by the National Park Authority which deemed that the change of use and alterations were justified by the need to supplement revenue income for the site to safeguard a core service and provide a local business opportunity. This concern is therefore not given significant weight in the planning balance as it largely relates to historic decisions made by the Authority.

5. Conclusion

- 5.1. The decision to recommend planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises Future Wales and the Eryri Local Development Plan 2016-2031.

- 5.2. Having regard to Eryri Local Development Plan policies DP1 and DP6 which aim to ensure that development is compatible with the capacity and character of the site and locality within which it is located, that development is not unduly prominent, and it reflects a good sustainable design standard, it is considered that the scale and design of development relating to this prominent public building is acceptable in all regards. This includes where its impact upon the character of the Conservation Area is concerned as required by SP Ff.
- 5.3. It is considered that the decision complies with the Authority's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Background Papers in Document Bundle No.1: No

RECOMMENDATION: To GRANT permission subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of FIVE years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

'Existing and Proposed Plans and Elevations, Block Plan and Location Plan' 2223/1 Rev.B, dated: 08.05.24.
3. The extension of the A3 (Food and drink) use hereby permitted shall extend to the 7m x 2m area of wharf land identified by a dashed red line on proposed floor plan (ref: 2223/1 Rev.B, dated: 08.05.24) only.

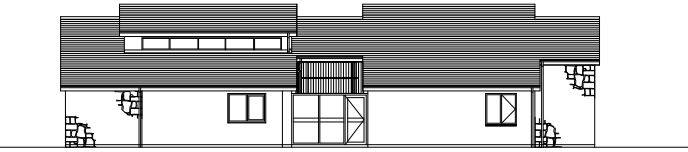
Reasons:

1. To Comply with Section 91 (as amended) of the Town and Country Planning Act 1990
2. To define the permission and for the avoidance of doubt.
3. To ensure that the scale of the extended use is compatible with the character and capacity of the wharf and is not unduly prominent.

RHIF CAIS NP5/50/532H / APPLICATION NO. NP5/50/532H

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ALL DIMENSIONS TO BE CHECKED ON SITE.
ASSUMPTIONS SHOULD NOT BE MADE.

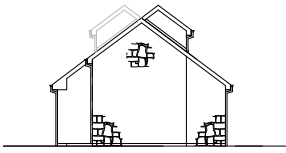
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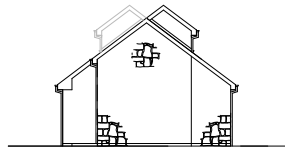
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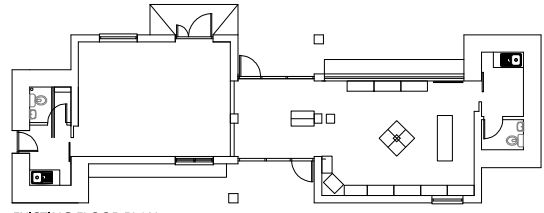
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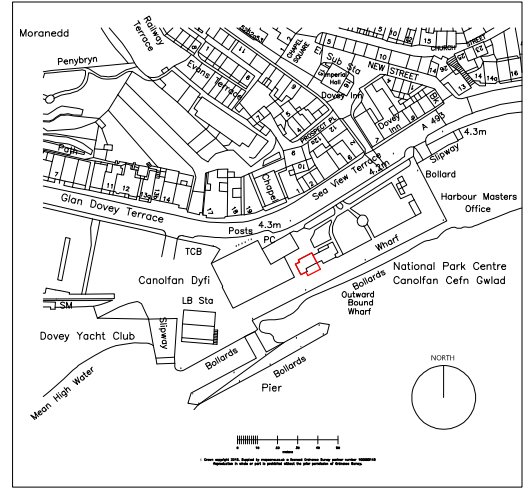
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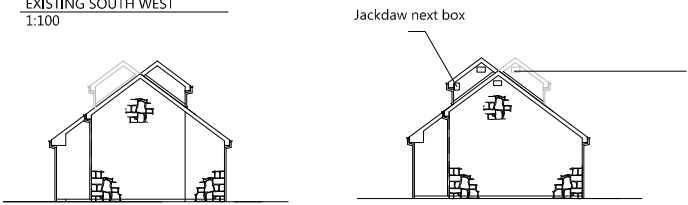
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EXISTING FLOOR PLAN
1:100

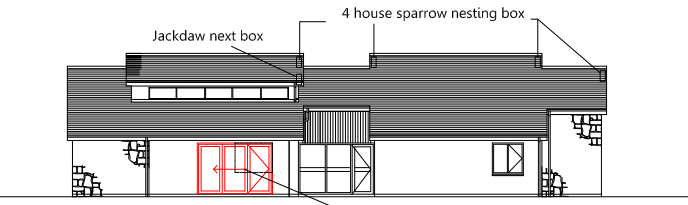


LOCATION PLAN
1:1250



Jackdaw next box

proposed location of four house sparrow nesting box & 1nr Jackdaw nest box as proposed under consent NP5/50/532F
It is not considered necessary to propose other biodiversity enhancements due to proposals already agreed for this building.

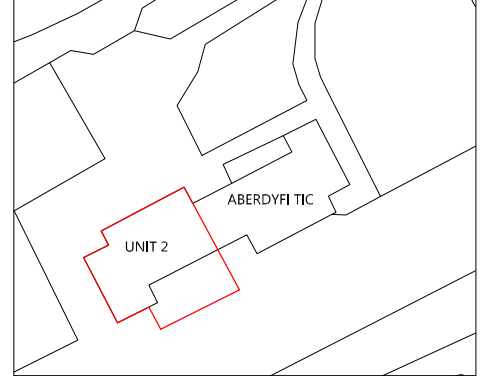


PROPOSED SOUTH EAST ELEVATION
1:100

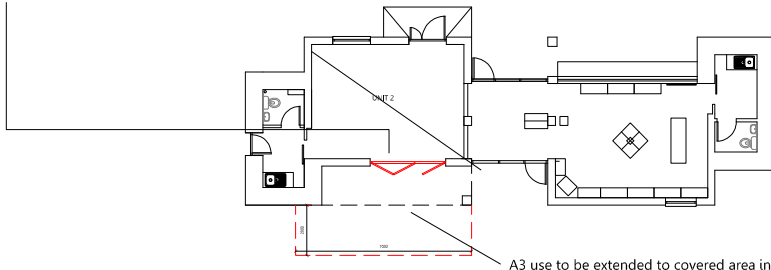
New aluminium bi-fold doors - 3000 x 2100mm in lieu of existing sliding window hatch



PROPOSED NORTH WEST ELEVATION
1:100



BLOCK PLAN
1:200



PROPOSED FLOOR PLAN
1:100

A3 use to be extended to covered area included within demise on unit 2 and part of wharf for consumption of food & drink purchased from the property.



DATE: 08/12/23
PROJECT: Alterations to Wharf building
DRAWN BY: AJP
CHECKED BY: AJP
DATE: 08/12/23

FILE: 230601-0001
BLOCK PLAN
LOCATION PLAN
1:1250
1:200
1:100

PROJECT: Alterations to Wharf building
DATE: 08/12/23
DRAWN BY: AJP
CHECKED BY: AJP
DATE: 08/12/23

DISCIPLINE: ARCHITECTURE
DRAWING NO: 230601-0001
PROJECT NO: 2323



PLANNING AND ACCESS COMMITTEE

26 JUNE 2024

SECTION 106 AGREEMENTS

**SNOWDONIA NATIONAL PARK AUTHORITY
PLANNING AND ACCESS COMMITTEE, 26 JUNE 2024**

SECTION 106 AGREEMENTS

Rhif	Application No.	Date application was received	Location	Development	Present Position
1.	NP4/13/262	04/12/2023	Garth Farm, Capel Curig. LL24 0ES	Conversion and extension of bunkhouse to form a rural enterprise dwelling	With applicants for consideration.
2.	NP5/55/L140E	03/06/2021	Capel Bethlehem, Brynchrug. LL36 9PW	Change of use of chapel to form one 1 bedroomed and one 5 bedroomed dwelling	Draft sent to applicant.
3.	NP5/57/49H	08/09/2023	Trem Hyfryd, Dolgellau, LL402SP	Conversion of guest house accommodation to form two separate dwellings and creation of new parking area	Agreement being completed.
4.	NP5/57/1174	27/10/2021	Land adjoining Penmaen Ucha, Penmaenpool. LL40 1YD	Construction of rural enterprise dwelling, garage, new driveway and vehicle access.	The applicant's solicitors are waiting for the mortgage company to confirm that they are happy with the agreement.
5.	NP5/58/363H	05/06/2023	Nant Eos, Dyffryn Ardudwy. LL44 2HX	Conversion to Open Market Dwelling unit and installation of sewage treatment plant (Repeat application)	Awaiting instructions from the applicant's solicitor
6.	NP5/58/629	29/01/2020	Land between Plas Meini & Swyn y Mor, Dyffryn Ardudwy.	Outline permission for the erection of 2 open market and 2 affordable dwellings. integral garages and formation of new vehicular access on to the A496	Draft sent to the applicant's solicitor on 31/01/2024
7.	NP5/62/T143B	05/10/22	Tanws Wern Gron, Llanbedr. LL45 2PH	Restore, extend and convert old mill into dwelling, formation of curtilage, and installation of underground septic tank	Draft agreement sent to applicant
8.	NP5/65/L302D	25/08/2020	Wern y Pistyll, Bontddu. LL40 2UP	Conversion and extension of barn to dwelling including installation of septic tank, retrospective consent for access track to building and engineering works to create hardstanding / parking area around the building, temporary siting of static caravan and construction of compensatory bat roost.	Awaiting solicitor details from the applicant. Reminder sent 11.01.2023

9.	NP5/69/L113P	07/11/2023	Llanfendigaid, Rhoslefain. LL36 9LS	Conversion of laundry and workshop to form 2 holiday units and installation of rooflights on front and rear roof	Instruction sent to the authority's solicitor.
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Number of applications on committee list 22 May 2024 = 8

**APPLICATIONS SUBJECT TO A SECTION 106 AGREEMENT AND WHICH HAVE BEEN COMPLETED SINCE
PLANNING & ACCESS COMMITTEE
22 MAY 2024**

Application No.	Location	Development

**APPLICATIONS SUBJECT TO A SECTION 106 AGREEMENT WHICH HAVE BEEN REFUSED, WITHDRAWN, OR
DISPOSED, OR WHERE AN AGREEMENT IS NO LONGER NECESSARY SINCE PLANNING & ACCESS
COMMITTEE 22 MAY 2024**

Application No.	Location	Development



PLANNING AND ACCESS COMMITTEE

26 JUNE 2024

OUTSTANDING APPLICATIONS WHERE MORE THAN 13 WEEKS HAVE ELAPSED

SNOWDONIA NATIONAL PARK AUTHORITY

PLANNING AND ACCESS COMMITTEE 26 JUNE 2024 OUTSTANDING APPLICATIONS WHERE MORE THAN 13 WEEKS HAVE ELAPSED

In Discussion with Agent / Applicant

NP5/50/L89B	12/12/23	3 Copperhill Street, Aberdyfi. LL35 0EU	Retrospective application to retain condensing unit at side of property
NP5/54/459A	03/05/23	Cefn Ceunant Isaf Forest, Brithdir.	Hydro-electric scheme (34kw) including construction of power house, intake weir and 3 girder bridges.
NP5/54/472	11/12/23	Tyn Y Coed, Bontnewydd, Dolgellau, LL402DF	Removal of Condition No.6 (local occupancy) attached to Planning Consent NP5/25/64 dated 21/11/1980,
NP5/55/46G	12/07/23	Geufron Farm, Brynchrug, LL36 9RW	Conversion of barn and stable to short-term holiday let accommodation.
NP5/78/421A	17/11/23	Land opposite Ty Llwyd Terrace, Trawsfynydd. LL41 4TH	Conversion of existing garage into dwelling (Affordable & Local Occupancy) together with installation of 2 new rooflights

Awaiting Ecology Information

NP4/16/78K	29/02/24	Tanaeldroch, Dolwyddelan. LL25 0L	Change of use and extension of an outbuilding for use as an ancillary annex to the primary dwellinghouse (Tanaeldroch
NP5/62/439	29/02/24	Erw Fair, Llanbedr. LL45 2LL	Demolition of existing dwelling and erection of new bungalow
NP5/72/254	22/01/24	Ddol Hir, Fron Goch, Bala, LL237NT	Construction of a rural enterprise dwelling and installation of a package treatment plant.
NP5/73/439	23/11/23	Land near Llech-y-Cwm, Gellilydan. LL41 4EU	Erection of rural enterprise dwelling, formation of new vehicular access, and installation of septic tank

Awaiting Details from Agent / Applicant

NP5/50/647B	01/12/23	Existing highway verge adjoining A943 between Aberdyfi & Tywyn.	Formation of a footpath (Active Travel route) between the communities of Tywyn and Aberdyfi adjacent to the A493.
NP5/58/646	17/03/23	Land near Pentre Uchaf, Dyffryn Ardudwy.	Erection of a special adapted bungalow and a two-storey dwelling.
NP5/65/256A	30/10/23	Bontddu Hall, Bontddu. LL40 2UF	Demolition of part of former Bontddu Hall Hotel and the erection of 8 open market dwellings and 5 affordable dwellings to be accommodated within a new terrace of 3 on the site of the holiday chalets, 1 within the lower ground floor and 1 within the former manager's dwelling.
NP5/68/100G	28/02/24	Creua, Llanfrothen. LL48 6SH	Change of use of building and erection of single storey extension to existing building for use in association with existing pottery business.
NP5/79/338B	22/12/23	Erw Faethlon Farm, Tywyn. LL36 9HY	Installation of a hydro-power generating scheme (0.01mw), including an impound weir, installation of 90m above ground and 490m buried penstock, construction of turbine building and outflow

Re-Consultation

NP5/63/283	05/01/24	National White Water Centre, Canolfan Tryweryn, Fron Goch, Bala, LL237NU	Installation of a 30m lattice tower supporting 6 antennas, 4 transmission dishes, 4 equipment cabinets, 1 electric meter cabinet, construction of a 2.1m high weld mesh fence, and ancillary development thereto, including Remote Radio Units (RRUS) and formation of a hardstanding area,
NP5/71/21L	01/08/23	Land at Dolhendre Isa, Llanuwchllyn.	Construction of a agricultural worker's dwelling and installation of a septic tank

Awaiting Comments from Consultee

NP4/11/405A	06/02/24	Swallow Falls Hotel, Betws y Coed, LL24 0DW	Discharge Condition Nos 6 (disposal of foul effluent) and 8 (photographic survey) attached to Planning NP4/11/405 dated 02/05/2023.
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Awaiting HRA Appropriate Assessment

NP2/11/18M	26/01/24	Warws Beddgelert, Caernarfon Road, Beddgelert, Caernarfon, LL554UY	Change of use of retail/showroom unit (Use Class A1) to indoor climbing wall and gym facility (Use Class D2) and construction of roof over existing external staircase
NP3/12/126C	20/09/22	Bron Fedw Uchaf, Rhyd Ddu. LL54 7YS	Conversion and change of use of rural outbuildings to 3 holiday letting units, erection of bat barn, alterations to existing vehicular access and associated works.
NP5/53/598C	16/05/23	Land near Ffynnon Beuno, Bala.	Outline application with all details reserved for construction of a single dwelling (Re-submission following refusal of planning application NP5/53/598B)
NP5/71/495	14/02/23	Land near Cefn Yr Odyn, Llanuwchllyn.	Construction of a detached two storey dwelling
NP5/73/424A	28/09/20	Cilderi, Tan y Bwlch. Maentwrog. LL41 3YU	Erection of double garage, retrospective application for extension to curtilage, retention of stone terracing and engineering works.

Additional information recently submitted is being assessed.

NP5/50/130D	25/01/24	Bwlchgwyn Farm, Aberdovey, LL350SG	Construction of rural enterprise dwelling (re-submission).
NP5/69/50L	15/01/24	Rola, Llwyngwriol, LL372QJ	Change of use of the existing agricultural building to an ancillary use associated to the existing holiday lets

Total applications on list = 24

Total applications on list Committee 22 May 2024 = 25



PLANNING AND ACCESS COMMITTEE
26 JUNE 2024

DELEGATED DECISIONS

SNOWDONIA NATIONAL PARK AUTHORITY

PLANNING AND ACCESS COMMITTEE 26 JUNE 2024

DELEGATED DECISIONS

Applications Approved

	Application No.	Proposed	Location	Decision Date	Case Officer
1.	NP2/11/1K	Installation of replacement windows and doors, roof mounted photovoltaic array and air source heat pump	Glandwr Cafe, Beddgelert. LL55 4YB	28/05/24	Mr. Dafydd Thomas
2.	NP3/12/LB105B	Listed Building Consent to convert barn to equipment store including internal and external alterations & alterations to attached car port/store to include replacement cladding and doors	Cowhouse, Ffridd Isaf, Rhyd Ddu. LL54 6TN	20/05/24	Environmental Consultant
3.	NP5/50/L253	Installation of dark grey composite decking and stainless-steel posts with glass infill panels in lieu of existing timber decking, posts and balustrade	11 Church Street, Aberdyfi. LL35 0ES	23/05/24	Mr David Jones
4.	NP5/50/T452D	Non-Material Amendment to Planning Consent NP5/50/T452C dated 05/10/2022 comprising amendments to the design, increase width of the extension and omission of the single storey extension	Haulfryn, Hopeland Road, Aberdyfi. LL35 0NH	25/04/24	Mr David Jones
5.	NP5/57/189G	Non material amendment to Planning Consent NP5/57/189F for steel balustrading in lieu of glass.	Glan yr Arran, Dolgellau. LL40 1NR	25/04/24	Mr David Jones
6.	NP5/57/226D	Erection of gazebo for use in connection with children's nursery	Canolfan Deulu Dolgellau, Drill Hall, Dolgellau. LL40 1DE	23/05/24	Mr David Jones
7.	NP5/58/340F	Erection of single storey rear extension	Fox's of Dyffryn, High Street, Dyffryn Ardudwy. LL44 2EL	01/05/24	Mr Aled Lloyd
8.	NP5/58/LB459E	Vary Condition No.3 (Occupation of dwellings) and removal of Condition No.4 (Barns to be protected by a roofed and sheeted scaffold) attached to Planning Consent NP5/58/LB459A dated 06/12/2023	Taltreuddyn Fawr, Dyffryn Ardudwy. LL44 2RQ	16/05/24	Mr Aled Lloyd

9.	NP5/59/LB475G	Discharge Conditions Nos. 7 (specification for a programme of archaeological work) & 10 foul water drainage scheme of Planning Consent NP5/59/LB475E.	Ty'r Wern (former St. Michael's Church), Llan Ffestiniog.	13/05/24	Mr Aled Lloyd
10.	NP5/59/LB475H	Discharge Condition No.9 (specification for a programme of archaeological work) of Listed Building Consent NP5/59/LB475F	Ty'r Wern (former St. Michael's Church), Llan Ffestiniog.	13/05/24	Mr Aled Lloyd
11.	NP5/61/657E	Vary Condition No.2 (approved plans) attached to Planning Consent NP5/61/657A dated 01/08/2023 for changes to parking bay and change rear window to french doors	Aelfor, Ffordd Isaf, Harlech. LL46 2PR	14/05/24	Mr Aled Lloyd
12.	NP5/65/14R	Siting of camping pod for short term holiday accommodation	Bryn Du, Llanelltyd. LL40 2TA	01/05/24	Mr Aled Lloyd
13.	NP5/69/84J	Construction of rear extension, front porch, canopy roof to side door and a detached car port	Yr Hen Efail, Llwyngwriil. LL37 2JD	30/05/24	Mr David Jones
14.	NP5/69/113U	Retrospective application for retention of works to steps & ground sourced heating and hot water scheme to serve Llanfendigaid Estate	Llanfendigaid, Rhoslefain. LL36 9LS	25/04/24	Ms. Sophie Berry
15.	NP5/69/113V	Variation of Condition 2 (Approved plans), 5 (Scheme of parking), 7 (landscaping scheme), 8 (landscaping implementation programme) & 9 (biodiversity enhancement) attached to Planning Permission NP5/69/113H dated 02/12/2020	Llanfendigaid, Rhoslefain. LL36 9LS	07/05/24	Mr David Jones
16.	NP5/69/304B	Construction of a two storey extension and detached garage	Y Berth, Llwyngwriil. LL37 2JJ	16/05/24	Mr David Jones
17.	NP5/71/L296B	Vary Condition No.2 (Approved plans) of Planning Consent NP5/71/L296A from a front elevation rooflight to a dormer window	1 Coed y Lôn, Llanuwchllyn. LL23 7ST	03/06/24	Mr. Dafydd Thomas
18.	NP5/73/197P	Discharge Conditions No. 2 (Slates) & 9 (Foul drainage scheme) attached to Reserved Matters Consent NP5/73/PIAW197M dated 09/03/2023	Bryn Arms, Gellilydan. LL41 4EN	14/05/24	Mr Aled Lloyd
19.	NP5/78/LB55D	Listed Building Consent for internal and external works, construction of a rear extension, and demolition of an outbuilding	Tyddyn Mawr, Bronaber. LL41 4YE	21/05/24	Mr. Dafydd Thomas
20.	NP5/78/LB55E	Construction of an extension	Tyddyn Mawr, Bronaber. LL41 4YE	21/05/24	Mr. Dafydd Thomas

21.	NP5/78/L170C	Change of Use from storage to chemist	Llys Ednowain, Trawsfynydd. LL41 4UB	20/05/24	Mr. Dafydd Thomas
22.	NP5/78/L170E	Change of use from Museum (D1) to shop & Post Office (A1)	Llys Ednowain, Trawsfynydd. LL41 4UB	20/05/24	Mr. Dafydd Thomas

Applications Refused

	App No.	Proposed	Location	Reason for Refusal	Case Officer
1.	NP5/50/400F	Construction of 2 detached sheds to store equipment and machinery to main adjacent land	Land to rear of Greenhill Bungalow, Copperhill Street, Aberdyfi. LL35 0HF	<p>30/05/24</p> <p>The proposed development would erode the character and the appearance of an undeveloped area identified in the Conservation Area Appraisal and Management Plan for Aberdyfi through the introduction of permanent structures. It is considered that this would have a detrimental impact on the character and the appearance of this part of the Aberdyfi Conservations Area. This would contravene the provisions of policies SP A, SP Ff and DP 6 of the Eryri Local Plan 2016 – 2031, Planning Policy Wales (Edition 12) and Technical Advice Note 24 The Historic Environment, which seeks to preserve and enhance conservation areas.</p> <p>The submission does not include sufficient information to demonstrate that the development would provide a net benefit for biodiversity through the application of the step-wise approach and whether any protected species are present. In the absence of this information, the proposal would contravene the provisions of policies SP A, SP D and DP 1 of the Eryri Local Plan 2016 – 2031, Planning Policy Wales Edition 12, and Technical Advice Note 5 Nature Conservation and Planning, which seeks to safeguard protected species and biodiversity.</p>	Mr David Jones
2.	NP5/58/263B	Retrospective application for installation of plastic cladding to gable end	Arosfa, Ffordd Capel, Dyffryn Ardudwy. LL44 2DN	<p>22/05/24</p> <p>The use of PVC external cladding would constitute an unwarranted intrusion detrimental to the traditional character of the area and introduce materials which are alien to the locality. The proposal is therefore contrary to Development Policies 1 and 6, and Strategic Policy A of the adopted Eryri Local Development Plan.</p>	Mr. Gavin Roberts

3.	NP5/65/330E	Non-Material Amendment to Planning Consent NP5/65/330C dated 01/06/2023 (External cladding types)	Hafod Fach, Llanelltyd. LL40 2HB	29/04/24 In the opinion of the Snowdonia National Park Authority the amendments proposed are considered to be 'material' amendments in nature as they will result in a material form of change to the original planning permission. As such the changes proposed cannot be deemed a 'non-material' change and will require the benefit of a new planning permission.	Mr Aled Lloyd
4.	NP5/74/510	Installation of a 30 metre high lattice tower supporting 3 no. antennas and 2 no. 0.6m dishes, 2 no. equipment cabinets, 1 no. meter cabinet and ancillary development thereto including a generator within a compound enclosed by 1.1m high fencing	Land near Pentrenewern, Dinas Mawddwy. SY20 9JG	24/05/24 By reason this application proposing a telecommunication mast of a size and at a location which is considered to be unduly prominent in the landscape and would therefore adversely harm the 'special qualities' of the National Park and be to the detriment of the landscape character and visual qualities of this part of the National Park and thereby place it in conflict with Eryri Local Development Plan policies Strategic Policy A, Strategic Policy D, Development Policy 1, Development Policy 2, Development Policy 26, Supplementary Planning Guidance 7, Supplementary Planning Guidance 13, Supplementary Planning Guidance 15 and Planning Policy Wales (Edition 12, February 2024).	Mr. Dafydd Thomas

MEETING	Planning and Access Committee
DATE	June 26 th 2024
TITLE	An Update on Compliance
REPORT BY	Jane Jones – Principal Planning Officer (Compliance)
PURPOSE	To update Members in respect to Compliance

1.0 Background

- 1.1 In December 2023, Members noted an interim report relating to the performance and function of the Authority’s compliance service, with a further assessment of performance to be reported at the end of the fiscal year at the June 2024 Committee.
- 1.2 This report will aim to brief Members on the current situation with the compliance function and will also provide an update in respect to longstanding, notable compliance cases.

2.0 Current Resource Situation

- 2.1 In December it was reported the compliance section was fully resourced from October 2023.
- 2.2 From the end of May 2024, Alys Tatum is now on maternity leave until June 2025. To cover this workload, it is intended to continue to employ planning consultants, Prospero. They will continue to assist with more complex, larger compliance cases and assist with the processing of retrospective planning applications and Enforcement Notice appeals. This will be continually reviewed throughout the year.
- 2.3 As at the end of May 2024, the current caseload for each Officer is as follows:
- Jane Jones – 55 cases
- Gavin Roberts – 55 cases
- Alys Tatum – 31 cases
- Dafydd Thomas– 21 cases (previously worked as a Compliance Officer before moving to Development Management)

Prospero – 11 cases

There are also one or two cases with other Officers within Development Management.

- 2.4 With Alys now on maternity leave, this caseload will be progressed by Jane Jones and Gavin Roberts, with some additional support from planning consultants, Prospero.

3.0 Current Case Figures

- 3.1 As of the 31st of May 2024 there are currently **189** outstanding cases.

- 3.2 From the 1st of January 2024 to the 31st of May 2024 we have received a total of **72** new cases to investigate. This is a notable increase from previous years which the table below demonstrates.

3.3 Cases Opened Between 1st January to the 31st May each year -

2018	2019	2020	2021	2022	2023	2024
58 cases	43 cases	26 cases	46 cases	24 cases	50 cases	72 cases

- 3.4 It is evident the number of cases during the Covid period reduced in number, although there was a slight rise in 2021. The number of cases recorded in 2023 suggests a return to the pre-Covid number of cases the Authority would expect to open during this period. However there has been a notable increase in the number of cases recorded so far this year. It is evident the type of breaches being reported appear to be more substantial in nature, whereby the case is taking longer to investigate and resolve.

- 3.5 From the 1st of January 2024 to the 31st of May 2024 we have closed **39** cases. By closing a case, this can be because there is no breach of planning control, the alleged breach benefits from permitted development rights or the alleged breach is removed or ceased.


- 3.6 In respect to retrospective planning applications, from the 1st of January 2024 we have generated **11** applications.
- 3.7 In respect to formal action, from the 1st of January 2024 until the 31st of May we have served **1** Enforcement Notice. At the time of writing, it is anticipated a further two Enforcement Notices will be served before the date of this meeting. A verbal update will be provided to Members.
- 3.8 The section currently has two ongoing appeals, which have yet to be determined by the Planning & Environment Decisions Wales. These relate to an appeal against the service of a Section 215 Notice (land that adversely affects the amenity of the area) at The Machno Inn, Penmachno and an appeal against the service of an Enforcement Notice relating to a touring caravan and tented camping site and vehicle and boat storage at Tyn y Pant, Dyffryn Ardudwy.
- 3.9 Planning & Environment Decisions Wales (PEDW) have recently informed the Authority that the appeal for Tyn y Pant, Dyffryn Ardudwy is to be heard by way of a Public Inquiry and we are now waiting for this process to formally commence. In terms of Officer time, Public Inquiries can be resource intensive and can incur other costs including legal support.
- 3.10 At the time of writing, the Authority has been advised a further Enforcement Notice appeal has been submitted in respect of land at Plas Gwynfryn, Llanbedr. To date, no formal start date for this appeal has been provided by Planning & Environment Decisions Wales (PEDW).


4.0 Welsh Government Performance Indicators

- 4.1 In the interim report presented to Members last December, this detailed how the Welsh Government measure compliance performance in respect to Local Planning Authorities situated in Wales. This detail has been provided again.
- 4.2 The first indicator determines the number of days it takes to 'investigate' an alleged breach of planning control. The number of days is then averaged to provide an overall percentage figure. This indicator means the Authority has considered the alleged breach of planning control and advised the complainant of the outcome of the investigation. For example, the complainant is advised a retrospective planning application has been received or it is not expedient to pursue the breach found.

- 4.3 The second indicator determines the number of days to achieve a 'positive outcome'. To achieve a 'positive outcome,' one of the following should have occurred:
- Informal negotiation removes the breach.
 - An Enforcement Notice or other Formal Notice is issued.
 - Planning permission is subsequently granted through an application or an enforcement appeal.
 - Prosecution is instigated or direct action removes the breach.

- 4.4 To benchmark the above indicators, the Welsh Government have provided a traffic light system. In respect to the 'investigated' indicator:

 **IMPROVE – less than 70% of cases are investigated within 84 days.**


 **FAIR – between 70% and 80% of cases are investigated within 84 days.**

 **GOOD – 80% or more cases are investigated within 84 days.**

- 4.5 In respect to the 'positive outcome' indicator:

 **IMPROVE – over 200 days.**

 **FAIR – between 101 and 200 days.**

 **GOOD – under 100 days**

4.6 The following table provides Members with the outcome for each quarter for the year 2023 to 2024:

Investigated	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Number of Cases Investigated in 84 days or less	4	7	8	6
Number of cases Investigated in more than 84 days	5	6	11	3
Total number of Cases Investigated	9	13	19	9

Average time taken to Investigate Enforcement Cases	44% (120 days)	54% (121 days)	42% (190 days)	67% (77.5 days)
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4.7 The following table provides Members with the outcome for each quarter in respect to the 'positive outcomes' indicator:

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Average time taken to take Positive enforcement Action	221 days	211 days	274 days	370 days

Investigated Indicator

5.0 Upon reviewing the data for the average time taken to investigate enforcement cases, there is an evident rise in the number of days taken to investigate cases in Quarter 3. However, in Quarter 4 where we are fully resourced, there is a clear improvement reducing the number of days down to 77.5. According to the Welsh Government traffic light system provided above, we still need to improve, although we are heading towards reaching 70 percent. Despite the improvement in Quarter 4, our working methods continue to be reviewed and checked.

- 5.1 A factor as to why the 'investigated' target is not being met is down to workload pressure and the number of cases each Officer manages. Current caseloads have been supplied earlier in the report. Members will note that these caseloads are high (particularly as some of the cases are particularly complicated and time consuming). Our aim is to improve on this, and work has now begun to produce a mechanism whereby Officers are reminded of the need to input this information when required. In the last few weeks, we have upgraded our planning software, and we are hoping that this will help with project management of the various cases – we can update Members on this during the next review.

Positive Outcome Indicator

- 6.0 In Quarter 1 and 2, for the average number of days taken to take positive action, we fell into the 'needs improvement' category but not too far away from the 'fair' target but in Quarter 3 and 4 the number of days has slipped whereby we clearly need to improve.
- 6.1 This target can vary quite substantially, depending on the details of the case being closed. For example, you may have a long outstanding case, which through negotiation and obtaining a retrospective planning application, a positive outcome is achieved but it has taken more than 300 days to complete.
- 6.2 We are currently reviewing how other Local Planning Authorities are meeting Welsh Government targets, and those who have a similar geographical area such as Powys and Ceredigion – we will of course use any good practice in these areas if we see any potential to improve performance. In relation to the National Park, many concerns are received whereby it is not readily possible to make immediate contact with the owner (due to inaccessible nature of some locations, no one being on site when we call there, lack of contact details, and no information from neighbours etc). In some cases, it can take up to six/seven weeks before any formal contact is made with an owner or occupier. This is not relevant in all investigations but the geographics of the area can provide setbacks in progressing cases forward. There is no easy remedy in such scenarios, and this is out of our control to a large extent.

7.0 Looking Forward

Review Into Reporting an Alleged Breach of Planning Control

- 7.1 Despite what the Welsh Government indicators reflect above, Officers are working exceptionally hard to provide a comprehensive, effective, and efficient compliance service. However, we still need to review our working methods and processes to improve upon our performance whereby this is reflected through the Welsh Government performance indicators.
- 7.2 A review of the entire process of reporting a breach of planning control to the Authority has commenced and is in its infancy. Currently the section receives numerous concerns via email, in writing or by telephone and we continue to accept anonymous concerns where other Local Planning Authorities do not accept them. Officers can spend a large amount of time in trying to determine the full details of the concern, before being able to progress it forward. It can also be the case concerns are not related to planning whatsoever (they could be matters for environmental health, the Highways Authority, or simply neighbour disputes etc).
- 7.3 To try and streamline the way reporting a breach of planning control is made, we are looking at setting up a process whereby reporting a breach of planning control should be undertaken via the website by completing an online form. Once the online form is operational all alleged breaches should be reported this way. Before the form is completed, the website will provide valuable information as to what the Authority can or cannot investigate when it comes to planning breaches. It is anticipated this process will operate in a comparable manner as our pre-application enquiry service. Several other Authorities operate a similar system, and it appears to work well.
- 7.4 By introducing this way of reporting an alleged breach, it is anticipated Officers will take less time in administrative duties opening cases, as the details will have already been provided via the website.

Enforcement Warning Notices

- 7.5 In December it was reported the section would embrace the use of Enforcement Warning Notices. This Notice can be served by a Local Planning Authority where they consider an unauthorised development could be potentially made acceptable with control and the implementation of appropriate planning conditions. The serving of such a Notice will provide an indication to the developer/offender that if an application is submitted, appropriate control could be applied to the development to make it acceptable.

- 7.6 Despite regular case reviews with Officers, there has only been a couple of cases whereby it was thought the Enforcement Warning Notice process could be progressed. Given the performance statistics the Compliance Service is currently facing, a more robust approach could be taken which may address this. Therefore, Officers need to consider the use of an Enforcement Warning Notice earlier on in the investigation of any breach of planning control.

Planning Computer Database – APAS

- 7.7 The Authority's planning software, APAS became live at the beginning of March 2024 and training on the new system, specifically for those using the compliance database, did not take place until the 23rd of May.
- 7.8 To improve our performance the compliance function needs to take on board the training provided and use the system to the best of its capabilities. We also need to ensure all Officers complete the 'investigated,' element of the system to ensure our Welsh Government performance indicators are up to date.
- 7.9 Further training will be needed in order we can try to start generating letters directly from the system. Template letters for this are being saved, ready to be inputted into the system. With time and further training, it is hoped that the upgraded software will help performance improvement.

Member Training

- 7.10 In order to support Members with the basics of planning enforcement and how this relatively complicated process works, it is proposed training will take place in October or November of this year.

8.0 Update on Notable Cases

Nannau, Llanfachreth

- 8.1 Nannau remains privately owned and remains the responsibility of the owner. Despite attempts by this Authority to consult with the owner, these have failed.
- 8.2 The Authority are still exploring the service of an Urgent Repairs Notice to primarily repair the roof and make the building watertight. However, before progressing this, the Authority need to obtain an idea as to what these works will entail and how much they will cost, including legal avenues to the potential for recovering costs at a future date.

- 8.3 A company has been commissioned to assist with this and at the time of writing, the Authority have yet to receive their report / costing.
- 8.4 Following receipt of the report and its findings in relation to the works and cost, it is anticipated the Authority can explore ways of how this can be funded.
- 8.5 The Authority continue to stay connected with CADW in respect to any progress being made.

Caerynwch, Brithdir

- 8.6 Members will have noted at the May committee an appeal decision where both Appeal A & B were dismissed i.e. the Authority's refusal was upheld. The appeals related to the refusal of planning permission and listed building consent for the conversion of three curtilage buildings into four cottages.
- 8.7 The works to convert the buildings has taken place. During the appeal process the Authority have tried to engage with the owners to find a way forward whereby the proposed use of the cottages would comply with relevant Eryri Local Development Plan policies, and the works undertaken to convert the buildings are altered whereby they do not have a detrimental impact on the curtilage listed buildings.
- 8.8 Now the appeals have been determined, the Authority will continue to try and negotiate with the owners. Failing that then the requisite enforcement action will need to be taken.

Plas Panteidal, Aberdyfi

- 8.9 At the beginning of 2024, a concern was raised in respect to the alleged breach of an occupancy condition at one of the chalets.
- 8.10 Approximately 45 chalets at Plas Panteidal have some form of occupancy restriction, ranging from these chalets being only able to be occupied for 8, 10, 10.5 or 11 months of the year.
- 8.11 In October/November 2012, all chalets restricted with an occupancy condition, were contacted by letter to advise/remind occupiers of the occupancy restriction and to ensure compliance with it. This process has taken place again at the end of May 2024.

Other Cases

- 8.12 Members are encouraged to contact me, or my colleague Gavin Roberts should you wish to have an update on any specific case not mentioned in this report.

9.0 Conclusion

- 9.1 Despite the disappointing Q3 performance indicator result and the vastly improved Q4 data, the 2023/24 performance indicator results do not provide a true reflection of the demanding work undertaken by the compliance function and the work it continues to provide.
- 9.2 Notwithstanding this it is still our aim to improve on the Welsh Government performance indicators by implementing the improvements set out above. Other processes will require review and where necessary adapted to improve performance. Members will be kept informed of progress in this regard through these 6 monthly performance reviews, with the next report on the performance of Quarter 1 and 2 of 2024-25 being presented to Members at the December Planning Committee.

10.0 Recommendation

- 10.1 To note the contents of the report.



Appeal Decision

by C MacFarlane BSc(Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 04/06/2024

Appeal reference: CAS-03079-Y3K5Y1

Site address: Coed Hen Doeth, Pentre Castell, Llanberis

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Dr Lisa Handcock against the decision of Eryri National Park Authority.
 - The application Ref NP3/15/124N, dated 25 February 2023, was refused by notice dated 22 August 2023.
 - The application sought planning permission to adapt existing steel container into building to store tools and equipment in association with timber/woodland enterprise without complying with a condition attached to planning permission Ref NP3/15/124L, dated 1 March 2018.
 - The condition in dispute is No 3 which states that: *The structure and container hereby permitted shall be removed and the land restored to its former condition on or before 01/03/2023.*
 - The reason given for the condition is: *To enable the situation to be reassessed by the Local Planning Authority at the expiry of that period having regard to the circumstances appertaining at that time.*
 - A site visit was made on 14 May 2024.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the site address provided on the appeal form, as a fuller description than that given on the application form.

Main Issue

3. The main issue is whether the condition is necessary having regard to local planning policies seeking to control development in the countryside.

Reasons

4. The appeal site is located within woodland in open countryside, as identified by the Eryri Local Development Plan 2016-2031 (LDP), and accessed via a track from the A4086 highway. The structure referred to by condition no. 3 is in place and formed of a storage container and extension, with wooden cladding around 3 sides, and a vegetated roof. In applying to remove the condition, the appellant is seeking to retain the permitted structure permanently.
5. LDP Policy SP C sets out a spatial hierarchy for development, with proposals being directed to settlements, and opportunities for development in open countryside limited to specific categories. Policy SP H sets out the Authority's strategic approach to create a sustainable rural economy, which also directs development to settlements and recognises the need to avoid negative impacts on the Special Qualities of the National Park. These are supported by Policies DP 1 and DP 6, the former of which requires development to be compatible with the capacity and character of the site and locality, in the interests of conserving and enhancing the Special Qualities of the National Park, and the latter requiring development to consider landscape protection and enhancement. The Special Qualities listed in the LDP make reference to the high-quality landscapes of the area.
6. Although the settlement of Llanberis is nearby, the site is clearly within open countryside for the purposes of the LDP and, as the development does not fall within the exceptions listed, is contrary to Policy SP C. I note that part of the woodland associated with the structure has been sold since the original permission was granted, including the commercially viable element of conifer trees. No substantive evidence has been put before me to indicate that the remaining woodland area and activities are of a scale and nature as to require a permanent storage facility at the site. I acknowledge the appellant's intention to establish a tree seed nursery and Forest School, and the need to retain the structure for storage to facilitate these enterprises. However, very little detail has been provided with regard to these proposals, meaning I cannot be confident these are likely to come to fruition and, if so, the timescales involved, or the extent of economic or community benefits that would be realised. Therefore, I consider there is insufficient justification to support allowing the structure to remain on a permanent basis contrary to the restrictive approaches of Policies SP C and SP H.
7. The appellant refers to the removal of other structures and items previously present around the site, as well as improvements to the surrounding area, in order to ameliorate the previous recreational character. Whilst I note such efforts, and the vegetated roof and wood cladding to the container, it remains that the structure would be a permanent addition introducing built development and an element of formality to an otherwise natural environment.
8. I therefore find that condition no. 3 is necessary, as its removal would result in an unjustified form of development that causes harm to the character and appearance of the area, including the Special Qualities of the National Park. As such, it would fail to comply with local planning policies seeking to control development in the open countryside, specifically LDP Policies SP C, SP H, DP 1 and DP 6.

Conclusion

9. For the reasons given above, the appeal is dismissed.
10. In reaching my decision, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5

Ref: CAS-03079-Y3K5Y1

of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Claire MacFarlane

INSPECTOR



Appeal Decision

by C MacFarlane BSc(Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 10/06/2024

Appeal reference: CAS-03141-S8Q0W2

Site address: Bwch yn Uchaf Campsite, Tŷn Ddôl, Llanuwchllyn LL23 7DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Gareth Pugh against the decision of Eryri National Park Authority.
 - The application Ref NP5/71/269M, dated 2 March 2023, was refused by notice dated 8 June 2023.
 - The development proposed is change of use planning application for an extension to Bwch-yn-Uchaf Holiday Park (granted planning consent via NP5/71/LU269E) to regularise and upgrade 15 existing touring and tenting pitches, into a lower density informal layout with landscaping comprising of 5 touring caravans/motorhomes and 10 tents.
 - A site visit was made on 14 May 2024.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would be acceptable having regard to local planning policies relating to caravan and camping sites.

Reasons

3. The appeal site is an irregular-shaped plot of land on the edge of the village of Llanuwchllyn, bounded by the Afon Twrch and the Bala Lake Heritage Railway. The south-west portion is presently operating as a camping and touring caravan site, with hardstanding pitches, internal roads and associated facilities. The remainder of the appeal site is generally flat and open grassland, with individual, and small groups, of trees and vegetation located to the boundaries with the river and railway. Along with the rising topography further from the site allowing wide-ranging views, this gives the area an attractive, expansive rural character.
4. In order to prevent harm to the landscape and 'Special Qualities' of the National Park, Development Policy (DP) 23 of the Eryri Local Development Plan 2016-2031 (LDP) does not permit new touring caravan or camping sites, with extensions or upgrades to existing sites being permissible subject to certain criteria. This policy is amplified by further

guidance provided in Supplementary Planning Guidance 8 'Visitor Accommodation' (SPG). The restrictive approach of DP 23 supports the spatial development hierarchy set in Strategic Policy (SP) C, which sets out the general approach to development opportunities in a sustainable way that is appropriate to the National Park. The appellant also addresses DP 21, however, this refers to 'tourist attractions' rather than accommodation and therefore is not applicable in this case.

5. It is a matter of dispute between the parties whether the appeal proposal constitutes a new site, or an extension to an existing site, for the purposes of DP 23. The existing pitches benefit from an exemption certificate conferred under Part 5 of the Town and Country Planning (General Permitted Development) Order 1995. Whilst not express planning permission, the Order has the effect of permitting a range of developments subject to certain limitations. For this reason, I do not agree with the Authority's view that the exemption certificate has no planning merit. However, whilst I accept that permitted development rights are currently being utilised, I have not seen anything, such as a planning permission or a Lawful Development Certificate (LDC), to indicate that the lawful use of the appeal site is as a caravan site. The provision of an exemption certificate is limited to membership of the specific organisation involved, for restricted time periods and to a maximum of one year at a time. The revocation or rescindment of the certificate could therefore occur without a change to the lawful use of the land. As such, the status of an exemption certificate is materially different to planning permission, which could be granted unfettered by such restrictions.
6. Whilst I note that the red line boundary associated with a previous permission for a reception building includes part of the appeal site, the decision notice refers only to 'construction of a new reception building'. Based on the limited information provided, I cannot be certain the scope of this permission includes the provision of caravan and camping pitches, as stated by the appellant.
7. I also note the LDC issued for 5 touring caravans and 15 tent pitches on a parcel of land further to the north of the appeal site. The Authority and appellant have provided different versions of the plan accompanying the LDC. No substantive explanation for this deviation has been provided by either party. However, the plan provided by the Authority includes the siting of the caravans and tent pitches referred to in the LDC, whereas the appellant's does not. For this reason, I have taken the plan submitted by the Authority to be the correct version. This shows that the land subject to the LDC would be physically and visually distinct from the appeal site, contrary to paragraph 13.2 of the SPG, which states that extensions must be physically attached to the existing site.
8. Based on the foregoing, I consider that the proposed development would constitute a new caravan and camping site, rather than an extension to an existing site. As such, it would clearly conflict with DP 23 and would be unacceptable in principle.
9. Even if I were to assess the proposal as an extension to an existing site, as presented by the appellant, I do not consider it would comply with the requirements of DP 23. The scheme would result in a substantial extension, representing an encroachment of development into an otherwise natural area, with a subsequent erosion of the rural and natural character of the land. Whilst landscaping is proposed, this would not overcome the formalisation of the extended site area through the presence of internal roads, pitches and caravans or tents, which would remain visible in longer-range views from higher ground. The proposal would also significantly reduce the extent of separation between the existing pitches and the parcel of land subject to the LDC, thereby increasing the mass of development in the area, to the detriment of its open character. As such, the proposal would result in an increased impact on the surrounding landscape, within which its scale would not be appropriate, and be a considerable extension to the existing site

contrary to the requirements of DP 23 criteria i), ii) and v). Although there would be an improvement to the quality of the existing facilities through a lower-density layout and increased landscaping, and a lack of harm to natural heritage interests, the proposal would fail to meet all the requirements of DP 23.

10. I conclude that the proposed development would not be acceptable having regard to local planning policies relating to caravan and camping sites, and would fail to comply with SP C and DP 23 of the LDP, as well as the adopted SPG.

Other Matters

11. I acknowledge there may be benefits to the local tourism offer and economy from the provision of improved accommodation. However, given the number of pitches involved, such benefits would be limited and I do not consider this sufficient to outweigh the conflict with the development plan, and permanent and wider harm to the area.

12. Natural Resources Wales has raised concerns regarding a lack of clarity in the application and appeal documents, in relation to flood risk at the site. The potential for the proposal to result in increased phosphate discharge to the River Dee and Bala Lake Special Area of Conservation (SAC) has also been highlighted. As I have found the proposal unacceptable on other grounds, I have not pursued these matters further. Even if I found the proposal acceptable with regard to flood risk and its effect on the SAC, this would not outweigh my conclusions on the main issue.

13. In reaching my decision, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WCFG Act). I have taken into account the ways of working set out at section 5 of the WCFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WCFG Act.

Conclusion

14. For the reasons given above, the appeal is dismissed.

Claire MacFarlane

INSPECTOR