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## PLANNING COMMITTEE 25/06/18

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**Present:**                    **Councillor Elwyn Edwards - Chair**  
                                  **Councillor Eric Merfyn Jones -Vice-chair**

**Councillors:** Stephen Churchman, Simon Glyn, Louise Hughes, Siân Wyn Hughes, Anne Lloyd-Jones, Berwyn Parry Jones, Huw G. Wyn Jones, Edgar Wyn Owen, Catrin Wager, Eirwyn Williams and Gruffydd Williams.

**Also in attendance:** Cara Owen (Planning Manager), Idwal Williams (Senior Development Control Officer), Gwawr Teleri Hughes (Development Control Officer), Gareth Roberts (Senior Transportation Development Control Officer), Rhun ap Gareth (Senior Solicitor), Wyn Williams (Environment Manager - for Item 5 on the agenda), Dafydd Jones (Solicitor – for Item 5 on the agenda), and Glynda O'Brien (Member Support Officer).

**Apologies:** Councillors Dilwyn Lloyd, Dewi Wyn Roberts (Local Member).

### 1. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

- (a) No declarations of personal interest were received from any members present.
- (b) The following members stated that they were local members in relation to the items noted:
- Councillor Gruffydd Williams (a member of this Planning Committee), in relation to item 6.3 on the agenda (planning application C18/0023/42/LL);
  - Councillor Simon Glyn (a member of this Planning Committee), in relation to item 6.6 on the agenda (planning application C18/0322/46/LL);

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

### 2. MINUTES

The Chair signed the minutes of the previous meeting of this Committee, that took place on 4 June 2018, as a true record.

### 3. APPLICATION TO REGISTER ON THE DEFINITIVE MAP A PUBLIC FOOTPATH THAT RUNS IN FRONT OF MAWDDACH CRESCENT TO BARMOUTH BRIDGE, COMMUNITY OF ARTHOG

Submitted - the Head of the Environment Department's report stemming from an application to register on the Public Rights of Way Definitive Map a public footpath in the Community of Arthog.

The Chair noted that a late letter had been received from Barmouth Town Council complaining that they as a Council had not had an opportunity to submit observations on the application. In response, the Environment Department Manager explained that the land in question was within the boundaries of Arthog Community Council and therefore there was no necessity to contact any other Community/Town Council on this matter.

The Environment Department Manager expanded on the application's legal background together with the evidence to support the application and he focused on the path between A and B on the application plan. The application had been submitted based upon and in the context of Section 53 of the Wildlife and Countryside Act 1981. When considering such applications it was necessary to look at the evidence for and against the application, and in this context based on the act referred to above together with the Highways Act 1980. Having looked at the evidence to register on the grounds of use, and specifically as the public had walked the path unhindered, continuously over a period of more than twenty years, they had to be certain that the landowners had given a right and permission for the use. The information for and against the application was looked at and the key factor was the existence of signage and what those signs stated. Reference was made to Section 31(3) of the Act, namely:

*“Where the owner of the land over which any such way as aforesaid passes-*

- (a) Has erected in such manner as to be visible to persons using the way a notice inconsistent with the dedication of the way as a highway; and*
- (b) Has maintained the notice after the 1st January 1934, or any later date on which it was erected,*

*the notice, in the absence of proof of a contrary intention, is sufficient evidence to negative the intention to dedicate the way as a highway”.*

That is, that signage had been erected on the site that was contrary to the claim that a public right existed. By doing this consideration had to be given to an ordinary member of the public's understanding of what was on the sign together with the landowners' aim.

Reference was also made to factors that were irrelevant to the application e.g. was the path pleasant with vistas from it. Therefore, the only matter that could be considered was if public rights of way existed.

Attention was drawn to the path's historical background and the development of Mawddach Crescent and the surrounding area.

In terms of the evidence to support the application, reference was made to a summary of over 100 statements made by individuals who stated that they used the path. Full summaries can be seen in Appendix 4 and 4.2 of the report. In addition to the late observations forms, there was information of how frequent the path was used.

In the context of the evidence to the contrary, reference was made to Appendix 8 of the report, where there were statements from owners / former owners stating the reasons to not use the path with specific reference to the erected signs:

- 'Private Road' sign at the eastern end of the Crescent that had been there for decades; (Appendix 10)
- 'Mawddach Crescent Private Road' sign at the western end of the Crescent erected around 1999 (Appendix 11)
- 'Private' sign asking persons to please use public footpath to the rear of the Crescent houses; (Appendix 12)
- 'Private' sign painted on brick wall (Appendix 15) the photograph indicated how the sign looked circa 2005.

It was emphasised that consideration had to be given to the periods when the rights were claimed and in this case two periods were recorded. It was considered:

- that the sign in Appendix 12 was erected around 2006 and therefore the relevant period of 20 years for the purposes of Section 31, of the Highways Act 1980 was 1986-2006.
- evidence of a former resident stating that the private sign painted on the brick wall dated back to 1962 (period between 1942 and 1962)

It was considered that the signs gave basis to the claim that there was no intention to permit public use of the path in front of the houses and in considering the conclusions that two long periods of 20 years where there was a combination of signs in existence and therefore contrary to the existence of a public right of way. The officers' recommendation was to refuse the application to register the path on the Definitive Map.

During the ensuing discussion, individual Members asked questions and the following points were highlighted:

- (i) clarification was requested regarding the wording of the Act that noted an use period of 20 years without interruption or barrier
- (ii) in response, the Environment Department Manager explained that evidence had to be considered be that the existence of a sign with a specific purpose, notice of any type, challenging individuals to not pass by, and in this case evidence was submitted from the owners' point of view that signs had been erected.
- (iii) The Senior Solicitor elaborated on the legal side and noted that this was not a planning application before them, however, the Committee was requested to consider the evidential matters regarding the use of the path taking into consideration its use over two periods of time, and based on the information submitted. Attention was drawn to paragraph 8.2 of the report that stated "Displaying notices on a way is regarded as an effective method of rebutting deemed dedication. Sub-section 3 of section 31 HA 1980 provides that the erection and maintenance of a notice will, in the absence of proof of contrary intention, be sufficient evidence to negative the intention to dedicate the way as a highway". It was added that the Committee had a quasi-judicial role that meant considering the evidence on a test of probability.
- (iv) A member referred to two cases in 2010 in the high court that were relevant to the application before the committee. He quoted as follows from one of the cases (Andrew Nicholls, Queen's Counsellor) "... I consider that the notice had an uncertain meaning and that the public would normally interpret the word road as signifying a way for vehicles ..... the word access only should in my view be taken to grant consent for the use of the lane by vehicles only for the purpose of accessing the properties that it served." He also quoted from the second case, namely Patterson v. The Secretary of State for Environment, Food and Rural Affairs by the Honourable Justice Scales "..... that virtually all rights of way are over private land and that a simple sign private does not clearly indicate that there is no public right of way over a marked footpath"
- (v) In response to the above, the Solicitor drew the Committee's attention to paragraph 3.8 and quoted from the 'Godmanchester' case that was legal and current and takes priority over other cases, when the House of Lords quoted that 'intention' meant what the relevant audience, namely the users of the way, would reasonably have understood the landlord's intention to be". The Senior Solicitor added that it would be a matter for the Committee to balance the evidence but this case had been referred to the highest court in the land and therefore carried substantial weight. It would be a matter for the Committee to consider if the signs expressed robust evidence from the viewpoint of the owners and if they:
  - referred to the use of rights of way of individuals; or
  - for vehicle use.
- (vi) The Local Member noted that the application had historical arguments and she had visited the Crescent on several occasions as a Councillor but she had not met anyone, having said that she had spoken with one resident and had received an e-mail from another. The Community Council discussed the path a few years ago when she had stated her wish for the path in front of the Crescent to be kept open. She felt very sad that the matter had come

to this with so much quarrelling and had created an heated situation between the public and residents of the Crescent. She confirmed that she had walked the path several times and that no one had challenged her. The path offered spectacular views and it was recognised as a place where artists came to take advantage of the view, and she was aware at one time in the past that the residents of the Crescent offered tea / cakes to visitors who travelled along the path. She was aware that families had walked the path without interruption for decades. She was concerned that if the path closed, how could it be controlled and this would cause further ill-feeling. She was of the opinion that users were unlikely to leave litter or cause damage. She suggested that if the Committee could not reach a decision that it might be an idea to visit the site to see the situation for themselves.

(vii) In response, a Member disagreed with the suggestion to conduct a site visit as a view was not a consideration for the application. There was disagreement with the comment made by the officer that a landowner had to give a right and permission for a person to traverse his land, and he was of the opinion that if any owner decided not to prevent this then a right was given. In the case before them, it was necessary to interpret if the owners had tried to prevent people walking along the path. In his opinion the sign stating 'Private Road' was interpreted as to prevent vehicles and the sign in Appendix 12 did not prevent people from passing along the path but asked individuals kindly to walk along the back. He was further of the opinion that the sign was not clear enough to prevent people walking along the path and that this was the only evidence that tried to prevent this. In addition, attention was drawn that there were long periods of evidence when the public continued to traverse along the path. Therefore, he felt that the argument fell in favour of the public for the path to be used as there was insufficient robust evidence to the contrary.

(viii) It was proposed and seconded to refuse the officers' recommendation and to permit the right of way based on

- the use of the path between 1942 and 1962, and that insufficient evidence existed of any action to prevent walkers
- that the 'private road' sign was a vehicular sign and did not prevent the public from traversing the way

(ix) The following points were noted in favour of the proposal to approve:

- That a 20 year use had been proven as there was evidence from individuals of using the path in 1912 and for generations by local people
- It was considered that the residents had offered teas etc as a sign of welcome and that the argument could be strengthened that the sign referred to vehicles
- Attention was drawn to the letter from an individual who installed the gate and cattle grid and his statement that installing these did not mean that the way was closed for users but rather to prevent livestock.
- It could be argued that individuals would not have seen the sign (Appendix 12) as it could only be seen from one end of the way.

(x) It was asked if the National Park had permitted the signs, bearing in mind that it was an area of natural beauty.

(xi) In response, the Senior Solicitor explained that the above comment was not relevant to the application

(xii) If the majority of the houses in the Crescent were holiday homes it was asked how it could be proven that the owners of those houses had prevented the path from being used

(xiii) If a Public Inquiry were to take place by any of the parties in question, it was asked for assurance that the inquiry should take place locally.

An unanimous vote was taken on the proposal to refuse the officers' recommendation and to approve the application to register the path on the Definitive Map.

**RESOLVED:** To approve the application to add the public footpath to the Council's Definitive Map and Statement as shown by A-B on the plan provided in Appendix 1 of the report on the following grounds:

- That the path had been used by walkers over a period of twenty years between 1942 up to 1962; and
- That the signs for that period, from the evidence submitted, were not sufficiently (legally) effective to prevent the assumption that the highway had been dedicated under section 31 (1) Highways Act 1980, and
- Specifically that the sign 'Private Road' seen on the photographs in the report referred to vehicles only, and it was not intended to prevent walkers from using the plot.

#### **4. PLANNING APPLICATIONS**

The Committee considered the following applications for development.

Details of the applications were expanded upon and questions were answered in relation to the plans and policy aspects.

#### **RESOLVED**

##### **1. Application number C17/0330/14/LL - Former Marine Hotel site, North Road, Caernarfon**

Construction of five houses (including two affordable houses) together with creating an entrance to the trunk road

- (a) The Senior Development Control Officer elaborated on the application's background, and reminded the Committee that the application had been deferred in the March committee in order to assess the impact of the development on a tree with a Tree Preservation Order and located within the rear garden of Ynys Tudur, adjacent to the application site. As a result, a Trees Survey was submitted by the applicant and the Survey came to the conclusion that the tree's safety may be ensured subject to following and undertaking careful building techniques.

Of the five units proposed, three would be residential units located at the front of the site with two detached houses at the rear. The site was located within the development boundary of Caernarfon in the Anglesey and Gwynedd Joint Local Development Plan (LDP) but it was not allocated for any specific use.

Reference was made to the relevant policies in the report along with the responses to the statutory consultation process.

It was noted that the information submitted to the Committee in March had not changed and that the deferral dealt with biodiversity matters, namely concern regarding the impact on a tree with a Tree Preservation Order. Based on these concerns the trees expert was requested to be on site during the construction work to ensure that the land work is supervised within an area to safeguard the tree's roots. The Trees Officer confirmed that a condition should be included in any planning permission to state that the applicant would have to follow mitigation measures noted in the Trees Survey to avoid harm to the tree.

The recommendation remained the same as discussed in the March Committee, namely to approve in accordance with relevant conditions.

**RESOLVED:** To delegate the right to the Senior Planning Manager to approve the application, subject to the applicant completing a legal agreement under Section 106 in order to ensure that two affordable houses out of a total of five are affordable houses initially and in perpetuity and to relevant conditions relating to:

1. Five years.
2. In accordance with the revised plans.
3. Natural slate.
4. Agree the houses' external materials.
5. Withdrawal of permitted development rights regarding the location of windows.
6. Withdrawal of permitted development rights for extensions.
7. Condition to protect a tree with a tree preservation order.
8. Transportation Unit and Welsh Government highways conditions.
9. Welsh Water condition regarding protecting the combined sewer.

**2. Application number C17/1172/19/LL - Plas y Bryn Nursing Home, Bontnewydd, Caernarfon**

Change of use of a former residential nursing home to create four self-contained holiday units, erect a separate building to be used as a swimming pool together with extensions and alterations to the existing building.

- (a) The Development Control Manager explained that due to the concerns that had arisen regarding the application, the Committee was requested to defer this application in order to undertake an inspection site visit on the day of the next Planning Committee meeting.

**RESOLVED:** To defer the application and conduct a site inspection visit as suggested above.

**3. Application number C18/0023/42/LL – Bwthyn Ty'n Pwll, Lôn Ty'n y Coed, Nefyn, Pwllheli**

Demolish existing storage unit and build two holiday units (amended application)

- (a) The Senior Development Control Officer expanded on the application's background and noted that the site was located in the countryside and within the Llŷn and Bardsey Landscape of Outstanding Historic Interest. Access was gained to the site along an unclassified road which had access to a class 2 road approximately 85 metres south of the site.

Reference was made to the responses to the consultation process together with the relevant planning policies within the report.

It was noted that policy TWR 2 of the Local Development Plan supported the development of new permanent holiday accommodation provided they are of a high quality in terms of design, setting and appearance. The policy also enables new build accommodation, if the development is located within a development boundary, or makes use of a suitable previously developed site. There was an existing holiday unit at Ty'n Pwll Cottage and the proposal in question would therefore extend the existing holiday accommodation establishment. It was therefore considered that the development was acceptable in terms of the principle of building new accommodation units.

It was explained that the application was a resubmission of a previously refused application, as it was considered that the scale of the proposal in question was excessive for the site and did not reflect its surroundings. In terms of the number of units and design, it was considered that the proposal in question was an improvement on the previous application.

The Transportation Unit had no objection in terms of transport and access matters.

Having assessed the proposal against the relevant policies and considered all the responses and observations, it was considered that the use, design and proposed materials were acceptable and that they would not impair the amenities, character or appearance of the site, nor the surrounding area. The planning officers' recommendation was to approve the application and to include a condition to restrict the use to holiday accommodation only and to maintain a register of users.

- (b) The local member noted that he did not support the application for the following reasons:
- that there was no shortage or demand for more holiday accommodation
  - that demolishing the hay shed and constructing two units in its place would set a precedent for similar future applications
  - approval should not be given for the conversion of such farm buildings
- (c) A Member supported the above observations and stated further that there were plenty of holiday homes and gave an example of four houses that had been sold recently in the village of Edern as holiday homes. There was also concern about the tendency to re-name and Anglicise house names. Housing estates in the village had holiday homes and it was asked how many of these houses had registered as holiday units for business tax.
- (d) It was proposed and seconded to refuse the application on the grounds of an excess of holiday homes.
- (dd) In response, the Planning Manager explained that officers could be requested to undertake more research in order to assess the cumulative impact of holiday units, however, it was explained that competition was not a planning matter. However, it was stressed that policy TW2 permitted new buildings on appropriate sites and the officers were of the view that the site in question was appropriate.
- (e) The Senior Solicitor added that they had to be mindful if they refused the application now as there was no numerical evidence.
- (f) As a result of the above discussion, it was proposed and seconded to defer the determination of the application until more evidence was received regarding the numbers of holiday units and the cumulative impact, including information on the number of holiday accommodation units that have registered as a business.
- (ff) In response, a Member disagreed with the above amendment and made an appeal to receive a balanced, unbiased report that reflected the actual situation regarding the number of holiday units in the area. He was of the opinion that it was possible to investigate the registration for business tax. He currently felt strongly that insufficient evidence had been presented with the application. A Member added that evidence could be gathered through the increase in litter collections to businesses registered as holiday units.
- (g) It was suggested that it would be possible for local members to assist by presenting information regarding how many holiday units were available in their areas.

- (ng) In response, the Planning Manager noted that a business plan had been submitted, however, it may not address the members' concerns as outlined above and an assurance was given that the officers would further investigate the cumulative impact.
- (h) The Senior Solicitor added, whilst he accepted that every Member had local information, that the application could not be refused until the specific statistics were received from the officers and evidence from local members could contribute to this.

A vote was taken on the amendment to defer and it was carried.

**RESOLVED: To defer the application until a balanced report is received to include information regarding the cumulative impact of holiday accommodation units on the local area.**

**4. Application number C18/0098/39/LL – Beach Hut, Ynys Fawr, Porth Mawr, Abersoch**

Demolition of an existing beach hut and construct a new one

- (a) The Senior Development Control Officer noted that late observations had been received from the Local Member who stated his concern regarding the size of the structure and the hut was on a beach within the AONB. The member felt that such developments were damaging to the appearance of the beach and did not fit and was an over-development.
- (b) The officer elaborated on the application's background and noted that it was an application to replace the existing Ynys Fawr beach hut with a new, larger hut on Borth Fawr beach, Abersoch. The existing hut was located behind a row of beach huts that stand on the beach. Following the concerns of relevant officers regarding the height of the proposed hut an amended plan was received indicating a reduction in the hut's height. The hut stands on a rural coastal site within the AONB, near a Heritage Coast and within the Coastal Change Management Area.

Reference was made to the relevant policies and the responses to the consultation process within the report.

In terms of the main material planning considerations, concern was expressed stemming from the public consultation based on the size and height of the hut. Although the proposal involved replacing the hut with a larger hut, the proposal was not considered to be unreasonable in terms of scale, height and mass and was not an over development as it largely followed the same size pattern as other huts in the vicinity. As the design of the proposal was suitable for a beach hut and its setting, appearance, scale, height, and the treatment of the proposal's elevations were fairly similar to the rest of the huts in the row, it was considered that the proposal was acceptable and respected the context of the site and its place in the AONB landscape.

Having assessed all the considerations, it was considered that the proposed beach hut was acceptable in terms of size, design and materials, and the officers' recommendation was to approve the application with relevant conditions that included no occasional living or sleeping use.

- (c) It was proposed, seconded and voted to approve the application.

**RESOLVED: To approve subject to conditions:**

- 1. Commence within five years.**
- 2. In accordance with the plans**



3. **The hut will be of a blue BS 18 E 53 colour, unless otherwise agreed beforehand with the Local Planning Authority.**
4. **No occasional living or sleeping use.**

**5. Application number C18/0235/45/LL - 25 Stryd Moch, Pwllheli**

Change of use of shop (A1 use class) to cafe (A3 use class).

- (a) The Development Control Officer elaborated on the background of the application, noting that it was for the change of use of a shop (A1) to a café (A3) with a Welsh theme to display local crafts and produce and Welsh music. It was noted that it was not proposed to undertake any external alterations, however it was intended to install an extractor on the gable-end of the building.

It was explained that the previous use of the unit was as an Ethel Austin shop, which had shut a number of years ago, and since then planning permission has been granted to convert it into two separate shops with a dance studio above.

The building was situated within the main shopping area and the designated Town Centre of the Pwllheli Urban Service Centre and within a C1 flooding zone.

Reference was made to the responses to the consultations within the report. It was noted that no new information had been received since then. Observations had been received from the public on the applications and these were noted in the report.

Since being granted permission to convert the building into two shops in 2014, it was explained that the shop in question had not been occupied, but the adjacent shop operated as a William Hill bookmaker. Previously, the Ethel Austin shop occupied the whole property, before the chain went into administration in 2010, and was briefly occupied by the Life and Style retail business until 2011. Given that the shop had been empty for a prolonged period, it was considered that there were justified grounds for the change the use in order to bring the shop back into use and to remove the dead frontage in such a prominent and central location within the town. The proposed use as a café would be an attraction in the town centre, and it was not considered that the change of use would have a detrimental impact on the function of the main shopping area nor the town centre.

It was proposed to install an extractor on the building and the observations of the Public Protection Unit were awaited on this, and following the receipt of favourable observations, it was considered that the change of use was acceptable, and would not have a detrimental impact on the amenities of any nearby residents.

Due to the scale of the application and its location as well as its existing features, it was considered that the proposal complied with the relevant local and national policies. Therefore, it was recommended to delegate powers to the Senior Planning Manager to approve the application, subject to the receipt of favourable observations from the Public Protection Unit on the suitability of the proposed extraction system/flue and to conditions listed at the end of the report.

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

**RESOLVED: To delegate powers to the Senior Planning Manager to approve the application, subject to the receipt of favourable observations from the Public Protection Unit on the suitability of the proposed extraction system/flue and to relevant conditions:**

1. **Commence within five years.**
  2. **In accordance with the plans**
3. **Conditions recommended by the Public Protection Unit in relation to noise/extractor/flue.**

**Note:**

**Copy of the letter from Natural Resources Wales, dated 25 April 2018.**

**6. Application number C18/0322/46/LL – Ty'n Llan Caravan Park, Tudweiliog**

Revised application to extend existing static caravan site to increase numbers from 31 to 35, relocate 3 static caravans and creation of a new play area

- (a) The Senior Development Control Officer noted that neither the applicant nor his agent had submitted an enquiry regarding what was possible on the site in question following the withdrawal of the previous application, despite the fact that officers had expressed fundamental policy concerns regarding the proposal. The officer expanded on the application's background, noting that it was to extend an existing static caravan site to increase the numbers from 31 to 35 together with relocating three static caravans and to create a new play area. The proposal would also include additional landscaping on the western and southern boundaries of the extended part of the site.

Reference was made to the relevant planning policies together with the responses to the consultation process as noted in the report.

In terms of the main material planning considerations, the main policy to consider was TWR 3 and this stated that it may permit small extensions to the site's surface and /or re-locating units from prominent locations to less prominent locations. One of the criteria was that the improvements do not lead to an increase in the number of static caravans on sites within the AONB or in the Special Landscape Areas. The application was to increase the number of units on the site by adding four units. The proposal did not therefore comply with the requirements of Policy TWR 3 in terms of sites within the Special Landscape Area. By re-locating three static caravans to the existing play area, this meant that the hedge on the southern side of the play area site would be lost in order to create a new road and would make the site of the play area far more open and visibly sensitive than it currently was. Extending the site would, therefore, make this site more prominent in the landscape and where public footpaths run very close to the application site. It was, therefore, not considered that the proposal in its current form would improve the site's setting in the surrounding landscape which was a designated Special Landscape Area.

In the context of visual amenities, extending the existing site would make it more prominent in the landscape and although the application indicated an intention to carry out landscaping along the western and southern boundaries it would take time to mature.

Observations on the application were received from the Transportation Unit stating their concerns about the entrance and that the proposal would increase the use of an already sub-standard entrance. Such an increase without improvements to the entrance would be unacceptable.

As policy TWR 3 does not permit an increase in the number of static caravans at existing sites within the Special Landscape Area, and it was not considered that extending the site would improve its setting in the surrounding landscape, together with road safety concerns it was recommended to refuse the application.

- (b) The Local Member noted the following points:

- That the situation was not totally clear and permission was received in 1962 to keep the site legal.
  - A letter had been received from the Council explaining the type of design that should be on the entrance and the owners had complied with this.
  - It was recognised that it was necessary to improve the access.
  - They were asking to increase the number of caravans as the Licensing Enforcement Officer had visited and he was concerned that the caravans were too close together. It was explained that at one time when the caravans were smaller in size the design of the site was acceptable, however, over the years as they had replaced the caravans with new and more modern ones that appeared to have a larger surface area, therefore there was less space between them. It was emphasised that this was not unique to this site.
  - That the owners were willing to comply and the only place to relocate the caravans was the football pitch on the site and that they had no other option.
  - In order to do this they had to invest e.g. sewerage
  - It was felt that three caravans created a more prominent situation and placing seven on the land in question would be less prominent, subject to the hedgerows maturing.
  - It was suggested that the Planning Committee defer the application to receive further response from the applicant and to conduct a site inspection visit.
- (c) In response, the Planning Manager explained that the applicant's agent was aware of the concerns and the most important consideration was that the application did not comply with Policy TWR3. It might be possible to overcome the road safety concern, however, it would not be possible to overcome concerns regarding an increase of four caravans. The officer was of the view that a site inspection visit would be of no benefit as this would not overcome concerns regarding policy TWR3. Currently two appeals for similar cases had been submitted and a determination was currently awaited. The Planning Committee's attention was drawn to the fact that if the Committee approved the application then the application would have to be referred to a cooling-off period.
- (ch) It was proposed, seconded and voted upon to refuse the application.
- (d) A Member noted how important it was to discuss the relocation of the caravans with the site owners in terms of health and safety.

**Resolved: To refuse for the following reasons:**

1. **The proposal involved increasing the number of static caravans on an existing static caravan site within a Special Landscape Area. Policy TWR 3 of the Anglesey and Gwynedd Joint Local Development Plan does not allow an increase in the number of static caravans or chalet units on existing sites within a Special Landscape Area. The proposal was, therefore, contrary to Policy TWR 3 of the Anglesey and Gwynedd Joint Local Development Plan (July 2017).**
2. **It was considered that extending the site would not improve its setting in the surrounding landscape and it would neither maintain, improve nor restore the recognised character of the Special Landscape Area. The proposal was, therefore, considered to be contrary to Policy TWR 3 and AMG 2 of the Anglesey and Gwynedd Joint Local Development Plan (July 2017).**
3. **The proposed development would create a substantial increase in traffic using a sub-standard entrance, and would be substantially detrimental to road**

**safety. The proposal was, therefore, contrary to Policy TRA 4 of the Anglesey and Gwynedd Joint Local Development Plan (July 2017).**

## **7. Application Number C18/0365/11/AM - Maes Berea, Bangor**

An outline application with all matters reserved to erect nine new houses with integrated garages

- (a) The Development Control Manager elaborated on the background of the application and noted that the indicative plans had been submitted these suggested the size, setting and likely elevations of the proposed development that includes three rows of three, three-storey houses with three bedrooms each. Seven of the units would be for the open market and two would be offered as affordable houses.

The site was located within the Bangor city development boundary which had not been specifically designated for any specific use. It was explained that the land level rose to the front which abutted the existing access road towards the Maes Berea estate to the south and west. The existing estate was established and comprised approximately 55 houses that were a mixture of two and three-storey houses.

Attention was drawn to the relevant planning policies and the responses to the consultation process noted in the report.

Letters of objection to the proposal had been received and were noted in the report.

It was noted that the principle of the proposal was acceptable and it was a logical extension of the existing estate and the indicative plans conveyed and reflected what had already been approved and built within the rest of the estate.

Two out of the eight units were offered as affordable houses. Additional observations had been received from the Joint Planning Policy Unit which stated the need for housing identified by Tai Teg in 2018. The statistics suggested that one to three bedroomed houses were more likely to address the current and anticipated future demand in terms of market housing and affordable housing. It was noted that the required evidence to support the recommendation to refuse the application on the grounds of a mixture of houses had not been received, bearing in mind that the proposal was preparing two affordable units as part of the proposal.

The Transportation Unit had no objection to the proposal.

Due to the scale of the application and its location as well as its existing natural features, it was considered that the proposal complied with the relevant local and national policies. Therefore it was recommended to delegate powers to the Senior Planning Manager to approve the application subject to the completion of a 106 Agreement to ensure that two of the nine houses subject of this application are affordable, and to relevant planning conditions.

- (b) It was proposed and seconded to approve the application.
- (c) Attention was drawn that Tai Teg had noted on the additional observations form of the need for 180 two-bedroom units against 124 three-bedroom units, it was therefore asked why there was not a better mixture of housing on the site in question.

(ch) In response, the Planning Manager referred to the comments of the Joint Planning Policy Unit on the additional observations form and the fact that officers were not confident that they currently had the necessary evidence to support the recommendation to refuse the application on the grounds of a mixture of housing. It was highlighted that the site was in Bangor and that a high number of houses had been approved recently with a good mixture of provision available. It was also noted that this was an outline application.

(d) A response to the additional enquiries was given as follows:

- That a reserved matters application would not necessarily be submitted to the Committee but the applicant would have to submit an application within a specific time.
- That 20% was the expectation for affordable housing in Bangor and North /South Arfon in accordance with the Local Development Plan.

**Resolved: To delegate powers to the Senior Planning Manager to approve the application subject to the completion of a 106 Agreement to ensure that two of the nine houses that are the subject of this application are affordable, and to relevant conditions relating to:-**

- 1. Time**
- 2. Reserved Matters**
- 3. Finished land and floor level details**
- 4. Materials including use of natural slate**
- 5. Landscaping.**
- 6. Highways.**
- 7. Withdrawal of permitted development rights on the two affordable houses.**
- 8. Welsh Water condition regarding the drainage plan.**
- 9. Biodiversity**

The meeting commenced at 1.00pm and concluded at 2.55pm.

**CHAIRMAN**