
PLANNING COMMITTEE 29/4/19

Present: Councillor Elwyn Edwards – Chair
Councillor Eric M. Jones – Vice-chair

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

Others invited: Councillor Peter Garlick (Local Member).

Also in attendance: Gareth Jones (Senior Planning Service Manager), Cara Owen (Planning Manager), Idwal Williams (Senior Development Control Officer), Gareth Roberts (Senior Development Control Officer - Transport), Rhun ap Gareth (Senior Solicitor), Dafydd Jones (Solicitor - for Item 5 on the agenda), Wyn Williams (Countryside Manager - for Item 5 on the agenda) and Bethan Adams (Member Support Officer).

1. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

- (a) Councillor Gareth A Roberts declared a personal interest in Item 6.6 on the agenda (planning application number C19/0224/11/LL), as the applicant was his mother.

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

- (b) The Senior Solicitor declared a personal interest in item 6.3 on the agenda (planning application number C19/0014/19/LL), as a close relative of his lived opposite the site.

The officer was of the opinion that it was a prejudicial interest and he left the Chamber during the discussion on the application.

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

- Councillor Peter Garlick (not a member of this Planning Committee), for items 6.1, 6.3 a 6.5 on the agenda (planning applications number C16/1412/19/LL, C19/0014/19/LL a C19/0169/19/AM);
- Councillor Edgar Wyn Owen (a member of this Planning Committee), in relation to item 6.2 on the agenda, (planning application number C18/0993/26/LL);
- Councillor Elin Walker Jones (a member of this Planning Committee), in relation to item 6.2 on the agenda (planning application number C19/0224/11/LL).

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

2. MINUTES

The Chair signed the minutes of the previous meeting of this Committee, held on 1 April 2019, as a true record, subject to the addition of a bullet point under part (c) 'Application Number C18/1198/45/AM - Former Hockey Pitch, Allt Salem, Pwllheli,' on page 8 of the agenda stating:

- That there had been an accident on the road.

In response to a comment by a member that the local member for Application Number C18/1198/45/AM - Former Hockey Pitch, Allt Salem, Pwllheli, had drawn his attention to the fact that many residents had stated that they had not been informed about the application. The Senior Solicitor noted that this was irrelevant to the minutes but was a matter that the Planning Service could look into.

3. APPLICATION TO REGISTER ON THE DEFINITIVE MAP A PUBLIC FOOTPATH THAT RUNS FROM THE WEST 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 background to the application was explained, and it was noted that the Committee at its meeting on 25 June 2018 had 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 not walkers, and it was not intended to prevent walkers from using the plot."**

It was explained that the entire path was shown on the plan in Appendix 1 of the report as A-B-C, the Committee's decision on 25 June 2018 authorised use of an order to register part A-B. The Committee was asked whether the path shown between B and C on the plan should be registered. It was noted that if the Committee would approve the application to register part B-C, then in accordance with the Committee's previous decision, an order would be created to register the path shown as A-B-C on the plan in Appendix 1.

It was noted that evidence of use of the path between B and C had been included in the report and members were reminded that evidence of use over a period of twenty years was needed. It was highlighted that the Committee, at its meeting on 25 June 2018, had resolved that the period relevant to part A-B was 1942 to 1962.

It was explained that the part between B and C followed the path of the old tramway from Barmouth to Mawddach Crescent and that it was worth noting that there had been some change in the condition of this stretch, and the ability to walk on part of it depended on the tide. It was added that there was a strong evidence base that people had used the path on part B to C over a period of time.

The Senior Solicitor gave guidance, noting that the Committee had approved the application to register the path between A and B as a public footpath based on evidence of use. He reminded the members that in contrast to the path between A and B there were no signs on the path between B and C. He noted that the same type of evidence of use existed on the path between B and C as on the path between A and B.

The Local Member noted that it had been a long process, the application to register the path had been submitted in August 2014. She explained that the path had been used historically

since before the existence of Mawddach Crescent. She explained that she knew Mrs Roberts, former owner of Fegla Bach, and her only objection was to people walking along Fegla Bank as she was concerned dogs would be let off their leads. She noted that approving the application to register the path between B and C would ensure the continuation of the path between A-B-C and she hoped the Committee would support the proposal.

It was proposed and seconded to approve the application.

A member noted that he had extensive experience with a similar application approved by the Committee which was called to appeal. He explained that the process took years with a very formal and complex public hearing as both sides had so much evidence. He asked why the evidence of use was restricted to the period between 1942 and 1962 considering that there was evidence of use for the period between 1906 and 2006.

In response, the Senior Solicitor explained that the statutory test period of use was twenty years from the time of receiving the objection to the use. The Solicitor added that further evidence could be submitted at a public inquiry.

RESOLVED to approve the application to add the public footpath to the Council's Definitive Map and Statement as shown by B-C on the plan provided in Appendix 1 of the report the grounds that walkers had used the path for a period of twenty years between 1942 and 1962.

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 C16/1412/19/LL - Tŷ Glan Menai, Ffordd yr Aber, Caernarfon**

Demolition of existing dwelling and erection of 12 bedroom hotel (three storeys) with parking spaces, sewage treatment tank and alterations to existing access, the existing Summer House and Gatehouse to be used as ancillary buildings to the proposed hotel.

- (a) The Planning Manager elaborated on the background to the application and noted that the application had been deferred at the Committee meeting held on 11 February 2019 in order to receive further information concerning flooding and accessibility to the site, together with matters relating to:
- Shoreline Management Plan.
 - Ownership of the wall between the coast and the class III public highway (Ffordd yr Aber).
 - The response of the Fire Service to the observations of Natural Resources Wales regarding flood risk along the road serving the site.
 - Similarity between this application and an application to construct new housing in Felinheli.
 - Carbon footprint implications of the development.

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

It was noted that the proposal was acceptable in principle as the application complied with current policies and planning guidance that supported the principle of situating new, high

quality holiday accommodation in the countryside by using a suitable previously developed site, which was accessible to different types of transport.

Reference was made to members' concern at the previous meeting that related to flooding matters. It was confirmed that the site was not within any flood zones and that the principle of developing the site for use as a hotel was acceptable. In terms of access matters, it was noted that the site of the application and the road in front of the site were clear of any C2 flooding concerns. It was confirmed, as requested, that emergency services were consulted and in response to the Committee's concerns, a detailed e-mail had been sent to the emergency services (rather than a standard enquiry) to explain and express the Committee's concerns. It was reported that a response had been received from the Fire Service stating that it was satisfied with the situation.

It was noted that the Flooding Unit had confirmed that when parts of the road serving the application site was subject to tidal floods, that the water tended to be very shallow and that the road was accessible on foot and by car if care was taken. It was explained that the road was occasionally closed to ensure safety and also to clear seaweed, gravel etc. from the road, and for a short time the road would be closed if necessary. It was noted that, should an exceptional incident occur when the road flooded, the hotel and the people inside would be safe and that there would be no risk to the site or the building and that the only thing that could be prevented was access along the road. It was elaborated that flooding of this type was quite easily predicted and timed, and therefore, it was possible to forewarn staff and guests. It was considered that the situation could be managed in an acceptable manner without placing an additional burden on the emergency services.

It was noted, in relation to the content of Technical Advice Note (Wales) 15: Development and Flood Risk and the response of the Fire Service to the proposal that it was not believed that the proposal would exacerbate the current flooding situation for potential site users or for users of nearby property.

It was explained that this part of the coast (opposite the application site) was not within the Coastal Change Management Area (CCMA) and consequently, it had not been identified as an area that would be affected by loss of land or as a result of coastal erosion impacts. It was noted, as a result, that the requirements of Policy ARNA1 of the Local Development Plan (LDP) were irrelevant in relation to this application.

With regards to the ownership of the wall between the coast and the class III county road (Ffordd yr Aber), the Transportation Unit had confirmed that the sea wall is in the ownership of various Council departments, including Transportation, Leisure and Economy. It was explained that the Transportation Unit maintained the wall on behalf of the departments. It was noted that Gwynedd Consultancy carry out maintenance work as required.

It was noted, having considered the assessment of the application and all comments received from members of the public and statutory consultees, along with the previous appeal decision, that the development was acceptable and was not a flood risk. The proposal complied with Technical Advice Note 15 as it was possible to manage the risk in an acceptable way.

- (b) The local member (not a member of this Planning Committee) noted the following main points:
- That the extensive report by Natural Resources Wales explained the current flooding situation, residents were concerned about what could happen in future in relation to flooding and the wall;
 - Would there be any maintenance work to the wall in the near future?
 - That a dwelling had been on the site since the eighties, the proposal would change the landscape of the area of beauty.

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

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

- That Policy TWR 2 of the LDP recognised the need for serviced holiday accommodation, how could a surplus of accommodation be proved and where could statistics be sought to show need? There were many hotels in the area as well as accommodation such as Air BnB;
- Part of the coast would be spoilt if such a building were approved;
- That only at times of extreme storms would the road to the site be flooded by the tide;
- Concern about the impact a building of this size would have on the area of beauty;
- Concern about traffic, there was enough traffic on the road leading to the site as it was;
- It appeared from the plans that there would be 14 parking spaces on the site, would the provision be sufficient for guests and staff? Concern that cars would be parked on the road leading to the site;
- Concern about motor homes parking on the road to the site causing access problems for Fire Service vehicles;
- Concern about the number of cars that would park on the road to the site, considering the proximity of the Golf Club;
- Were there any parking restrictions on the road leading to the site?
- There were odours emanating from the sewage works in the area as it was, the matter required consideration;
- The appeal on the previous application on the site had confirmed that the building would be acceptable within the landscape;
- With regard to flooding matters, the Fire Service did not object to the proposal and it was confirmed that it would be possible to evacuate the site. Satisfied with the responses to the concerns raised by members during the Committee meeting of 11 February 2019 and agreed with the recommendation;
- The development would benefit the Golf Club and the local economy;
- The proposal complied with the Tourism Strategy with the demand for hotels greater than for Air BnB accommodation.

(ch) In response to the above observations, the officers noted that:

- The on-site parking provision met the parking standards, and perhaps it was unclear from the plans that there were parking spaces along the side of the building as well;
- If vehicles prevented the flow of traffic along the road to the site, it would be for the Police and the Council to deal with the situation as it arose;
- Vehicular parking was restricted along the road by Aber Bridge;
- As regards the sewage odours, part of the application entailed the installation of a septic tank. Any concerns should be reported to the relevant bodies, the odours were not connected to the proposal.

RESOLVED to approve the application.

Conditions:

1. Five years.
2. In accordance with the plans.
3. Samples of external materials to be submitted and confirmed by the LPA prior to the commencement of any work on the site.
4. The hotel shall not be used until the access and parking areas have been completed.
5. Agree on a drinking water and surface water drainage scheme prior to the commencement of any work on the site.
6. Before any work is commenced details regarding the timing and provision of a bat roost should be submitted.

7. No demolition work between 15 April to 1 October with a licensed worker present during the demolition work and slates to be taken off the roof manually.
8. No demolition work between 1 April to 31 August unless it can be demonstrated that no birds are nesting in the existing building.
9. Compliance with the tree report and the landscape scheme.
10. Restrict the use to holiday use only.
11. Highways conditions
12. Agree on a lighting scheme.
13. Bilingual signage and welcome packs / information.
14. Septic tank and the connected soakaway to comply with British Standards.
15. Submit a Shoreline Management Plan, e.g. to include: information packs, system to forewarn guests and staff, install flood risk notices/signs within the site.

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

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

- (a) It was reported that late observations had been received from the Language Unit, the Committee was asked to defer the application until the meeting of 20 May 2019 in order to give planning officers time to consider the observations and deal with them.

RESOLVED to defer the application.

3. Application Number C19/0014/19/LL – Land adjacent to Lôn Cefnwerthyd, Bontnewydd, Caernarfon

Full application to erect 29 residential units together with landscaping, car parking, create a new access and open public area.

- (a) The Planning Manager elaborated on the background to the application and noted that the site was located within the Bontnewydd development boundary and had been specifically designated for housing. Some members had visited the site before the meeting in order to see the site and its surroundings.

It was explained that there was extant planning for 26 houses on the site. Attention was drawn to the fact that the report had been prepared before the Supplementary Planning Guidance relating to Affordable Housing had been adopted on 15 April 2019. It was noted that the development was acceptable in principle as the site had been designated specifically for residential development in the Local Development Plan. It was noted that the most marked change from what had previously been approved, was that the entrance had been relocated from the narrow road that ran up the side of the site; consequently the setting of the houses had been changed within the site. Nevertheless, similarities between the two plans remained.

It was recognised that there had been a change to what had previously been approved but that it was necessary to consider how great the detrimental impact on local and adjacent properties would be. Reference was made to plots 14 to 17 located on the uppermost part of the site. It was noted that full assessments of plots 15 to 17 had concluded that they could be acceptable based on the impact on nearby property, specifically in relation to location and distance from the boundary with the existing nearby property. It was noted that a specific assessment had been made as to whether unacceptable overlooking was likely to result from locating the four houses on this part of the site. It was explained that focus was placed on plot 14 because of the concern of looking into a private area of the adjacent house. It was noted that the developer had changed the original location of the house in question and had moved it forward so that it was 12.5 metres away from the boundary, and

had also installed an unconventionally shaped window in order to avoid overlooking, and had moved other windows.

Attention was drawn to additional comments received that included the response of the owner of the adjacent property (Tywyn) to the amendments.

It was noted that the officers believed the amendments made the situation acceptable and that there would not be any unacceptable overlooking, and any overlooking would be across the lower part of the garden and, therefore, not over any private areas.

It was highlighted that the nearby property-owner had expressed concern about the two houses in the centre and the first floor windows of the houses and the impact along the side of his house where the study window and side window of the living room were. They were not considered to be main rooms and that the back garden was the most private area of the adjacent property and that there would not be any unacceptable overlooking. Nevertheless, it had to be noted that the neighbour's concerns remained.

Reference was made to the significant concerns locally about the potential impact of the development on the neighbourhood, bearing in mind that the area and local residents had suffered from the effects of flooding in the past. It was confirmed that this matter had been brought to the developer's attention from the outset and that the developer had been advised that it would be necessary to make clear assurances, through information and specific management measures, that aspects of the development relating to site drainage would not affect residents. It was noted that the intention was to create an area below the public open space that would have specialist equipment that would collect water in purpose built tanks that would then be released into the nearby Afon Beuno.

It was noted that confirmation had been received that the development would not increase the flood risk down the river provided it was carried out in accordance with the agreed details. It was acknowledged that the situation caused concern to residents but that there was no objection to the plan or the proposed water management measures by the relevant bodies, which were the Council's Drainage Unit, Natural Resources Wales, and Welsh Water.

It was noted that nine of the houses were affordable houses and that a housing association had corresponded confirming, if the application were successful, that they would take on the units. It was noted that the recommendation had been amended from what was noted in the report, and that it was recommended that the affordable houses should be secured through a condition rather than a 106 agreement as it would facilitate the transfer of the units to a housing association.

It was noted, because of the site's drainage requirements and the need to gain access for maintaining equipment beneath the open space, that the developer had confirmed, as with the previous application, that he was willing to make a financial contribution of £6384.60 towards the installation of new playground equipment, or to improve existing equipment at another play area in the village. It was highlighted that the Joint Planning Policy Unit had confirmed that the financial contribution and area of the open space complied with policy.

It was noted that the Education Department had confirmed that there was sufficient capacity at the local school, and confirmation that a Welsh Language Statement would not be necessary as the proposed development would not provide more than the indicative housing provision set out for the settlement in the Local Development Plan.

The development was acceptable in terms of relevant local and national policies for the reasons noted in the report.

- (b) Exercising his right to speak, an objector noted the following main points:-

- That he and his family lived in Tywyn that would be located next door to plots 14 and 16 for 43 years;
- That his garden was currently entirely private and that no window would overlook his property as part of the plans approved under the previous application;
- The proposal meant that the rear of the houses on plots 14, 15 and 16 would face Tywyn; consequently, five top floor windows would overlook his property;
- The developer had ensured that there would be no overlooking on the estate, his house would be the only house to lose privacy;
- The developer had submitted an assessment of the overlooking but the bedroom windows had not been assessed;
- Although efforts had been made to reduce overlooking from plot 14, no efforts had been made to reduce the overlooking from plot 15;
- The assessments for plots 14 and 15 were inconsistent, both were the same;
- It would be a small matter to amend the plans to protect their privacy;
- Although members had visited the site, he invited them to his property to see the situation.

(c) Exercising his right to speak, the applicant's agent noted the following main points:-

- An application to erect 26 houses on the site had been approved and the permission had been implemented and was extant;
- The situation of the housing market in 2009 had been difficult because of the economic recession, over the past seven years houses had been developed in Bangor, Caernarfon, Y Felinheli and Pwllheli;
- The application plans approved in 2009 were outdated, unsuitable and did not meet demand;
- The proposal offered improved access and an alternative drainage plan agreed with the Local Authority;
- The area of the open space was larger;
- 31% of the units were affordable and it was intended to sell the affordable units to a Housing Association;
- In terms of overlooking and privacy, efforts were made to reduce the impact with a 2.3 metre high fence being erected to mitigate the impact on the ground floor and that the unit in plot 14 had been set farther from the adjacent property and no first floor windows looking into the rear of the adjacent property.
- The plan would benefit the local area and would provide open market units; prospective buyers had already expressed interest in the units;
- Local contractors and local sub-contractors would be used where possible and they would endeavour to source materials locally.

(ch) The local member (not a member of this Planning Committee) noted the following main points:-

- He agreed with the objector's comments;
- In general, there was no local objection to housing on the site;
- There were concerns relating to flooding and sewerage. Two pumps have existed on Glanrafon Estate since September 2018 and these highlighted the flooding problem;
- Believed that it would be more appropriate to return the surface water to Afon Gwyrfai rather than Afon Beuno because of the tidal flow and it would give peace of mind to the residents of the Glanrafon Estate and nearby residents;
- Was of the opinion that it would be better to use the approved entrance within the extant permission, as it would be safer for pedestrians than the proposed entrance since Lôn Cefnwerthyd, following construction of the bypass, would be an access road only.

(d) In response to the comments of the objector and local member, the officers noted:

- In relation to flooding matters, that paragraph 5.34 of the report explained why it would not be possible to discharge the surface water into Afon Gwyrfa. The water would be released gradually from the underground tanks to retain the current flow. That local concerns had been taken seriously and had been included in discussions with officers from the Drainage Unit, Natural Resources Wales, along with others and confirmation was received that it was an appropriate solution;
- That Welsh Water was satisfied that the sewerage situation could be acceptable;
- That the Transportation Unit had confirmed the entrance to be safe, and that a pavement would be created in the direction of the village and on the other side to lead pedestrians before crossing;
- That the assessment in the report went into detail about the concern of overlooking from plots 14, 15, and 16. The applicant had made substantial amendments to plot 14, which addressed concerns of overlooking. The officers, whilst acknowledging the concerns, believed plots 15 and 16 to be acceptable. If the Committee wished, further discussions could be held with the applicant about plots 15 and 16 in order to find a better solution;
- With regard to the previously approved entrance, the intention was to widen Lôn Cefnwerthyd at the entrance and remove part of the hedge and wall. The road, once the bypass was complete, would be an access road only. Although a two-way road would better serve local residents, additional traffic to the estate would have to be encouraged to turn at a junction in the village, go down the road to another junction and back down to the site. The proposed entrance would be easier to find and use, and it would be possible to create a footpath and simple crossroad to cross to the Glanrafon Estate, which was the most direct route to the village facilities.

(dd) It was proposed to defer the application in order to hold discussions with the applicant about the locations/design of plots 14, 15 and 16, in order to avoid overlooking. The proposal was seconded.

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

- Would the hedge along Lôn Cefnwerthyd be removed?
- The layout of the flats should be considered and consideration should be given to exchanging the type of unit on plot 13 with the type of unit on plot 18, as this could mean a greater distance between the unit on plot 18 and the adjacent property. Consequently, it would better protect privacy. Did not object to the proposal to develop houses on the site;
- There was usually flood prevention equipment under the road. Had there been an attempt to avoid installing playground equipment on the open space by installing the equipment under the area? The financial contribution from the applicant toward playground equipment on another site within the village was not sufficient;
- How many houses had been designated for the site in question in the Local Development Plan?
- It appeared as though the officers were asking the Committee to go against policy as the number of units was more than 10% greater than what had been designated in the Local Development Plan. That the affordable units, three houses and six flats, did not meet the need but was rather based on profit. The applicant lacked good will in relation to the playground requirements. The application should be deferred in order for officers to explain why the recommendation was made to go against policy and make an unlawful decision;
- That the 12% increase in the number designated for the site in the plan was excessive;
- The proposal was an over development of the site and consideration should be given to removing units rather than changing their setting. Confirmation was needed of the location of the gas pipe on site;

- As regards the capacity of local schools, were there any projections for the numbers of children?
- Discussions should be held with the applicant, as the overlooking from the development would intrude on the privacy of the adjacent property. The proposal would be an over-development of the site and the financial contribution toward playground equipment on another play area within the village would not be sufficient. The follow up report to the Committee needed to respond to the comments of the Committee;
- The local member was thanked for his presentation. Discussions should be held with the applicant in relation to the matters of overlooking;
- Discussions with the applicant about the setting/design of plots 14, 15 and 16 should be reopened and no windows should overlook the rear garden of Tywyn;
- Considering what could be obtained with the financial contribution, the formula used to calculate the financial contribution was contrary to legislative requirements relating to the rights of children to play safely.

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

- Not sure whether the hedge along Lôn Cefnwerthyd would be removed, perhaps the plans gave the impression that it would. A passing place would be created on the road;
- The site had been designated for approximately 26 units in the Local Development Plan;
- As noted in paragraph 5.1 of the report, the number of units designated in the Local Development Plan was indicative. There was flexibility and the number could be greater or smaller. The recommendation was not contrary to policy. In terms of the mixture of the size and type of units, the Housing Strategic Unit confirmed that the proposal addressed the need in the area. The proposal would provide a cross-section of houses;
- If the application were deferred, the subsequent report to the Committee would address the matters raised in terms of the number of units in the context of the Local Development Plan. The recommendation was certainly not unlawful;
- The Education Department was consulted about the capacity of the local schools, and in accordance with the procedures set out in the Supplementary Planning Guidance: Housing Development and Education Provision, it was not forward looking as it was based at the time of submitting the application;
- The financial contribution of £6384.60 toward playground equipment was based on a national formula as noted in Supplementary Planning Guidance: Open Spaces in New Housing Developments.

RESOLVED to defer the application.

4. Application number C19/0009/11/LL – 358-360 High Street, Bangor

Change of use of the current building from a nightclub into 3 retail units, along with 8 self-contained flats and installation of new openings (amended application to that approved under ref. C18/0116/11/LL).

- (a) The Senior Development Control Officer elaborated on the background of the application, and noted that this was an application to change the use of the current building from a nightclub to three retail units on the ground floor, along with three self-contained units to the rear, four self-contained units on the first floor and one self-contained unit on the second floor. The proposal would provide 5 one-bedroom units, as well as 3 two-bedroom units.

It was noted that the site was within the development boundary of Bangor sub-regional centre. It was explained that Policy TAI 9 in the Local Development Plan permitted the sub-

division of existing properties to self-contained flats provided they conformed to the relevant criteria, and it was confirmed that it was in accordance with the criteria.

Attention was drawn to Policy PCYFF2 of the Local Development Plan which stated that proposals should be refused if they have a significant detrimental impact on the health, safety or amenities of the occupants of local property, land uses or other property due to an increase in activities, disturbance, noise etc. In relation to noise disturbance, it was considered that a residential and commercial use (shops) would have a lesser impact on the residential and general amenities of nearby residents than the property's legal use as a night club.

It was noted that Policy TAI15 of the LDP seeks to ensure an appropriate provision of affordable housing in the Plan area and the threshold for affordable housing in Bangor was 20%. It was reported that the Housing Strategic Unit had responded to the additional information received from the applicant in relation to the rental prices and sale prices of the proposed flats, which stated that despite the fact that the rental levels for the flats was slightly higher than the lowest rate, this did not cause concern as the flats would continue to be within the reach of a vast majority of the local population.

In relation to the sale of the units, and when comparing prices for similar flats in Bangor that had been sold recently, the prices presented by the applicant were much lower and it was assumed that these low prices were likely to reflect the potential size, location, quality and ownership features of the flats themselves. Consequently, it was noted that there was no justification to restrict two of the flats as affordable housing through a 106 agreement or to request a financial contribution as part of this application.

The development was acceptable in terms of relevant local and national policies for the reasons noted in the report.

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

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

- It appeared that applicants stated that units would be affordable in any case, in order to avoid supplying affordable units. There was a need to close the gap in national policy;
- The development on a site that had been empty for some years was welcomed. Concern was expressed that the ground floor flat would be dark due to the lack of windows on the front of the building. The units appeared to be crammed in, creating small flats, and it did not appear that there would be disabled access;
- The demand for such units was questioned;
- Concern about the amenities of the flat's tenants, which was a matter that should be considered;
- Concern about the size of the units, there was a need for suitable flats for couples and professional individuals;
- There was a need for flats in Bangor, and Ysbyty Gwynedd was a training college;
- There was a need and demand for the units, and the development would assist Bangor High Street.

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

- The Housing Strategic Unit had confirmed the need for one and two-bedroom flats in this area and a need for this type of development;
- There was recognition that many people were priced out of the market in Bangor. The unit's prices, due to their location and size, would be naturally restricted. The application had been assessed consistently with other applications on Bangor's High Street;

- The concerns in relation to the residents' living conditions were acknowledged, but it was a development control matter rather than a planning matter;
- For clarity, this was an application for individual flats not a house in multiple occupation, and it was not specifically student accommodation;
- The viability of a development was a difficult balance to strike, but in terms of this specific site, the fact that the building had been empty for years, the need to energise the High Street, and the fact that it was a viable proposal should be considered. There was a need to bear these matters in mind, and to be realistic.

RESOLVED to approve the application.

Conditions:

1. Five years.
2. In accordance with the plans.
3. Agree materials/colour for the external walls.

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

Outline application for the erection of a rural enterprise dwelling.

- (a) The Senior Development Control Officer elaborated on the background of the application and noted that the Gypsy Wood site operated as a family park attraction. It was explained that the Gypsy Wood site was located approximately 250m from the development boundary of the village of Bontnewydd and that in terms of the Local Development Plan, it was located in open countryside. As a result of the need to maintain and protect the countryside, special justification was needed to approve the construction of new houses in the countryside. It was noted that Policy PS17 of the LDP stated that only housing developments that complied with Planning Policy Wales and Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities, would be approved in open countryside.

Attention was drawn to paragraph 4.3.1 TAN6 which noted that one of the few circumstances in which new isolated residential development in the open countryside may be justified was when accommodation was required to enable rural enterprise workers to live at, or close to, their place of work. It was further explained that this essential need for accommodation would depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of the applicant. It was added that applications for planning permission for new rural enterprise dwellings should be carefully assessed to ensure that a departure from the usual policy of restricting development in the open countryside could be fully justified.

It was explained, from the information submitted with the application, that the applicant had undertaken a 50% partnership with Mr and Mrs Evans, the landowners. It was noted that as Mr and Mrs Evans still owned 50% of the business; owned the land where the business was located and lived on the site; it was considered that any functional need, namely the need for a full-time worker to exist on the site at all times to deal with unexpected situations, had been met with the current property on the site. Attention was drawn to the fact that the TAN did not permit a second home on a rural enterprise site and therefore it was considered that the functional requirements of the rural enterprise had been met in full with the current provision.

It was recommended that the Committee should refuse the application as the application site was located in open countryside from a planning policy perspective, and that any functional need that existed with the business on the site was already met, and that constructing an additional dwelling on this site would therefore be contrary to the requirements of policies PCYFF 1 and PS17 of the Local Development Plan.

It was reported that a last-minute letter had been received from the landowner's solicitor, noting that the landowners intended to agree a lease for the whole site with the applicant. It

was noted that it was not considered that there was any point in deferring the application, as such an arrangement would be time-consuming, and that the application would have to be re-assessed in the context of Technical Advice Note 6.

- (b) The application was supported by the local member (not a member of this Planning Committee), who made the following main points:-
- The applicant had substantially developed the site over the past two years;
 - The business was important to the local economy and to Gwynedd as a whole;
 - Requested the Committee to either approve or defer the application in light of the letter dated 26 April from the landowner's solicitor. The landowner would not own the business in future, and the applicant would continue with the business;
 - The business employed six full-time staff members, and during the summer, it employed up to 25 staff;
 - The application was essential to ensure the continuity of the business, and consideration should be given to deferring the application as the Committee had not had time to consider the letter from the landowner's solicitor, that was an important document in the context of the application.
- (c) It was proposed and seconded to defer the application.

The Planning Manager noted that it would be an open-ended deferral; if the Committee refused the application the applicant would have the right to submit another application free of charge within one year of the refusal date. She added that there was no doubt that the business contributed to the economy, but the application would need to be re-assessed and that there was also an option for the applicant to withdraw the application.

A member noted that there was no purpose to an open-ended deferral, and asked whether the existing property was tied to the business. In response, the Planning Manager confirmed that the existing property was not tied to the business. The member asked whether the application could be approved with the property tied to the business, in order to ensure that the property could not be sold separately to the business. He added that he sympathised with the local member, but that the enterprise would not be protected by approving the house, and it could be argued that if the existing property was not tied to the business, that it would not necessarily meet the long-term need.

In response to the member's observations, the Planning Manager noted that this was true, but that there was no certainty that the lease would be signed and that the existing property would not be available. She further noted that it was recommended that the application should be refused. The applicant could then submit an application in future after signing the lease, and submit a pre-application request for advice, as the considerations would have changed due to the new circumstances.

The Senior Solicitor noted that he understood the desire to defer the application, the application needed to be re-assessed in its entirety due to the change in future circumstances that were too ambiguous to be able to reach a decision. He added that the Committee had not had an opportunity to see the letter, and that the Committee had the option of requesting a short deferral to establish clarity.

In response, the Senior Planning Service Manager noted that as a pragmatic response the Committee could consider deferring the application to the next meeting in May, and that the report submitted to the meeting would include information about the letter.

A member noted that refusing the application would be the most straightforward option, as the application would be stronger when the lease was operational. The member added that the need was currently being met by the existing property, but that the content of the letter

from the landowner's solicitor should be considered, and that it therefore made sense to defer the application.

RESOLVED to defer the application until the next Planning Committee meeting in May.

6. Application No. C19/0224/11/LL – 23 Belmont Road, Bangor

Retrospective application for the demolition of substandard kitchen and conservatory at the rear of the property and construction of a single storey rear extension

- (a) The Planning Manager elaborated on the background of the application, and noted that the application had been submitted following action from the Enforcement Unit as a result of a complaint about the development. It was explained that the application had been submitted to Committee as the applicant was related to a Local Member.

It was noted that it was considered that the size and location of the extension were acceptable in principle. It was reported that the residents of No. 25 had objected to the application due to concerns in relation to loss of light and overlooking affecting their property due to the extension's side window.

It was explained that the concerns about the side window had been discussed with the applicant prior to the submission of the application, and subsequently. It was noted that although the applicant had proposed a solution, namely to install opaque glass and a permanent blind, officials were of the view that it would not be a satisfactory solution as the perception of overlooking would remain. It was not considered that it would be appropriate to impose a planning condition to insist that the window was covered by opaque glass and a blind, as it was unlikely to be enforceable.

It was reported that the applicant had been requested on a number of occasions to block the window permanently, but was unwilling to do this and therefore it would be inappropriate to impose a condition to this end. It was recommended that the only way to resolve the situation was to refuse the application due to the detrimental impact of the window on the privacy of the adjacent house.

- (b) Taking advantage of the right to speak, the applicant's representative noted the following main points:-
- The objector did not live in the property and rented out the house;
 - The extension enabled his mother, who was disabled, to live at home;
 - His mother had received advice from a builder that there was no need for planning permission and that the window on the side of the extension was acceptable;
 - His mother had received a letter from the Enforcement Unit noting that the window must be removed, and that planning permission was required. His mother was worried about the situation and that it was affecting her health;
 - The applicant was willing to install opaque glass and a permanent blind on the window, and to re-install the original fence;
 - It was hoped that the matter could be concluded as soon as possible.
- (c) The local member (a member of this Planning Committee) made the following main points:-
- It would be a pity to refuse the application because of the applicant's situation;
 - The officers' concerns were understandable, and it would not be possible for the adjacent property to construct an extension because of the location of the window;
 - The applicant should be required to block the side window to ensure that the extension would not affect the privacy of nearby residents.
- (ch) It was proposed and seconded to refuse the application.

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

- The applicant had refused to block the window on a number of occasions;
- Consideration should be given to asking the applicant to block the window once more before refusing the application;
- Refusing the application would place pressure on the applicant to block the window;
- The application should be deferred until the next meeting in order to reach an agreement with the applicant in relation to blocking the window;
- It should be considered that the applicant was elderly and disabled, and that receiving a letter from the Council in relation to demolishing the extension could be shocking to her;
- Although not normally supportive of retrospective permissions, it seemed that the applicant had received inaccurate advice from the builder. Requesting the applicant to block the window was a reasonable request;
- The long-term impact on the adjacent property's amenities should be considered, and that it prevented the adjacent property from constructing an extension. Ensuring that there was opaque glass and a permanent blind on the window would be difficult to enforce. There was a need to be firm and to refuse the application due to the detrimental impact on the residents of the adjacent property in future;
- The application should be refused, and two months granted to the applicant to block the window.

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

- The applicant had noted an unwillingness to block the window in a number of e-mails in response to advice from officers, and therefore the best way to proceed was to refuse the application;
- For clarity, the only request made to the applicant was to block the window permanently. Officers had been reasonable and had noted the applicant's situation;
- There was a need to be firm as the window was totally unacceptable. The applicant's situation was acknowledged, and if the application was refused, the applicant would be requested to block the window within two months, or formal enforcement steps would be undertaken to block the window.

RESOLVED to refuse the application.

Reason:

It is considered that the side window of the extension facing the rear yard/garden of 25 Belmont Road does not demonstrate a high quality of design and creates an intrusive feature that has an unacceptable adverse effect on the residential amenities of that property on grounds of loss of privacy and has the potential to create unacceptable disturbance. The development is therefore contrary to criteria 7 of policy PCYFF 2 and criteria 1 of policy PCYFF 3 of the Anglesey and Gwynedd Joint Local Development Plan and relevant guidance contained in the Gwynedd Design Guide and TAN12: Design.

The meeting commenced at 1.00pm and concluded at 3.20pm.

CHAIR