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## PLANNING COMMITTEE 9/12/19

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

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

**Also in attendance:** Gareth Jones (Assistant Head of Environment Department), Cara Owen (Planning Manager), Rhun ap Gareth (Senior Solicitor) and Lowri Haf Evans (Democratic Services Officer).

### 1. APOLOGIES

Apologies were received from Councillors Simon Glyn, Louise Hughes, Dilwyn Lloyd

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

- a) Councillor Berwyn Parry Jones (who was a member of this Planning Committee), in item 5.5 on the agenda, (planning application number C19/0398/11/LL), as he was an Adra Board member.

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

- b) The following member declared that he was a local member in relation to the item noted:
- Councillor Gareth A Roberts (who was a member of this Planning Committee), in item 5.2 on the agenda, (planning application C19/0398/11/LL)

### 3. URGENT ITEMS

None to note

### 4. MINUTES

The Chair signed the minutes of the previous meeting of this Committee, held on 21 October 2019, as a true record.

### 5. PLANNING APPLICATIONS

The Committee considered the following applications for development.

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

**RESOLVED**

**6. APPLICATION NO C19/0027/39/LL LAND NEAR DRWS Y LLAN, LLANENGAN, PWLLHELI, GWYNEDD**

Construction of two affordable dwellings (amended application)

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

The members had visited the site

- a) Reference was made to the additional observations sheet where it was noted that a request had been received from the applicant to defer discussion on the application until the Committee meeting in January 2020 so they could have an opportunity to discuss the options referred to in the report. It was added that the Planning Department had no objection to defer the application.
- b) It was proposed and seconded to defer the application
- c) **RESOLVED to defer the application until the meeting on 13 January 2020**

**7. APPLICATION NO C19/0398/11/LL BLAKEMORE CASH & CARRY, FFORDD CAERNARFON, BANGOR, GWYNEDD**

- a) An application to demolish a building (Use Class B8) and erect a supermarket (Use Class A1), create 113 parking spaces, soft landscaping work, reconfiguration of the site access including the creation of a roundabout and alterations to the existing parking arrangement in front of Dunelm Store, together with changes to the service access. (Although the application was for an A1 food retail store the evidence and documentation submitted as part of the application referred specifically to Aldi Stores Ltd)

The Members had visited the site

- b) The Planning Manager elaborated on the background of the application, and noted that it had been deferred from the committee meeting on 21.10.19 following receipt of comments submitted by the Agent in response to the committee report. It was noted that it was an application to demolish an existing building that was formerly a cash and carry and to erect a supermarket and associated developments on a site located off Caernarfon Road, Bangor, outside the defined town centre but within the development boundary.

There was reference in the report to the many planning policies that were relevant to the proposal along with a full assessment of any impact on town centre vitality and viability. The report also addressed the Evidence of need, the Quantitative Need; the Qualitative Need and the Sequential Need. On the whole, it was not considered that the relocation of the Aldi store would have a substantial impact on

city centre viability and vitality. It was explained that section 5.16 - 5.18 of the report noted that policies MAN1 and MAN3 stated that retail and commercial proposals outside the defined town centres would need to be supported by evidence of the need for additional provision.

In the context of qualitative need, the applicant had demonstrated that there was a qualitative need for additional floor space in an enlarged Aldi store and it was considered that the proposal would improve the overall qualitative choice within the immediate area and the wider catchment area serving Bangor, enhancing its position as a regional shopping centre.

The Local Planning Authority had engaged in pre-application discussions with Aldi for some time and it was referred in the report that pre-application discussions had also allowed the Authority to have input into the site selection process and officers were satisfied with the conclusions of the sequential assessment and were not aware of any sequentially preferable sites. It was recognised that it was not possible to extend the shop in its current location.

It was acknowledged that there were economic and social benefits to be derived from the proposal and that it would be likely to make a positive contribution to the area's economy in accordance with the aims of the JLDP. Attention was drawn to the observations of the Language Unit which had concluded that risk to the language was neutral as the new jobs created would be available to the local population.

In terms of visual improvement, it was reported that there were no concerns in terms of the visual impact of the proposal - the comments received following the advertising period were positive, with several acknowledging that the scheme would secure a much needed visual improvement to this part of Bangor. It was noted that consideration should be given to the unrestricted lawful use of the site as a cash and carry, where goods could be received and dispatched at any time of the day and night.

It was highlighted from the assessment that the proposed situation would be an improvement on the current site in many ways. Reference was made to observations received from the Public Protection Department acknowledging that the development would have some impact on surrounding properties, and that if approved, the construction phase and the running of the store should be controlled by planning conditions to ensure the impacts were kept to acceptable levels. It was reiterated that such conditions included construction hours, noise conditions for plant and machinery, details of ventilation systems, delivery and store opening times and air quality/dust mitigation measures. No concerns or objections had been received from local residents.

It was noted that the site was served by an existing access off Caernarfon Road which was one of the main thoroughfares into and out of Bangor. There was also a bus stop on the highway to the front of the site. The proposal included the reconfiguration of the site access currently shared with the Dunelm store to include the construction of a new roundabout and alterations to the parking arrangements. It was highlighted that the Transportation Unit had no objections to the proposal and it was added that the design for the new access was acceptable. It was also noted that land drainage and flooding matters were acceptable.

It was confirmed that the conclusions summarised the assessment. It was considered that the public benefit arising from the proposal was both economic and social, and it was possible to give weight to the importance of developing this

vacant site for a beneficial use and the environmental benefits associated with that. In this case, there was no significant objection in terms of retail policy and the proposal had achieved a measure of local support. On this basis, and having given full consideration to all material planning considerations, it was considered that the proposal was acceptable and should be approved.

- c) Taking advantage of the right to speak, the applicant's representative noted the following main points:
- The site was being developed as the current Aldi site was no longer fit for purpose.
  - The company had been searching for a suitable site for nearly four years. No suitable site in the city centre.
  - The proposal offered additional benefits for customers.
  - Following a public consultation, customers had expressed the need for a new, modern store.
  - No objections had been received.
  - Bus shelters would be provided - this was a general requirement - increased the frequency of bus journeys.
  - Signage in the shop would promote the Welsh language.
  - The relocation would offer an investment of £5m; it would protect 27 current posts and create 10 new posts.
  - The development was a sustainable one.
- d) Taking advantage of the right to speak the Local Member (who was a member of this Committee) noted the following main points:
- He supported the proposal.
  - The development was an improvement and tidied up the area - the existing building was now an eyesore -
- dd) It was proposed and seconded to approve the application in accordance with the recommendation.
- e) In response to the discontent of some Members after receiving correspondence regarding the application, the Solicitor noted that the company had the right to lobby and that it was a matter for Members to declare that.

In response to a concern regarding the demolition of the building on the current site and the need for assurance that no asbestos dust would spread, the Planning Manager noted that the Building Control department and relevant bodies would manage the work and that appropriate laws were in place to ensure the compliance of the developer.

In response to an observation that the Welsh language should appear first on any sign / correspondence, the Planning Manager highlighted that it would be possible to manage external signs by means of planning arrangements; the developer could be encouraged to operate in the same manner with internal signs. It was suggested that Menter Iaith Bangor could be part of the discussions.

In response to a concern that the current Aldi store would become an eyesore in the city centre after its relocation, it was noted that the store would remain available for retail use. It was added that Aldi owned the site and they had stated that the site would not be made available to a competitor selling convenience goods. As Aldi was the owner, it was also suggested that it would be likely to keep the site tidy.

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

- Need to praise that a German company was giving priority to the Welsh language - setting a good example
- The area would be tidied up substantially
- Welcomed a new roundabout to facilitate and slow traffic flow
- Protected employment in the area
- The improvement was to be welcomed
- Welcomed the proposal to increase the bus service - this encouraged people to not use their cars
  
- Would it be possible to consider keeping the current Aldi store open in the short term?

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

- 1. Timescales**
- 2. In accordance with the approved plans**
- 3. Materials**
- 4. Welsh Water / SUDS**
- 5. Retail conditions to restrict floor space area, no subdivision into smaller units**
- 6. Shop opening times and deliveries**
- 7. Construction times**
- 8. Finished floor levels**
- 9. Highways access conditions and the provision of two bus shelters**
- 10. Landscaping**
- 11. Welsh language improvement/mitigation measures**
- 12. Air quality (Construction Environment Management Plan)**

**Need to send a letter with the decision encouraging the developer to contact the Local Language Initiative.**

**8. APPLICATION NO C19/0858/45/LL FRONDEG, UPPER ALA ROAD, PWLLHELI**

Demolition of existing building and construction of a 3 storey residential building comprising of 28 extra care flats (16 two-bedroom flats and 12 one-bedroom flats, ancillary ground floor uses including communal facilities, office, plant room, bin store and buggy store) and associated car parking and landscaping.

- a) The Planning Manager elaborated on the background of the application and noted that the site was located within the town of Pwllheli and within a Conservation Area. It was explained that the proposal was described as extra care flats for those aged over 55 years, and the floor plans showed that all the flats were self-contained with a bedroom(s), bathroom, lounge and kitchen, as well as a communal lounge and relatively small kitchen attached to it.

It was highlighted that the Adults, Health and Well-being Department had confirmed that they were supportive of the application and that the demand for this type of provision was likely to increase over the next 20 years, with Pwllheli identified as a growth area. It was noted that ADRA was the applicant and that the information submitted with the application highlighted that 100% of the units would

be affordable, which meant that the proposal satisfied the requirements of policy TAI 15. It was reported that the Housing Strategic Unit had also confirmed that the proposal met the requirements of the area, and that the Housing Association was a partner for this development. The property also met Development Quality Requirements and had been included within a programme to receive a Social Housing Grant.

In the context of general and residential amenities, it was highlighted that the rear elevation of the new building was partly two-storeys and partly three-storeys and faced the rear of the Penlon Llŷn housing terrace. It was explained that amended plans related to windows and the relationship between the development and existing houses as well as some of the distances between them and any impact on the amenities of nearby residents. It was noted that it was proposed to use the area between the new building and the boundary of the housing terrace as a communal garden with a car park located to the east of the building being retained for parking uses.

In the context of open spaces, it was highlighted that policy ISA5 confirmed the need to assess the area's needs for providing appropriate open spaces as a result of the proposed development (more than 10 living units). However, in accordance with the wording of the Supplementary Planning Guidance, there was no need to request a contribution towards an open space in this context.

In considering biodiversity matters, it was noted that a Habitats Survey had been received with the Biodiversity Unit confirming that the report had dealt with the majority of biodiversity concerns on the site. In order to be able to support the proposal, it was added that there was a need to confirm the recommendations and mitigation measures within the Mitigation Statement which was to include details regarding the demolition and roof removal method to reduce the impact on bats and birds. Timing and specific details regarding the type of bat and nesting boxes to be included in the new building and their location would need to be included, along with amended plans. The Mitigation Statement would be included as a condition.

It was considered that the proposal was acceptable and that it complied with the requirements of the relevant local and national policies. As acceptable amended plans had been received, it was noted that the recommendation had been amended to approve subject to relevant conditions.

- b) Taking advantage of the right to speak, an objector to the application noted the following main points:
- The amended plan did not respond to the concerns in full. It was accepted that a reasonable solution had been submitted, but a further improvement was possible, especially to both floors overlooking houses in Stryd Llŷn.
  - Some principles were unacceptable - the plan was oppressive, an over-development of the site
  - Overlooking concerns - some houses within 17m of the development
  - The plan could be more sympathetic
  - Insufficient parking provisions - although the report had noted that parking for 22 would be sufficient, the figure, in reality, could be approximately 56
  - A request to the Committee to defer the application in order to hold further discussions with the developer to seek solutions.
- c) Taking advantage of the right to speak, the applicants' agent noted the following

main points:

- The development offered 28 affordable units
- Adra had responded strategically to the increasing demand for such units - similar models had been developed in Bangor and Porthmadog - an opportunity now for Pwllheli to receive provision
- Considerations had been given to relieving the concerns of objectors in terms of matters relating to overlooking and visual amenities - it was added that it was an urban development and, therefore, overlooking was likely
- There was an intention to improve and widen the pavements in order to facilitate safe access to the town / shops

ch) It was proposed and seconded to defer the decision for the following reasons:

- the principle and the project was acceptable but further discussions needed to be held with the agent to resolve the concerns of Stryd Pen Llyn residents
- a further response was required to overlooking and parking concerns
- an opportunity to seek further information and to make further enquiries
- need to ensure that every element was fully considered and that there was no need for haste

d) In response to the observations, the Planning Manager expressed that a low number of local concerns had been received given that the proposal was an urban scheme. It was added that a distance of 17m was acceptable (between the boundaries of Stryd Llyn houses) for a town centre and that some overlooking would be unavoidable. It was highlighted that the Highways Department had no objection to the proposal and that the design included parking on an appropriate level for the proposed use. It was also noted that the developer had been requested to improve the pedestrian links between the site and the town centre.

In response to the proposal to defer, the Assistant Head of Environment expressed that there was no advantage to deferring the application as the application satisfied planning matters and met the requirements. It was added that discussions had been held between the Planning Service and the applicant, along with a public consultation.

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

- Welcomed the fact that the units were 100% affordable
- The site was a suitable location for this type of development - convenient to the town and, therefore, negated the need to have a car
- The actual existing building was oppressive
- The proposal responded to the need for extra care housing

e) A vote was taken on the proposal to defer the application in order to hold further discussions with the applicant  
The proposal fell

f) It was proposed and seconded to approve the application in accordance with the recommendation

**RESOLVED to approve the application subject to relevant conditions:**

1. **Five years**
2. **In accordance with the amended plans**

3. Slate
4. External materials to be agreed
5. Removal of rights to install new windows
6. External lighting plan and plan for internal stairwell areas
7. Obscured windows
8. Drainage Plan (SUDS)
9. Biodiversity mitigation statement and location of bat and nesting boxes
10. Affordable housing condition for individuals aged over 55 years
11. Highway conditions
12. Hours of demolition/working
13. Public Protection Conditions (if needed)
14. Demolition management plan

**9. APPLICATION NO C19/0847/22/LL LAND AT TAL Y MAES MAWR, NEBO, CAERNARFON**

Application to site four safari tents, one sauna building and retention of children's play area and associated works

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

- a) The Planning Manager elaborated on the background of the application, and noted that this was a full application to site four safari tents, construct an associated building to be used as a sauna along with other associated work including creating parking spaces and a turning area for vehicles, landscaping, connections to utilities and installing sewage treatment works. In addition to this, a children's play area which had already been created within the same site would be retained. It was explained that the application was a re-submission of a previously refused application, with amendments to certain aspects, including the relocation of the site to a location nearer to the applicant's residence. It was also explained that a new location plan had been received that morning which changed the red/blue line which outlined the application site.

Attention was drawn to policy TWR 5 which stated that proposals for touring sites, camping or alternative temporary camping accommodation sites would be permitted provided they comply with all the relevant criteria.

It was argued in the Planning Statement submitted with the application that policy TWR 5 should be considered as the tents would not be permanent, because they would only have a limited connection with the land. However, the planning officers were of the opinion that the most relevant policy was policy TWR 3, as in the case of the previously refused application, as more permanent elements were being proposed as part of the development.

Attention was drawn to confirmation in the information submitted with the application, that the tents' frames and canvas covers would be removed, as well as the timber deckings which would now be laid on the ground and secured with a series of pegs. Despite the information, officers were of the opinion that creating other permanent elements to remain on the site at all times, namely electricity/water/sewerage connections for the four individual tents, in addition to the stone foundations under the sauna building, was contrary to criterion 3 of policy TWR 5. Officers also questioned the practicality of dismantling the tents and ancillary equipment (namely the bathroom and kitchen areas) and fully removing them from their site at the end of the season.



In addition, part of paragraph 6.3.85 of the explanation for policy TWR 5 noted: *"They should only provide basic facilities for sleeping, seating and eating without installation of water services or provision of drainage facilities for WC, showers and washing. This ensures that such structures do not generate a level of permanence that could increase the level of landscape impact and site restoration should removal of the structures be required."* It was considered that the proposal to install electricity, water and sewerage connections and a stone base at the start of a holiday season, and then to remove them at the end of the season, complied with the requirements of criterion 3 of Policy TWR 5 and the explanation of it. Officers were therefore of the opinion that the relevant requirements of policy TWR 3, regarding 'Static caravan and chalet sites and permanent alternative camping accommodation' must be considered as a result of this.

Consideration was given to the relevant requirements of Policy TWR 3, which stated: *"proposals to develop new static caravan sites (i.e. a single or double caravan), new holiday chalet sites or permanent alternative camping accommodation will be refused in...Special Landscape Areas"*. It was noted that Policy TWR 3 did not permit developing a permanent alternative camping accommodation site on sites within Special Landscape Areas. Given that the proposal was for the creation of a new permanent site, it did not therefore comply with the basic requirements of Policy TWR 3 in terms of creating new sites within a Special Landscape Area.

In the context of flooding matters, it was highlighted that the only access to the application site was located within a C2 flood zone. It was noted that this had not been accurately highlighted in the previously refused application. It was explained that the revised plans, which had been submitted that morning, would take the access out of the red line which showed the application site but that this did not change the situation. It was explained that Technical Advice Note 15 states that only developments defined as less vulnerable to harm should be considered suitable within C2 zone areas. In this case, it was considered that the proposed development fell within the definition of use which was highly vulnerable to harm'. Therefore, as part of the site was within a C2 zone, the proposal could not be supported on the grounds of flood risk and therefore, the proposal could not comply with the relevant requirements of TAN 15 or part 4 of Strategic Policy 6.

Having considered all relevant planning matters, including local and national policies and guidance, as well as the observations received, it was considered that this proposal was unacceptable as it was unable to satisfy the requirements of the relevant policies.

- b) It was proposed and seconded to refuse the application in accordance with the recommendation.
- c) In response to a question regarding a similar application that had been approved in Llanengan following an appeal, the Planning Manager noted that there was no comparison between both applications and that there were no costs against the Council as a result of the appeal.
- ch) During the ensuing discussion, the following observations were noted by members:
  - A concern that the Transportation Unit had no objection to the application given that there were very narrow roads in the area in question which were unsuitable to cope with an increase in traffic in and out of the site.

**RESOLVED to refuse - reasons**

- 1. The proposal involved the creation of a new static alternative camping accommodation site with permanent aspects within a Special Landscape Area. Policy TWR 3 of the Gwynedd and Anglesey Joint Local Development Plan did not permit the development of new alternative camping sites within Special Landscape Areas. The proposal was, therefore, contrary to the requirements of policy TWR 3 of the Anglesey and Gwynedd Joint Local Development Plan (July 2017).**
- 2. The proposal involved the installation of a new glamping site in open countryside and some distance outside a development boundary, on an unsustainable site where the majority of visitors would be dependent on the use of their private vehicles. It was therefore considered that the proposal was contrary to part 12 of policy PS5 of the Gwynedd and Anglesey Joint Local Development Plan (July 2017).**
- 3. Criterion 7 of policy PCYFF 2 stated that proposals would be refused if they had a significant detrimental impact on the amenities of occupants of local residences due to an increase in activity, disturbance, noise or other forms of nuisance. The Local Planning Authority was of the opinion that the proposal was likely to lead to unacceptable disturbance to the amenities of local houses and that this would be contrary to the requirements of policy PCYFF 2 of the Gwynedd and Anglesey Joint Local Development Plan (July 2017).**
- 4. The general requirements of policies PCYFF 3 and PCYFF 4 note that developments are expected to respect the context of the site and its place in the landscape and integrate with its surroundings. It was believed that the proposal, based on the presence, form and scale of the tents were unacceptable features that were contrary to the relevant requirements of criteria 1 and 2 of policy PCYFF 3 as well as criteria 3 and 4 of policy PCYFF 4 of the Gwynedd and Anglesey Joint Local Development Plan (July 2017).**
- 5. The proposed development involved the use of land considered to be 'highly vulnerable' to harm, and part of the site was within a C2 flooding zone. As a result, the proposal was contrary to the requirements of TAN 15: Development and Flood Risk, and part 4 of PS 6 of the Gwynedd and Anglesey Joint Local Development Plan.**

The meeting commenced at 2.00 pm and concluded at 3.10 pm

**CHAIRMAN**