
PLANNING COMMITTEE 17/04/23

Present:

Councillors: Edgar Owen (Chair)
Elwyn Edwards (Vice-chair)

Councillors: Louise Hughes, Elin Hywel, Delyth Lloyd Griffiths, Elwyn Jones, Gareth T Jones, Huw Wyn Jones, Anne Lloyd Jones, Cai Larsen, Gareth A Roberts, John Pughe Roberts, Huw Rowlands and Gruffydd Williams

Officers: Gareth Jones (Assistant Head of Planning and the Environment), Iwan Evans (Head of Legal Services), Keira Sweenie (Planning Manager), Idwal Williams (Development Control Team Leader) and Lowri Haf Evans (Democracy Services Officer)

It was noted that Idwal Williams, Development Control Team Leader would be retiring from the Planning Service at the end of the month. He was thanked for his willing advice and support to the Planning Committee and he was wished a happy retirement.

1. APOLOGIES

Apologies were received from Councillor Gareth Coj Parry and Councillors Rheinallt Puw and Dafydd Meurig (Local Members)

2. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

- a) The following member declared that he had an interest in relation to the item noted:

Councillor Cai Larsen (a member of this Planning Committee), in item 5.5 (C22/0256/13/LL) on the agenda as he was a Member of the ADRA Board

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

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

- Councillor Elin Walker Jones (not a member of this Planning Committee), in relation to item 5.1 (C23/0179/11/DT) on the agenda
- Councillor John Pughe (not a member of this Planning Committee), in item 5.6 (C23/0116/09/LL) on the agenda

3. URGENT ITEMS

None to note

4. MINUTES

The Chair accepted the minutes of the previous meeting of this committee, held on 20 March 2023, 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

6. APPLICATION NO C23/0179/11/DT 33 BRYN EITHINOG, BANGOR, GWYNEDD, LL57 2LA

Extension and alterations to a property, together with conversion of the roof space into a bedroom and bathroom and an annexe to the rear of the dwelling.

- a) The Planning Manager highlighted that this was an application to undertake alterations to an existing two-storey house. The work would include:
- erecting a first-floor extension above the existing single-storey garage at the front of the property
 - erecting a single-storey front extension with a lean-to roof beside the existing garage
 - converting the roof space in the existing dwelling into additional living space, and
 - erecting a two-storey rear extension as an annexe to the main house.

It was explained that the site was within the curtilage of 33 Bryn Eithinog, which was a detached property within the development boundary of the Bangor Sub-regional Centre, as defined by the Anglesey and Gwynedd Joint Local Development Plan (LDP). The property would be increased from a four-bedroom house to a house with an annexe and a total of six bedrooms. It was reiterated that the proposal was a revised plan to the previously refused plan, when the Committee had considered that the proposal would equate to an over-development of the property and that due to the scale, layout and height of the extensions, it would create an oppressive element that would dominate nearby private properties (planning application C22/0608/11/LL).

The application had been submitted to the Committee at the Local Member's request.

Reference was made to the main changes to the plans - a reduction in the width of the ground floor of the annexe; removal of dormer windows from the southern aspect and installing roof lights in their place; installing an additional rooflight in the rear (northern) slope of the annexe roof. It was considered that the proposal was acceptable in relation to visual amenities, private amenities and general amenities and it was recommended to approve the application subject to relevant conditions.

- b) Taking advantage of the right to speak, the Local Member made the following comments:
- Although the extension was slightly smaller, the reasons for refusal remained the same

- The neighbours' concerns remained the same
 - The scale and layout of the proposal was oppressive
 - The change was too insignificant - not enough to appease nearby residents
 - Concern that the annexe would be used as an Airbnb - this was not needed in a residential area
 - That the proposal was on the main access route to Ysgol Friars
 - Increase in traffic
- c) It was proposed and seconded to refuse the application as the scale and size of the proposal was excessive for the site
- ch) During the ensuing discussion, the following observation by a Member was noted:
- Concerns that the house was used as a house in multiple occupation although there was no formal evidence of this.

RESOLVED TO REFUSE

The proposed development would be tantamount to an over development of a residential domestic property and due to its scale, setting and height it would create an oppressive element that would dominate nearby private property and would harm the amenities of local residents contrary to the requirements of Policies PCYFF 2 and PCYFF 3 of the Anglesey and Gwynedd Joint Local Development Plan.

7. APPLICATION NO C22/0950/11/LL 340 STRYD FAWR, BANGOR, GWYNEDD, LL57 1YA

Change of use of a former nightclub to 9 self-contained one-bedroom flats

- a) The Planning Manager highlighted that this was a full application to convert the three top floors of a four-storey building, that was formerly a nightclub on Bangor High Street, into nine one-bedroom flats - the ground floor would be retained as a retail unit. It was explained that permission had been granted in 2017 to change the use of the former nightclub into a shop on the ground floor and three self-contained flats and student accommodation with 11 bedrooms (House in Multiple Occupation - HMO) on the higher floors - the work on this development had commenced and therefore the planning permission remained extant.

The building was located within the Sub-regional Centre's development boundary as defined in the LDP. The application was submitted as it involved five or more new dwellings. The principle of developing the site was considered against Policy PCYFF 1 and Policy TAI 1 of the LDP. It was noted that the application had been before the Committee meeting held on 20/03/23 when the discussion had been postponed in order to hold a consultation with a third party who had not been notified of the application.

It was considered that the proposal to create nine flats was acceptable in terms of its use, location, scale and potential impacts on the general amenities of the area and on the amenities of individuals. The development would contribute towards the LDP's housing targets in a way that responded positively to the requirements of the local housing market. In the context of affordability, having considered the size and location of the flats, it was not expected that prices would increase out of

the reach of local residents and all of these flats would be 'affordable by design'- therefore it was not considered that a formal arrangement was required as justification to secure the affordability of a proportion of these units.

- b) It was proposed and seconded to approve the application.
- c) During the ensuing discussion, the following observation by a Member was noted:
 - There was no other use for the High Street nowadays

RESOLVED: To approve subject to conditions:

- 1. Time - Five years**
- 2. In accordance with the plans**
- 3. Restrict the use to C3 use class residential dwellings only**

Note: Welsh Water

8. APPLICATION NO C23/0072/16/LL PLOT C6, PARC BRYN CEGIN, LLANDEGAI, BANGOR, LL57 4BG

Erection of a building for Use Classes B1/B2/B8 (with a Trade Counter in any B8 unit) and a building to be used as a Builders' Merchant (storage, distribution, trade counter, offices and ancillary retail), with an associated external storage area, showroom area, access, parking, lighting, fences, hard and soft landscaping.

- a) The Planning Manager highlighted that this was an application for full planning permission to erect two buildings on one of the vacant plots within Bryn Cegin Business Park, Llandygai. One of the buildings (Building 1) would be split into six units, with the intention of obtaining flexible consent to allow for uses within Use Classes B1 (Business), B2 (General Industrial) or B8 (Storage or Distribution Services) within the units. The second building (Building 2) would be for use by a builders' merchant business (Unique Use).

It was explained that Parc Bryn Cegin was protected as a Strategic Regional Business Site for businesses in Use Classes B1, B2 and B8 by policy CYF 1 in the LDP - the proposal for Building 1 was consistent with this policy and the use of Building 2 as a builders' merchant was a unique use as it did not fall under any specific use class. Policy CYF 3 encouraged protecting specified business sites for the use earmarked unless there were exceptional circumstances for alternative use. The policy set out four criteria to assess such proposals:

- that there was overwhelming justification for the development
- that the scale of the plan mainly corresponded with the workforce needs on the employment site
- that the proposed development would not undermine the function of the employment site
- that the development would not lead to an under-provision of B1 employment use land.

Having considered the importance of the scheme in securing the development of a business on a strategically important site which had been empty for many years, it was considered that there was exceptional justification to grant the proposed development on the designated employment site in accordance with

Policy CYF 3 of the LDP.

In terms of archaeological matters, it was noted that the Bryn Cegin site had been the subject of extensive archaeological excavation which had been identified as a location of historic importance, with evidence dating from the Iron Age, and of the relationship with the Roman Occupation. For practical reasons, not all parts of the site with archaeological potential had been excavated during the previous work and reference was made to a strip of land on the periphery of the site which had potential for important archaeological material. The Gwynedd Archaeological Planning Service (GAPS) had suggested that a planning condition was needed to ensure that appropriate investigation work was carried out before this land was affected by development.

In the context of infrastructure and sustainability matters it was noted that Bryn Cegin had been earmarked as a sustainable location for business and had been developed with the plots served by appropriate utilities for the expected businesses. Natural Resources Wales did not have any objection to the development and Welsh Water had confirmed that there was adequate capacity in the local sewerage system to meet the requirements of the development and that a connection to the water supply could be ensured. Sustainable drainage systems (SuDS) would be required to control surface water for every new development and an application would need to be submitted to the SuDS Approval Body for approval before the construction work commenced.

Reference was made to the Planning Statement submitted with the application along with an Energy and Sustainability Statement which identified steps to reduce the development's carbon footprint. It was noted that additional information was expected in relation to ensuring that the flow of water from the new inner road would not affect the existing roads network but, from receiving that information, and from following the statutory requirements regarding sustainable drainage, it was believed that this development would comply with the requirements of policies PCYFF 5, PS 5 and PS 6 which ensured that new developments would not have a harmful impact on the broader environment and that they would be robust against likely environmental changes in the future.

It was not considered that the proposal was contrary to any material planning policy within the LDP and that the proposed development was appropriate for the site and was likely to be of strategic importance to the county as a starting point for business developments on the site. It was not considered that the proposal was likely to cause any unacceptable detrimental impact to nearby residents or the community in general.

- b) Taking advantage of the right to speak, the applicant noted the following observations:
- That the officers' report was very thorough and led to a recommendation to approve the application
 - That the site was a Strategic Business / Employment Site and that it had not yet provided any jobs.
 - An application for a builders' merchants had been approved recently and there was no reason to believe that the development would not proceed. By combining that application with this application for smaller units and a builders' merchants, around 80 new jobs could be created within the next 18 months. It was hoped that these developments would act as a catalyst and that other developments would follow soon.
 - That the application had been submitted in two parts. One was a builders' merchant and the operator had been confirmed. All staff would be

recruited locally, regardless of the job in question. The other units would be speculative and no occupants had been secured so far. They would be constructed as shells ready to be adapted to any future occupant - they were likely to appeal to existing local businesses looking to expand.

- The only matters raised during the application process were archaeological and run-off water matters. It was hoped that the proposed archaeology condition would be accepted and that the development would be able to continue while the archaeological work was being carried out in the important locations.
 - The officer's report noted that the Transportation Unit had no objection to the plan in relation to its impact on transport despite the request for more information about water drainage. There had been a response to the request and it had been demonstrated that water would not drain into the road. In response to SuDS approval - the process was ongoing.
 - The officers' thorough report noted, 'As a result of the above assessment, it is not considered that the proposal is contrary to any material planning policy within the LDP and the proposed development is appropriate for the site and is likely to be of strategic importance to the county as a starting point for business developments on the site. Consideration was given to all material issues and it is not believed that the proposal is likely to cause any unacceptable detrimental impact to nearby residents or the community in general'.
 - The Committee was therefore requested to accept the recommendation
- c) The Local Member, Councillor Dafydd Meurig, had sent his apologies for missing the meeting, however he had noted in an e-mail that he had no objection to the application and had not received any observations from electors.
- ch) It was proposed and seconded to approve the application.
- d) During the ensuing discussion, the following observations were made by Members:
- Welcomed smaller units for smaller businesses
 - Welcomed seeing Bryn Cegin being developed after being empty for an extended period.

RESOLVED: To delegate powers to the Senior Planning Officer to approve the application subject to completing discussions regarding highways and archaeology matters as well as material planning conditions relating to:

1. **Time**
2. **Compliance with the plans**
3. **The development shall be implemented in accordance with the recommendations in the ecological report / landscaping plan**
4. **Archaeology conditions**
5. **Permitted use of units 1 - 6 (Building 1) for any purpose within Use Class B1, B2 or B8**
6. **Ensure Welsh / Bilingual signs**
7. **Opening Hours: 06:30 to 18:00 Monday to Friday, 06:30 to 17:00 Saturday and 08:00 to 16:00 Sunday / Bank Holidays**

Notes

1. **Welsh Water**
2. **Land Drainage Unit**
3. **Network Rail**

9. APPLICATION NO C23/0122/14/DT BRON Y GAER FFORDD BETHEL, CAERNARFON, GWYNEDD, LL55 1DY

Householder application to demolish existing rear extension, conservatory and outbuilding to be replaced with a two-storey side extension and a single-storey extension to the rear of the property.

- a) The Development Control Team Leader highlighted that this was a householder application for the erection of a two-storey side extension and a single-storey rear extension. The work would involve demolishing the existing outbuilding in the rear garden and demolishing the existing single-storey rear extensions and replacing them with a two-storey side extension and a single-storey extension to the rear.

It was explained that the property had quite a substantial curtilage with a large garden to the rear of the property itself screened by well-established shrubs, trees and *cloddiau* - located within the town development boundary and within an established residential area on the outskirts of Caernarfon.

The application was submitted to the Committee as the applicant was employed by the Planning Department.

It was noted that the principle of building an extension on the site was acceptable, subject to a series of criteria. It was considered, in the context of location, design and visual impact that the submitted plan, its scale, materials and design, were appropriately in keeping with the existing property and therefore complied with the requirements of policy PCYFF 3.

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

RESOLVED: To approve with conditions

- 1. Commence within five years.**
- 2. In accordance with the plans**
- 3. Slate roof**
- 4. Materials to be in-keeping.**
- 5. Surface Water Drainage condition**

10. APPLICATION NO C22/0256/13/LL BRIG Y NANT, COETMOR NEW ROAD, BETHESDA, LL57 3LU

Erection of 18 dwellings, new road and landscaping

- a) The application was deferred at the Planning Committee on 20.03.23 to undertake a site visit. A site visit was held on the morning of 17-04-23 when some of the Members had an opportunity to view the site within the context of its environment and the local roads network.

In accordance with the request of one of the Members an aerial photo of the site was submitted to the Committee.

The members were reminded that this was an application to erect 18 affordable homes, a new estate road and landscaping on a dormant site within the Bethesda development boundary.

It was also noted that the Strategic Housing Unit had confirmed that the proposal met the need for affordable housing in the area and that it was a 'previously developed' site and was suitable for erecting 18 affordable homes there.

In terms of visual matters, it was explained that the site was located on a plateau that was dormant although it could be described as a brownfield site. It was noted that the proposal was acceptable in terms of the impact on visual amenities and that the proposal would create a positive contribution to the built character of this part of the streetscape.

In terms of general and residential amenities, objections had been received from some occupants of nearby dwellings in terms of amenities relating to overlooking, loss of privacy and noise disturbance. It was not considered that the proposal would lead to loss of privacy or create substantial or significant overlooking to the rear of Rhos y Coed houses that backed onto the application site. It was acknowledged that there would be some increase in noise and disruption deriving from this development, but that it would be no different to any noise disruption deriving from general residential areas, e.g. domestic activities and associated traffic. However, conditions could be included to limit work hours and the applicant had already confirmed that any contractor would work to the requirements of the Environmental Building Control Plan.

In response to local concerns, and the concerns of the Transportation Unit and Local Planning Authority, a Transportation Statement had been submitted in response to the concerns raised based on road safety which referred to specific matters.

- The junction to the A5 was an existing junction that operated efficiently and safely according to an assessment of Crash Map data. Although the Local Member had drawn attention to the fact that an accident had occurred near the junction at the beginning of the year, the agent along with the applicant's transport advisors had researched newspaper articles and it did not appear that the accident had taken place on the junction between the A5 and Coetmor New Road and that it was a one-off incident where one car had lost control. In addition, the consultant had said that it could not be stated that the junction itself operated unsafely as only one accident had occurred there within the last five years and this was not considered as an unusual frequency for any junction.
- The Transport Statement anticipated that the development would generate nine two-way movements by vehicles during peak hours and this would not be a material increase to the existing traffic flow level using Coetmor New Road.
- An Automatic Traffic Count had been undertaken to determine traffic flow on the junction and the count concluded there would be a 1% increase in traffic flow using the junction - this was not considered a material increase to its current use.
- The traffic flow count had also been used to determine the suitability of the visibility of the junction along the A5. It concluded that visibility to the south and north of the junction complied with statutory standards recommended by the Welsh Government.

- By using a swept path analysis, the Transport Statement had confirmed that it was possible for two cars to pass each other on the access from the site to Coetmor New Road without causing congestion. A prioritisation system would be operated on the access so that cars entering the site would be given priority over cars exiting the site.
- Part of the access would be shared by both vehicles and users of the footpath that linked the site with Ffordd Coetmor.

A second consultation was held with Welsh Government and a response was received confirming that they wished to withdraw their original instruction stating that the junction was acceptable. Despite concerns regarding the suitability of Coetmor New Road to accommodate additional transport, they also stated that this part of the local roads network was beyond their statutory jurisdiction.

Additionally, after receiving the information, the Transportation Unit was also re-consulted and it noted that it no longer had concerns regarding the suitability of the existing access to cope with additional transport and had no concerns regarding the increased use of Coetmor New Road.

Although acknowledging there were substantial concerns regarding the suitability of the existing access and the junction with the A5 below the application site, that the applicant had dealt with and responded to these concerns by submitting further information and evidence and as a result of this information and the advice of the transportation unit, it was considered that the proposal was now acceptable in terms of road and pedestrian safety.

In the context of open spaces, the Committee's concerns were noted in terms of not providing an open space within the site as part of the development, given there was a lack of informal children's play areas and a lack of play areas with equipment for children in the catchment area of the application site. It was noted that the Planning Statement submitted to support the application stated there was advice for determining walking distance as well as walking times considered to be acceptable and accessible for open spaces. In this case, the nearest play area was located not far from the application site and adjacent to the A5 between Min Ogwen and Coed Hyfryd with a public footpath linking it with Coetmor New Road directly opposite the entrance to the application site. It was reiterated that the applicant's agent had stated that the Bethesda Rugby Club Play Area was within 650m of the application site with Ysgol Dyffryn Ogwen playing fields 100m from the application site with a *quantum* of such play areas within locations close to the site being high.

Given the information it was considered that such a situation was exceptional where it was not possible to provide outdoor play areas as an integral part of the proposed development. To this end, and in accordance with the requirements of the SPG, the applicant had already committed to a financial contribution towards the off-site outdoor play area provision.

It was considered that the proposal would improve the visual appearance of this dormant site, and the fact that 100% of the units were affordable responded to the needs that had already been identified locally.

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

- c) During the ensuing discussion, the following observations were made by Members:
- The need for housing had been evidenced
 - That the site was large enough and located in the centre of Bethesda
 - Supported constructing affordable housing, but 18 was too much for this site - an overdevelopment
 - There was a need to consider children's play amenities - crossing the road was dangerous
 - There could potentially be 36 cars on the site which would create an impact on the steep hill leading to the site.
 - Although supportive of the principle that housing was needed for local people, traffic concerns outweighed this
 - Remove two houses and offer a play area as part of the development - this would cause less of an impact on the amenities of local residents.
 - An opportunity here to create a play area, seating areas - an opportunity to create a community
 - The site access was narrow - no space for two cars to pass each other
 - Why offer a play area for children off-site? - needed to ensure that play areas were included within the site in accordance with policies. Why could they not comply with policies - children's safety must be ensured - it was an insult to offer so little money.
- ch) In response to observations relating to traffic problems, the Assistant Head of Department noted that detailed consideration had been given to transportation matters along with consultation with traffic experts from the Council and Welsh Government. He noted, should the Committee object to the application on grounds of transportation matters this would lead to significant appeal costs.
- d) An amendment to approve the application subject to including a condition providing access from the site to the footpath was proposed and seconded.

As the result of the vote on the amendment was tied, the Chair used his casting vote in favour of the recommendation.

RESOLVED: To delegate powers to the Senior Planning Manager to approve the application subject to the applicant signing a Section 106 agreement to ensure an educational and open spaces financial contribution and the following conditions: -

1. Five years.
2. In accordance with the plans/details submitted with the application.
3. Submit and agree on soft and hard landscaping plans that confirm tree species.
4. Secure a plan/arrangement to provide the affordable units e.g. mix, tenure, occupancy criteria, timetable and arrangements to ensure that units are affordable now and in perpetuity.
5. Compliance with the recommendations of the following documents: Preliminary Ecological Assessment; Reptile Survey; Arboriculture Impact Assessment; Trees Survey and Botanical Survey Report.
6. Agree on details regarding Welsh names for the development before the residential units are occupied for any purpose along with

- advertising signage informing and promoting the development.
7. Working hours limited to 08:00-18:00 Monday to Friday; 08:00-13:00 Saturday and not at all on Sunday and Bank Holidays.
 8. Submit and agree with an Environmental Construction Management Plan to include measures to reduce noise, dust and vibration to be agreed with the LPA.
 9. Relevant conditions from the Transportation Unit regarding improvements to the access and parking spaces.
 10. Submit and agree to samples of materials and colours for the residential dwellings.
 11. Submit and agree to a biodiversity improvement plan to include details on lighting and bat roosts.
 12. Submit and agree to a Biosecurity Risk Assessment to eradicate Japanese Knotweed that is located in parts of the site.
 13. Submit and agree on solar panel details.
 14. Submit and agree on the details of Land Survey Part 2 to assess the stability of the site.
 15. Create access from the site to the footpath

Note - need to submit a sustainable drainage system application to be agreed with the Council.

Note - refer the applicant to Welsh Water observations and amended advice.

Note - refer the applicant to observations and advice from Natural Resources Wales.

11. APPLICATION NO C23/0116/09/LL 1 IDRIS VILLAS, TYWYN, GWYNEDD, LL36 9AW

Resubmission: Change the use of land to create storage/sales yard associated with the existing commercial premises, together with the erection of security fence, install hard standing area and alterations to the agricultural access to create vehicular access to the yard

Attention was drawn to the late observations form that referred to amended plans that had been submitted.

- a) The Development Control Team Leader highlighted that this was a full application (and not a householder application as stated on the front of the report) for the change of land use to create a storage/sales yard on land adjacent to Idris Villas, Tywyn that would be linked to the existing commercial premises located on the High Street. The proposal would include erecting a security fence, installing a hard standing area and alterations to the existing agricultural access to create a suitable vehicular access.

It was reported that the application site was agricultural land located outside but adjoining the Tywyn development boundary and was therefore considered as a site in the countryside. Policy PCYFF 1 of the LDP stated that outside development boundaries, proposals would be refused unless they were in accordance with specific policies in the Plan or national planning policies or that the proposal showed that its location in the countryside was essential.

It was proposed to establish an external retail yard to the rear of a former furniture store in order to further expand the business. Policy MAN 6 stated that proposals to develop small-scale shops or extensions to existing shops outside development boundaries would be approved if they complied with six relevant criteria. Nevertheless it was highlighted that the proposal did not comply with three of those criteria:

- The proposal did not comply technically with criterion 1 as the proposal did not involve a business that already existed on the site.
- The proposal to relocate the business and use a commercial building that was currently empty would be favoured; however, the need to extend the use to greenfield land in the countryside was a concern.
- Extending industrial retail use to the countryside would have a detrimental impact visually and on the amenities of neighbouring adjacent residents, and this was discussed further in the report's amenities section.

In terms of flooding issues, it was highlighted that most of the application site was within a C1 flooding zone as indicated in Welsh Government's Flood Risk Maps. Criterion 4 of Strategic Policy PS 6 stated that new developments should be located away from areas where there was a flood risk, unless it could be shown clearly that no risk existed or that it was possible to control the risk. The acceptability of the proposal must be assessed under national policy considerations, Technical Advice Note (TAN) 15 Development and Flood Risk in this case.

A Flood Consequence Assessment (FCA) was submitted as information on the application and Natural Resources Wales (NRW) were consulted. It appeared that the Flood Consequences Assessment had considered the impact of the development on flooding risks and to consider the flooding paths and floodplain storage. It was noted that the assessment indicated that there were risks of tidal flooding on the development site however, it indicated that the risks and the consequences could be managed to an acceptable level.

Although NRW had concerns regarding the application, it was considered that they could be overcome should specific documents be conditioned. Despite the satisfaction of NRW regarding the plans, the matter should be considered in terms of the relevant requirements of paragraph 6.2 TAN 15 which clearly stated, "*The only time where other new developments should be permitted in C1 and C2 zones is when the planning authority decides that there is justification to locate them there.*" Put simply, as explained in the refusal decision of the previous application C22/1050/09/LL and in our response to the Pre-application Enquiry for the proposal, the development did not meet with the specific justification tests of the TAN and was therefore contrary to policy PCYFF 1, a number of criteria in policy MAN 6, Strategic Policy 6 and the justification tests of Technical Advice Note (TAN) 15: Development and Flood Risk.

In the context of visual amenities, it was noted that the proposal involved changing the use of a part of an agricultural field to a storage/sales yard which would involve erecting a surrounding security fence, laying an area of hard standing and creating a new vehicular access. Concern was noted that the development would introduce a hard industrial element in a prominent and open location in the town. There had been changes to the

plans since the original planning application that had been refused, therefore, the same concerns were relevant in relation to the visual impact.

In the context of residential amenities, it was highlighted that the field in question was located in a central location within the town with a combination of shops and residential housing in the nearby vicinity. The proposal would introduce a use of an industrial nature to the field, with heavy retail / storage use and HGV vehicles coming and going on a daily basis and the potential to cause noise disturbance. It was considered that there were grounds to the neighbour's concern on the original application, i.e. that the nature of the activity could cause noise disturbance and the busy nature of the site to the neighbours opposite. Given the peaceful, rural nature of the site at present, it was considered that the change of use and the new associated entrance could cause a nuisance and have a significant adverse impact on nearby residents.

In terms of transport and access matters it was noted that the site was served by a class 3 county road and it was proposed to create a new vehicular access to the development. Detailed plans of the access and 'swept path' routes for vehicles and heavy vehicles into the site had been submitted. The Transportation Unit had submitted its observations on the proposal which noted the need to obtain swept path details of the vehicles exiting the site to establish to what extent the lorries would occupy the adjacent road in a location that was close to the junction. Based on the observations of the Transportation Unit, it could not be guaranteed that the proposed access would be suitable to ensure the safe operation of the highway. The proposal, therefore, is contrary to policy TRA 4 and criterion 6 of MAN 6 of the LDP and TAN 18: Transportation.

It was considered that the development remained unacceptable based on the concerns regarding flooding, impact on the area's visual amenities and the amenities of nearby residents and roads. There had been no change to plans or application details since the previous refusal under application C22/1050/09/LL and it was therefore recommended to refuse the application.

- b) Taking advantage of the right to speak, the Local Member made the following comments:
- He supported the application
 - He knew the area well
 - A number of shops were closing - the proposal would mitigate the problems
 - An empty premises on the High Street was suitable for the use
 - It was a low-level development
 - It was unlikely the site would flood - sea wall, embankment and flood defences in place and in all his years of living in the area he had not witnessed this area suffer the impact of flooding.
 - NRW noted that flooding concerns could be overcome if the Flood Consequence Assessment was included in the conditions
 - The access would be improved
 - A condition could be imposed for delivery times
 - The site was large enough for lorries to manoeuvre - good visibility
 - The site was fit for purpose
 - The business was established in the area - the company was an asset

- for the town - did not want to lose it
- Good opportunity to use empty property in the town
- The company was an asset to the town - need to regenerate the town

c) It was proposed and seconded to undertake a site visit.

ch) During the ensuing discussion, the following observations were made by Members:

- The report was detailed, however it did not reflect the problem
- That the development was essential for Tywyn - jobs needed
- Need to promote local businesses
- The Community Council had discussed the application although the observations had not been included in the report

RESOLVED: To defer in order to conduct a site visit

The meeting commenced at 1.00 pm and concluded at 2.35 pm

CHAIRMAN