
PLANNING COMMITTEE 14/1/19

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

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

Others invited: Councillors Aeron M. Jones and Keith Jones (Local Members).

Also in attendance: Cara Owen (Planning Manager), Keira Sweenie (Development Control Team Leader), Idwal Williams (Senior Development Control Officer), Gareth Roberts (Senior Development Control Officer - Transport), Iwan Evans (Head of Legal Services / Monitoring Officer), Siôn Huws (Senior Solicitor (Corporate)) and Bethan Adams (Member Support Officer).

Apologies: Councillors Elin Walker Jones, Dilwyn Lloyd and Cemlyn Williams.

1. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

(a) The following members declared a personal interest in the following items for the reasons noted:

- Councillor Berwyn Parry Jones in items 5.1 and 5.5 on the agenda (planning application numbers C14/0386/24/LL and C18/0838/11/LL) as he was a Member of the Board of Cartrefi Cymunedol Gwynedd.
- Councillor Edgar Wyn Owen in item 5.2 on the agenda, (planning application number C17/1172/19/LL) as his son lived nearby.

The Members were of the opinion that they were prejudicial interests, and they withdrew from the Chamber during the discussion on the applications.

(b) The Head of Legal Services / Monitoring Officer declared a personal interest in item 5.2 on the agenda (planning application number C17/1172/19/LL), as the agent for the application was his brother in law.

The Planning Manager declared a personal interest in item 5.2 on the agenda (planning application number C17/1172/19/LL), as family friends had objected to the application and lived close to the site.

The officers were of the opinion that they were prejudicial interests, and they withdrew from 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 Aeron M. Jones (not a member of this Planning Committee) in item 5.1 on the agenda, (planning application number C14/0386/24/LL);
- Councillor Keith Jones (not a member of this Planning Committee), in items 5.4 and 5.5 on the agenda, (planning application numbers C17/0835/11/MG and C18/0838/11/LL);
- Councillor Gruffydd Williams (a member of this Planning Committee), in item 5.6 on the agenda (planning application number C18/0955/42/RC).

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

2. MINUTES

The Chair signed the minutes of the previous meeting of this Committee, that took place on 17 December 2018, as a true record.

3. 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 C14/0386/24/LL – Land to rear of Tan y Celyn, Sŵn y Môr and Talardd, Llanwnda, Caernarfon

Renewal of planning application number C08A/0568/24/LL and C09A/0532/24/LL for the erection of 24 dwellings, to include 12 affordable houses, alterations to the existing entrance and the creation of estate roads (amended plan to the plan originally submitted).

- (a) The Planning Manager elaborated on the background of the application, noting that the application was deferred at the Committee meeting held on 17 December 2018, to enable an objector to speak on the application and to undertake a site visit. Some members had visited the site prior to the meeting.

It was explained that the original application had been approved by the Committee at a meeting on 14 December 2015. It was noted that as the applicant had delayed signing a legal agreement, the Anglesey and Gwynedd Joint Local Development Plan (JLDP) had been adopted in July 2017 and as a result there had been a change in the policy situation. The application had been assessed in accordance with current policies.

It was noted that the application was for 24 dwellings and 12 of these would be affordable dwellings. It was highlighted that the need for open market housing and affordable housing had been confirmed by the relevant bodies, and the policies supported this, therefore the application was considered to be acceptable in principle.

Attention was drawn to the objections received from nearby residents on the grounds of issues such as loss of privacy, noise nuisance and oppressive structures. It was explained that there was a varied distance of 23-31m between the rear of the existing houses and the rear of the proposed houses and it was deemed that this empty space, as well as existing vegetation and the design/location of the proposed houses, was acceptable on the grounds of protecting reasonable privacy and overlooking.

Reference was made to the objections received from local residents regarding the increase in traffic and the lack of footpaths, although these were recognised, the Transportation Unit had no objection to the proposed arrangement subject to the inclusion of appropriate conditions. It was also noted that the proposal was acceptable on the grounds of preparing facilities for parking, travelling and allowing access to the houses themselves, and was accessible based on its location.

It was noted that the Joint Planning Policy Unit had confirmed that the size of the open space for the development conformed to the requirements of Policy ISA5 of the JLDP and the

requirements of the Supplementary Planning Guidance: Housing Developments and Open Spaces of Recreational Value. Although objections had been received from nearby residents to the location of the open space, it was considered that the location was acceptable bearing in mind that there was natural supervision of the space with a large number of houses within the development and no alternative use could be made of this section of the site, considering the building limitations due to its proximity to the gas sub-station and proposed sewage treatment works. It was expanded that if the open space was relocated then the existing location of the open space could not be developed for housing, this would entail a reduction in the number of houses on the site, and could mean that the development would not be viable.

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 represented the residents of the three dwellings that faced the site;
 - Overlooking into the gardens of existing houses would stem from the layout of the houses;
 - The windows of the houses would face the existing dwellings and would have a detrimental impact on amenities;
 - Access to the existing dwellings was via a narrow, private road and there was no car turning area;
 - Major concerns about the development, however, they could be resolved through collaboration;
 - There would be an increase in the flow of traffic to the access.
- (c) Taking advantage of the right to speak, the applicant's agent noted the following main points:-
- The application had been altered to comply with the JLDP's policies;
 - That Cartrefi Cymunedol Gwynedd would develop the site subject to having a planning permission in place;
 - The proposal included 12 affordable houses as part of the site was outside the boundary, the previous application was for six affordable houses;
 - That the types of units met with the need for 2-3 bedroom houses;
 - There was a clear need in the area for affordable housing, it was not possible to satisfy this need within the development boundary only;
 - Objections had been received regarding the location of the open space, it was proposed to install a fence to prevent climbing together with a hedge surrounding the open space to ensure safety and provide a measure to protect biodiversity;
 - Although recognising the objections of local residents in terms of the increase in traffic and that only a pavement on one side of the road was provided, the Transportation Unit was satisfied with the proposal.
- (ch) The local member (not a member of this Planning Committee) made the following main points:-
- That local people objected to the proposal in its current form, with the need to look at the number of houses and the location of the open space;
 - That the Design and Access Statement looked like a copy of another statement;
 - That the open space was located near the railway, although the agent noted that a fence to prevent climbing would be installed, children would find a way of going over or around the fence;
 - It was asked if the layout of the site could be looked at again to get an open space near the existing houses, as originally approved. Together with looking at the location of the disabled bungalow, as it was far from the main road;
 - That the Transportation Unit required a pavement either side of the road to the highway as part of the original permission. A pavement on one side of the road was

now acceptable by the Transportation Unit, although there would be an increase in traffic;

- That he supported having houses on the site but not in its current form;
- That the objections had been discussed with an officer from Cartrefi Cymunedol Gwynedd, however, he did not agree;
- That the proposal meant that the access road would cut into a private road in order to include an additional two houses;
- The open space was for the whole village;
- That it was possible to change the layout of the site to correspond to the wishes of the local community and ensure the safety of children which was vitally important;
- To request that the Committee object the application due to the location of the open space and the location of the disabled bungalow.

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

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

- Asking for an explanation why it was not possible to build on the land near the gas sub-station;
- If it was not safe to build on the land near the gas sub-station, how could the open space be located there? There were also safety issues on this section of the site as it was near the railway;
- That many sites developed for housing were close to railways. It was not a substantial safety issue as the risks could be mitigated in terms of trespassing on the railway;
- If the open space is relocated, this would mean the loss of land that can be built upon reducing the number of houses, with a risk of losing the development as it could be non-viable.
- In evaluating children's safety and more housing, that it was necessary to give priority to the safety of children. The open space should be moved to a safe location in accordance with the wishes of the community and the local member;
- That the element of affordable housing was to be welcomed and the development would help to safeguard schools and the Welsh language;
- That the site was ideal to satisfy the need for housing, however, there was too much risk with the current layout of the site. It was necessary to consider a reduction in the number of houses and the risk to life;
- Concern regarding the access, if the application was approved, the maximum speed limit on the highway should be reduced from 60mph to 30mph.

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

- That the applicant had received information from the Building Control Unit regarding building restrictions on the land near the gas sub-station;
- That there were two fences surrounding the gas sub-station and it was a secured structure. There were fences similar to those proposed by the applicant, near Network Rail assets;
- That the open space was more than what was required, therefore there was an option to get a buffer and a fence in addition to the fence proposed by the applicant;
- The site was currently an open field, there was nothing to stop children from playing on the land near the railway.

(e) An amendment was proposed that two fences were installed between the open space and the site's boundary. A vote was taken on the amendment, and the amendment fell.

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

- Having lived close to a busy railway for 17 years, there had been no incident in terms of safety during that period. The risk in terms of trespassing on the railway could be mitigated, an opportunity had been lost by not supporting the amendment;
- An additional risk of children playing around e.g. throwing objects at the trains;
- That the proposal was an over-development of the site. Not against the principle of developing the site for housing, however, there were concerns regarding safety in the context of the gas sub-station and the railway.

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

- The situation in terms of safety was a matter of evidence, with a need to evaluate the risk. The alterations mentioned by some members to the layout of the site were substantial amendments that would likely mean refusing the application, reasons would be required if it was proposed to refuse the application. It should be ensured that there was evidence in terms of the risk attached to the location of the open space as this could impact on the principle of the development;
- There was a previous permission to develop housing on the application site and it was difficult to see any reason for refusal without there being a risk for the Council in terms of an appeal;
- No response had been received from the Welsh Highland Railway and it was likely that they had no objection to the proposal;
- If the applicant proposed to change the layout of the site then the layout would have been amended following the discussions;
- The number of houses per hectare met with the required standard, with extensive gardens and a parking area for the houses. There was concern if the application was refused on the grounds of an over-development.

(g) The members voted on the proposal to approve the application, the proposal fell.

It was proposed to refuse the application as the layout of the site was unsuitable with the open space in the incorrect location due to its proximity to the gas sub-station and the railway.

The Planning Manager reminded the members that if there was an appeal then the proposer and the seconder would present the case in an appeal.

In response to the comment, the proposer noted that all the evidence in the context of the gas sub-station had not been submitted to the Committee.

The proposal was seconded.

The Planning Manager noted that due to the risk to the Council in terms of an appeal, that consideration should be given to defer the application in order to conduct further discussions with Cartrefi Cymunedol Gwynedd. She expanded that despite there being a risk of appeal due to the lack of decision and a risk of no housing development on the site due to the failure to secure a grant, it would be wise for the Committee to defer the application in order to conduct further discussions.

It was proposed to defer the application in order to conduct further discussions. The proposer withdrew his proposal to refuse the application and seconded the proposal to defer.

RESOLVED to defer the application.

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

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

- (a) The Development Control Team Leader elaborated on the background of the application, noting that the application had been deferred at the Committee meeting held on 25 June 2018, to receive further confirmation from the agent regarding some specific aspects of the application together with conducting a site visit. It was noted that the site visit was conducted on 23 July 2018.

Reference was made to the numbers staying, noting that confirmation had been received that the number of guests would vary according to the season but that the likely number at any one time would be between 50% and 60% (up to 70 people) of the building's residential capacity.

Attention was drawn to the additional observations received that included confirmation from the Council's Tourism Service that this type of provision was scarce in the county.

It was noted that the road to the site was narrow and winding, however, it was not considered that the proposal would entail a substantial obvious increase and harm in terms of traffic movement compared to the historical use as a residential nursing home. Therefore, it was deemed that the proposal was not unacceptable in terms of the relevant requirements of policies TRA2 and TRA4 of the JLDP.

It was explained that there was no control of the current use of the site and this application would improve the situation. It was noted that observations were received from the Joint Planning Policy Unit in terms of mitigating measures to protect and promote the Welsh language. It was recommended to impose an additional condition to what was stated in the report in terms of agreeing on signage and information packs.

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

- (b) Exercising the right to speak, the applicant's agent noted the following main points:-
- That the proposal complied with Policy TWR2 of the JLDP;
 - The business plan submitted as part of the application indicated that the profit that would emanate from the development would increase;
 - That a transport assessment had been submitted as part of the application;
 - The Transportation Unit did not object to the proposal;
 - Bearing in mind the established use of the site, the traffic situation would be no worse;
 - The proposal was in accordance with local and national policies.
- (c) It was proposed and seconded to approve the application.

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

- It was a beautiful building and it needed to be safeguarded from deterioration;
- Concern regarding road safety, but use of the site could be controlled with conditions;
- Given that the home's residents had not been car users, traffic movements would be substantially higher. Enquiring if the entrance was safe;
- Uncertain of the proposal with concern that it was an over-development. There would be four sections for 120 individuals without much control of the site. With a higher number of persons, around 200, when a wedding was held on the site, there did not appear to be sufficient seating room for so many people.

In response to an enquiry from a member regarding the local member's view, the Development Control Team Leader noted that the local member had concerns about the road.

RESOLVED to approve the application.

Conditions:

1. Time
2. Compliance with plans
3. Biodiversity
4. Restrict to holiday use only.
5. Site Management Plan
6. Protecting trees
7. Natural Resources Wales conditions
8. Welsh Water conditions
9. Materials
10. Restrict the number of residents
11. Traffic Management Plan
12. Mitigation measures for language impact

3. Application Number C16/1412/19 - 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 noted that concerns had been received from objectors at the end of the previous week, in terms of sufficient notice to attend and prepare to speak at the Committee. The Committee was requested to defer the application to give the objectors more time to prepare.

RESOLVED to defer the application.

4. Application Number C17/0835/11/MG – Jewsons Ltd, Penlon Works, High Street, Bangor

Reserved matters from outline planning permission C14/1248/11/AM to erect four blocks of flats to include 70 living units.

- (a) The Development Control Team Leader expanded on the background to the application noting that the application involved reserved matters that included the scale, appearance and landscaping of the site. It was noted that the proposal would provide 24 one bedroom units and 46 two bedroom units. It was explained that the outline permission was for 77 units, however, in order to comply with the housing associations' building standards (DQR standard) and in response to a change in the housing market, the floor area of the units had increased and this meant a reduction of seven units on the site.

It was highlighted that the plans had been amended since the original application submission, in order to:

- Amend the location of windows to avoid and reduce overlooking.
- Amendments to the design, mainly to rationalise the shape and form of the buildings.
- Alterations to materials and colours proposed.
- Changes to the arrangements of units to ensure an acceptable standard of living for each unit e.g. windows and natural light.

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

It was noted that the development was not bespoke student accommodation and was not to provide multiple occupation units and there was no planning consent for these types of uses on the site.

Reference was made to the cross-sections and elevations received from the applicant indicating how the development would sit within the site and its relation with nearby buildings. It was expanded that a montage had been received to show the appearance of the development from further views across the city. Attention was drawn to the montage that demonstrated that the use of grey shades on the upper sections of the blocks was a very important element to enable the development to acceptably blend-in. It was noted that it was considered that block two required grey cladding on the upper floors, as shown in the montage, to reduce the prominence of the floors from further elevations and a condition could be imposed to ensure this.

It was noted that objections had been received regarding residential amenities including overlooking, it was recognised that there would be an impact, however, the alterations made to the plans were sufficient to satisfy the policies.

It was highlighted that a large number of objections had been received on the grounds of a lack of parking spaces within the site and parking issues that already existed in the area. It was noted that the proposal would provide 70 living units with a mixture of one and two bedroom units and that the site plan indicated 67 parking spaces. It was explained that the parking standards required one parking space for each living unit, however, this referred to the maximum and it was recognised that a smaller number could be acceptable in some places. It was noted, bearing in mind the location of the site in a city and public transport connections and other facilities, that it was considered that 67 parking spaces was sufficient and acceptable and the impact of the development would be unlikely to cause additional parking difficulties on nearby streets.

It was reported that discussions had taken place with the applicant in the context of a bin storage facility. It was noted that no plan had been received confirming this element, however, the applicant noted in discussions that there would be bin storage areas with surrounding fencing. It was confirmed that the plans indicated that it was possible to achieve this, however confirmation was required from the applicant.

It was recommended that the Committee authorise the Senior Planning and Public Protection Service Manager to approve the application subject to the receipt of a detailed soft landscaping plan together with a plan and details showing the arrangements to store bins with conditions.

- (b) Exercising the right to speak, the applicant's agent noted the following main points:-
- That the location and proximity of the buildings to the nearby houses had been confirmed;
 - The development would improve the site in accordance with the requirements of local and national plans;
 - Welsh Water had confirmed that the proposal was acceptable;
 - There would be designated areas for bin storage on the site;
 - Changes had been made to the design in response to local concerns;
 - That the number of units had been reduced from 77 to 70, improving the size of the units and reducing the impact in terms of parking by 10%;
 - In accordance with what was stated in the report, the provision of new flats would be a positive contribution to the housing stock, and would meet the needs identified and contribute to affordable housing needs;
 - The Transportation Unit did not object to the proposal;

- There would be a regeneration benefit from the development as it satisfied identified housing needs.

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

- There were too many houses in multiple occupation in the Hiraal ward;
- There were already parking issues in the Hiraal ward with many working in the High Street parking there, the development would add to the problem;
- That two storey blocks were suitable for the site considering the buildings in the area and were sufficient bearing in mind the size of the site;
- That a four storey block with some units with balconies, to see the views were understandable, however, there would be overlooking;
- The development would stand out in the landscape, as shown in the montage;
- The affordability of the units was questioned considering the area's wages;
- That Bangor was a student city, did not understand how students could be prevented from living there;
- Concern that the development would have a negative impact on services including refuse collection;
- He was willing to talk with the developer and he hoped that consideration would be given to the views of local residents.

(ch) It was proposed and seconded to refuse the application on the grounds of the height of the two blocks of four-storey flats (namely block 2 and 3) as they were out of character with the area, and the likely impact of the balconies on the amenities of nearby residents.

The Planning Manager noted that the principle of the development had been approved and this included the maximum height of the blocks. Members were reminded that this was a reserved matters application under consideration, attention could be given to the scale and appearance of the development that may include the bulk of the development. She referred to the comments of the local member and noted that she understood the concerns regarding housing in multiple occupation, however, permission would be required for this use. She added that reducing the number of units had enabled the development to comply with the housing associations' building standards (DQR standard) ensuring the affordability of the units in the future.

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

- That the montage indicated that the development would appear large within the landscape;
- There was sympathy with the Local Member. That Bangor City Council stated that the additional floor appeared to be an overdevelopment and was contrary to the character of the nearby area and the application should be treated as a new application;
- The site needed to be developed, however, the development in question was modern and out of character with the area. The scale of the development was incorrect;
- Regarding the change from a mansard roof to a flat roof, did this not affect the height?
- The height of the blocks should be considered as part of the development's scale;
- Objection to the application in terms of the bulk of the development and that it was out of character with the area.

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

- The concern in terms of scale and appearance was noted, amendments to the design could overcome the concerns;
- The plans submitted as part of the outline application indicated a four-storey block with a mansard roof and dormer windows. As a result of the increase in the floor area of the units, the plans submitted with this application indicated a flat roof. The design

was different but there was no increase in the height and was therefore in accordance with the conditions on the outline permission.

- Changing from a mansard roof to a flat roof did not have an impact on the height but there was an impact on the bulk of the development.
- The height of the blocks was a consideration in terms of the scale of the development, but the maximum height of the blocks had been determined under the outline permission.
- The Committee could defer the application in order to conduct further discussions with the applicant.

RESOLVED to refuse the application.

Reason:

On the grounds of the scale and form of the two blocks of four-storey flats (namely block 2 and 3) as they were out of character with the area, and the likely impact of the balconies on the amenities of nearby residents.

5. Application number C18/0838/11/LL – 371-373 High Street Bangor

Demolition of existing building and erect nine affordable units for the local housing association, parking spaces and landscaping.

- (a) The Senior Development Control Manager elaborated on the background of the application, noting that the principle of erecting housing on the site was based on Policies PCYFF1, TAI1 and P55 of the JLDP. He noted that as it would be a registered social landlord who would be responsible for all the units, they would all be available as affordable housing. It was highlighted that the site was within the development boundary, it was a previously developed site and was suitable for residential use. It was noted that the application was acceptable in principle.

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

It was noted that the units had been designed in a three block form of varying heights with a variety of materials used on the building's external elevation. Considering the design, scale, form and materials of the development it was believed that it would be in keeping with the site and would not create an incongruous or oppressive structure within this part of the streetscape

It was reported that correspondence had been received from some local residents regarding the detrimental effect of the proposal on residential and general amenities in terms of loss of privacy, overlooking and noise nuisance, over development and the creation of an oppressive structure. The original plans had been amended in response to the objections, in order that the rear wall windows on the northern section of the new building were set at an angle to reduce any direct overlooking into nearby dwellings. It was added, in order to avoid any direct over-looking it could be ensured that stair windows, facing dwellings at the rear of the site, would be of opaque glass permanently.

Reference was made to observations received from local residents stating concerns regarding the suitability of the access, although recognising the concerns the Transportation Unit had no objection to the proposal subject to including appropriate conditions with any planning permission.

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

- (b) The local member (not a member of this Planning Committee) supported the application, noting that there was a need for housing in the area and that the proposal was in keeping with the area with a similar development by Cartrefi Cymunedol Gwynedd nearby.

RESOLVED to delegate powers to the Senior Planning Manager to approve the application, subject to the receipt of favourable observations from the Public Protection Unit and to the following conditions:-

1. **Five years.**
2. **In accordance with the plans.**
3. **Natural slates/materials.**
4. **Highways.**
5. **Biodiversity.**
6. **Welsh Water.**
7. **Withdrawal of permitted development rights (windows).**
8. **Pollution / contamination**
9. **Opaque glass for the windows in the stair area facing dwellings at the rear of the site**

6. Application number C18/0955/42/RC - Northern Lights, Lôn-Ty'n-pwll, Nefyn

Deletion of Section 106 Agreement signed on application 2/22/448B restricting the use of the building and land to agricultural land and no business or commercial use.

- (a) The Planning Manager elaborated on the application's background and noted that the principle regarding the circumstances under which an application for removing a Section 106 agreement may be made was explained in detail in Circular 13/97 Planning Obligations. In addition to the above-mentioned circular, the Town and Country Planning (Modification and Discharge of Planning Obligations) Act 1992, was relevant to this application.

It was explained that the documents (including Regulations 122 and 123 of the Community Infrastructure Levy, 2010), state that in order for a legal agreement under Section 106 to be valid, five relevant tests must be met, whether it was a new agreement or an application to remove or amend an agreement.

It was noted that the application to remove the agreement was submitted on the grounds that the applicant was of the view that the agreement was ambiguous, unnecessary and could not be implemented.

It was highlighted although a 106 agreement had been signed in connection with application 2/22/448B, the limitations of the 106 agreement had also to an extent been repeated in conditions on the planning permission. It was explained that applications for stables would now be subject to a planning condition on the permission, rather than a 106 agreement. It was considered that there was no planning purpose for the 106 agreement and it was not required to make the approved development acceptable for planning purposes.

It was noted that it was considered that the contents of the agreement under Section 106 did not meet the five tests referred to in Circular 13/97, Planning Policy Wales, Chapter 3 "Making and Enforcing Planning Decisions" and the Town and Country Planning (Modification and Discharge of Planning Obligations) 1992, and the agreement did not continue to serve a useful planning purpose. It was recommended to approve the application unconditionally.

- (b) The local member (a member of the Planning Committee) made the following main points:-
- That Nefyn Town Council objected the proposal as changing the land use to create any commercial development would have a serious impact on the road to the site that was used every day by walkers;

- That land on the site was a link to the Coastal Path, and Penrallt path was closed periodically due to land safety. Therefore, if there was a development on the site then the link to the Coastal Path may be lost;
- That the 106 agreement and the conditions were essential;
- If the removal of the 106 agreement was granted then the application withdrawn in July 2018 would be re-submitted;
- That the site comprised stables for horses, if the 106 agreement was withdrawn then they could be used for business purposes. If there was no further use made of the stables then they should be taken down;
- The site was in open countryside, concern regarding the visual impact of any development on the site following the withdrawal of the 106 agreement;
- Request that the Committee keeps the 106 agreement in place.

(c) In response to the local member's observations, the Planning Manager noted that there were five criteria regarding setting or withdrawing a 106 agreement and it was considered that the 106 agreement duplicated the conditions imposed on the planning permission. She added that the planning conditions were robust enough and that the current system was to impose conditions to control use. She noted that although she recognised local concerns in terms of developments on the site in the future, a planning application would have to be submitted for any other development.

(ch) It was proposed and seconded to refuse the application on the grounds of the impact of the development on the Coastal Path and the landscape (The Llŷn Area of Outstanding Natural Beauty and the Llŷn and Bardsey Island Landscape of Outstanding Historical Interest), if there was commercial use, and that the planning conditions were not sufficient on their own.

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

- The applicant was willing to sign when the application was approved, perhaps the applicant wanted to withdraw the 106 agreement in order to have another plan. If a future application were to be submitted would it come before the Committee for determination?
- Did not see any purpose in deleting the 106 agreement;
- If there was no useful purpose for the 106 agreement then the applicant would not apply for its removal;
- That the application submitted was to withdraw the 106 agreement only, there were conditions in place therefore what was its purpose. Should the application be refused by the Committee then it was likely that the application would be granted on appeal;
- Why was planning application C18/0332/42/LL withdrawn by the applicant in July 2018?

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

- If a future application were to be submitted, and that the local member called in the application then the Committee would consider it.
- That planning considerations had changed since the 2/22/448B application had been approved, Circular 13/97 Planning Obligations gave guidance that use should be controlled via conditions;
- The existence of a 106 agreement did not prevent a person from submitting a planning application. Whatever the intentions of the applicant were, the Committee should assess if there was a purpose for the 106 agreement;
- That the 106 agreement was part of the considerations when assessing application C18/0332/42/LL, however the application was withdrawn by the applicant to consider options;
- Any future planning application would be dealt with at that time;

- That a strong recommendation had been given, if there was an appeal then the proposer and the seconder would present the case in an appeal.

RESOLVED to refuse the application.

Reason:

On the grounds of the impact of the development on the Coastal Path and the landscape (The Llŷn Area of Outstanding Natural Beauty and the Llŷn and Bardsey Island Landscape of Outstanding Historical Interest), if there was commercial use, and that the planning conditions were not sufficient on their own.

7. Application Number C18/1015/25/LL - Treborth Playing Fields, Treborth Road, Treborth, Bangor

Create a 3rd generation playing field to include an entrance / warm up area, a hard standing for installing a stand and equipment store, create roads and paths, erect floodlights and extend the car park.

- (a) The Senior Development Control Officer elaborated on the application's background, noting that Policy ISA3 of the JLDP encourages approving proposals for new facilities for academic and ancillary social or leisure activities at higher education sites subject to being acceptable in terms of such matters as scale, location, design, amenity and transportation. It was noted that the policy emphasised that priority should be given to re-using existing sites.

It was noted that it was a plan to reuse the existing site by upgrading it so that the quality of the sports facilities available to the University are substantially improved. It was expanded that the development would help ensure that the fields are used more efficiently than before and are more flexible to meet current educational and leisure needs.

Attention was drawn to the site's location that was very sensitive in terms of landscape considerations, a response had been received from Natural Resources Wales stating that the information submitted as part of the application gave assurance that the lighting plan that formed part of this proposal would have little visual impact on the location or on the view of the Anglesey Area of Outstanding Natural Beauty, and would be less intrusive than the existing lights.

In terms of general and residential amenities, it was noted that in considering the distance of the site from any private residences, the fact that this was a "like for like" development in terms of land use, it was not believed that it would generate any significant additional changes to the amenities of any neighbours or the area in general.

The development was acceptable in terms of relevant local and national policies for the reasons noted in the report. Attention was drawn to condition number 5, explaining that it was in the context of controlling the operational hours of the floodlights.

- (b) Exercising the right to speak, the applicant's agent noted the following main points:-
- That the proposal would provide the first third generation field in north Wales;
 - It would be a valuable asset to the area as well as for local clubs and the community;
 - There were drainage problems associated with the existing playing fields, they could not be used during the Winter;
 - The field would be suitable for international standard rugby and football;
 - That Sport Wales supported the application;
 - The statutory consultees were satisfied with the proposal;

- The recommended conditions were acceptable, subject to condition 5 referring to controlling the use of the floodlights.

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

A member noted that there was already a third generation field in Nantporth and he hoped that the field would be available for use by the local community.

RESOLVED to approve the application.

Conditions:

1. Five years
2. Work in accordance with the plans
3. An Environmental Building Control Plan must be submitted and agreed
4. Must adhere to the Ecological Survey recommendations
5. Floodlights - Hours of operation 16:00 to 22:00 Monday to Friday and 16:00 to 19:00 Saturday and Sunday

Notes

Welsh Water

Natural Resources Wales

The meeting commenced at 1.00pm and concluded at 3.40pm.

CHAIR