
PLANNING COMMITTEE 13/01/20

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

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

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

1. APOLOGIES

Apologies were received from Councillor Huw G. Wyn Jones

2. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

a) Councillor Stephen Churchman (a member of this Planning Committee), in item 5.2 on the agenda (planning application number C18/1183/08/LL), as his daughter worked in Portmeirion.

b) Councillor Gruffydd Williams (a member of this Planning Committee), in item 5.2 on the agenda, (planning application number C18/1183/08/LL), because he knew the applicant.

The member was of the opinion that it was a prejudicial interest and he 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 John Brynmor Hughes (not a member of this Planning Committee), in relation to item 5.1 on the agenda (planning application no. C19/0027/39/LL)
- Councillor Gareth Jones (not a member of this Planning Committee) in relation to item 5.3 on the agenda, (planning application number C19/0988/42/LL)

3. URGENT ITEMS

None to note

4. MINUTES

The Chair signed the minutes of the previous meeting of this Committee, held on 09 December 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**5.1. Application Number C19/0027/39/LL LAND NEAR DRWS Y LLAN, LLANENGAN**

Construction of two affordable dwellings (amended application)

Members of the Committee had visited the site on 09-12-19

- a) The Assistant Head of Planning and the Environment elaborated on the background of the application and noted that the application had been discussed originally at the Planning Committee on 01-07-19 where it was recommended to approve the application contrary to the officers' recommendation, on the grounds that it would meet the local need for housing. Following the decision, the Assistant Head noted his intention, in accordance with the Procedural Rules of this committee, to refer the application to a cooling-off period and to bring a further report before the committee highlighting the risks associated with approving the application. A further report was submitted at the Committee on 09-12-19, however it was noted on the late observations form that a request had been received from the applicant to defer the discussion on the item so that they had an opportunity to discuss the options referred to in the report. Following the deferral, it was reported that no further comments had been received from the applicant.

Attention was drawn to the discussions that had been held between the applicant and the Planning Authority since the committee in July 2019, along with confirmation that the applicant had provided clarity on issues relating to ownership certificates, ecological / reptile report and an update on the Tai Teg assessment.

The members were reminded that five reasons for refusing the application had been noted (lack of need, location, size, value of the houses and lack of reptile survey), and reference was made to the information that responded to those issues in the report. Reference was made to the criteria of Policy Tai 6 where a request was made of evidence that the affordable house was required for local need. It was reported that the applicants had been reassessed by Tai Teg to identify whether they were eligible for an affordable house. In this case, it was reported that two couples had been assessed by Tai Teg (in accordance with the usual procedure), in order to assess whether they were eligible for an affordable house. Following an assessment by Tai Teg, it was confirmed that one couple was eligible for an affordable house; however, the other couple was not eligible for an affordable house.

It was highlighted that the valuation for the houses as part of the application had been received from Beresford Adams noting a price of £325,000 on the open market. This was considered low and therefore a consultation was held with the District Valuer for an unbiased opinion in accordance with the Affordable Housing SPG. The District Valuer is of the opinion that value of the houses is £370,000 each on the open market. In order to ensure that the price of the houses is affordable (£146,851 - Strategic Housing Unit analysis), there would be a need to apply a substantial discount of 60% in order to have a price that was comparative to affordable housing. It was reiterated that applying such a high discount caused problems as the lenders were unwilling to give a loan on these grounds. It was also noted that the need for a 60% discount, which was more than the affordable price, highlighted the fact that the houses were not affordable in the first place. Therefore, it was confirmed that the application did not comply with the relevant criteria of policy TAI 6 in respect of need, location, size and value of the houses. It was noted that a reptile survey had addressed the biodiversity matters on the site.

The Assistant Head referred to the risks to the Council should the application be approved contrary to the recommendation. He also referred to three potential options in terms of

determining the application. It was emphasised that option a), namely to refuse the application, was the only option where there was no risk to the Council and where firm evidence provided grounds to the decision.

It was noted that option b), namely to approve the application with a 106 agreement and a 60% discount in order to ensure that the houses are affordable to the future would be problematic in terms of attempting to secure a loan etc., and affordability. Also, the Committee was reminded that one couple was not eligible for an affordable house following a Tai Teg assessment; therefore, they would not be eligible to live in any of the houses with option b).

The Assistant Head also referred to option c) which would mean approving two open market houses, emphasising the risks of approving houses in the countryside, without any control over the occupancy or prices of the houses.

It was considered that the proposal was not acceptable as it did not comply with planning policy requirements or the Council's local guidelines, or with national policies and guidelines.

b) Taking advantage of the right to speak, the Local Member noted the following main points:

- That the application was unique
- That the proposal would provide homes for life for professional Welsh people who had chosen to remain in the area due to family connections
- That the area needed professionals to remain in their local communities
- That the policies did not support applications for people to remain in their local communities - there was a need to scrutinise the suitability of the authority's affordable housing policies in communities such as Llanengan;
- That the income assessment highlighted that the applicants could not live in the house or buy a house in the local area - the open market housing in the area were not affordable;
- The applicants had decided on the self-build option as the land had been gifted to them by the family;
- That the criteria was out of their reach - that they were willing to accept conditions / had listened and accepted advice, and had adapted plans as needed;
- Native Welsh speakers had to be encouraged to remain in their communities if we were to respond to the challenge of securing one million Welsh speakers by 2050 - planning policies posed a threat to the language;
- Support had been shown to the application by the local community, local Councillors and Liz Saville Roberts, the MP for Dwyfor-Meirionnydd.
- A Councillor's role was to support local people and place Gwynedd at the centre of what they did

c) It was proposed and seconded to approve the application, contrary to the recommendation. The proposer confirmed in accordance with Option b) of the report, that the permission was subject to an affordable housing 106 agreement with a 60% discount in the market price in an attempt to ensure that the houses would be affordable in the future.

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

- That there was a need to take a step back and consider the context of the application - the policy was not suitable and appropriate.

- There was a need to address the fact that people needed to feel as if they 'belonged' to their community - if people left, this created a poor community
- That there was a need to review the planning policies - policies did not make sense in some cases
- The only way to keep Welsh speakers in the area was to approve the application.
- That the market price in some pockets of Gwynedd closed out local people.
- Encouraged further discussions to seek a solution - size and location could be discussed
- Reducing the size of the house would reduce its value in order to reach the affordable housing target
- That pressure had to be placed on the Government to formulate policies that gave people a right to live in their areas, to facilitate the local need for houses

- Sympathy for the applicant's situation, but the proposal was contrary to too many policies
- That the applicants had to be eligible for affordable housing

RESOLVED to approve the application with a 106 agreement with a 60% discount of the market price in accordance with option b) of the report.

In accordance with the Procedural Rules, the following vote to approve the application was registered:

In favour of the proposal to approve the application, (8) Councillors Seimon Glyn, Louise Hughes, Elin Walker Jones, Dilwyn Lloyd, Gareth A Roberts, Eirwyn Williams, Gruffydd Williams and Owain Williams

Against the proposal to approve the application (4): Councillors Stephen Churchman, Anne Lloyd Jones, Berwyn Parry Jones and Edgar Owen

Abstaining, (0)

Conditions:

1. Time
2. In accordance with the plans
3. Materials
4. Slate
5. Withdrawal of PD
6. Welsh Water / SUDS
7. Biodiversity
8. Highways
9. Landscaping

5.2. Application Number C18/1183/08/LL - Car Park, Portmeirion, Penrhyndeudraeth,

Application to create a camping site for up to 23 camping vehicles as well as changes to a services building approved under C17/0116/08/LL together with associated landscaping work.

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 the application site was located on the outskirts of the stunning village of Portmeirion where an established car park was located. It was highlighted that planning consent

has been granted to erect a maintenance services building nearby and the application submitted included making changes to this development and to incorporate this as part of the camping site development. It was noted that the site was extensive and included a number of different existing developments which comprised buildings and open spaces, woodlands and stunning structures. It was reiterated that it would be inevitable that developing parts of the site could affect other parts of it, with the potential of impacting the value of the site in its entirety. The site was within a Conservation Area and an area designated as a Special Landscape Area and the Aberglaslyn Area of Outstanding Historic Interest.

Whilst there was clear support for general plans in order to improve, extend and strengthen the business, it was essential that any plans conformed to current local and national development policies of relevance.

Attention was drawn to observations that had been received which made specific reference to the impact of noise and the additional visual impact that would derive from the development as a result of intensified use of the site, in comparison with the current use as a car park for a neighbour of the site. It was noted that the neighbour had suggested methods to mitigate these impacts by means of substantial and suitable landscaping between their property and the application site. Following discussions between the applicant and the objector and an agreement about additional landscaping, the objector confirmed that he was withdrawing his objection. As the Planning Authority had not been party to these discussions and therefore unaware of the content of the discussion, it was not possible to impose conditions under such circumstances; therefore, they were only acknowledged.

- b) Taking advantage of the right to speak, the applicant's representative noted the following main points:
- That the proposal was a development that would promote tourism
 - A new pedestrian access would be created
 - Close collaboration had taken place with the Planning Authority to meet the need
 - That the site added value by offering a broad range of accommodation
 - That Portmeirion was a good local attraction and employer
- c) It was proposed and seconded to approve the application in accordance with the recommendation
- dd) During the ensuing discussion, the following main observations were noted by members:
- That the Local Member supported the application
 - That Portmeirion created good jobs for local people

RESOLVED to approve the application

1. **Five years**
2. **In accordance with the plans, tree report and bat report**
3. **Touring Holiday Units Condition**
4. **Seasonal condition March to October**
5. **Landscaping plan**
6. **Lighting scheme**
7. **Use of the building in accordance with the floor plan**
8. **Construction hours 8-6 Monday to Friday and 8-1 Saturday**
9. **Litter storage to be operational prior to using the camping site**
10. **Toilet facilities etc., to be operational prior to using the camping site**
11. **Tree work**

12. Prior agreement to be reached on phased work**13. Bilingual signage****5.3 Application Number C19/0988/42/LL – Bwthyn Bridin, Lôn Bridin, Morfa Nefyn**

Creation of a balcony and access door from the house along with the installation of two heat pumps

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

- a) The Planning Manager elaborated on the background of the application and explained that the proposal involved the creation of a first-floor balcony along the front of the house above existing flat roof sections and installation of two heating pumps to serve the property. It was explained that the property stood adjacent to the access to Morfa Nefyn beach, but on a slightly more elevated level than the beach, with a high boundary wall surrounding the front and sides. The site was outside the designated Llŷn Area of Outstanding Natural Beauty (but within 240m) and was within the Llŷn and Bardsey Island Landscape of Outstanding Historical Interest.

In the context of general and residential amenities, it was highlighted that the submitted plans included a solid 1.8m high screen that would reduce the potential of overlooking through the neighbour's windows. The application had been assessed against the requirements of Policy PCYFF2 and the officers did not believe that the development would have an intrusive and detrimental impact on the neighbour's amenities and therefore the proposal was considered acceptable.

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

- b) Taking advantage of the right to speak, the Local Member noted the following main points:
- He considered the adaptations to be substantial
 - The Community Council and the local residents were concerned about changing the area's appearance and look
 - No objection to installing two heating pumps provided that they were inside the site
 - That he objected to the balcony on the grounds of overdevelopment within an Area of Outstanding Natural Beauty (AONB), lands of interest and a sensitive area
 - He noted that the balcony would be completely visible and seen from three directions
 - The balcony would affect the enjoyment of beach users
 - The building was a part of an iconic view - was included on cards which promoted the area - the view needed to be retained as it was
 - That approximately 25 adjacent / nearby cottages did not have a balcony. This needed to be retained and a striking view should not be defaced.
 - That he was encouraging the Committee to refuse the installation of a balcony.
- c) It was proposed and seconded to refuse the application to install a balcony.
- ch) During the ensuing discussion, the following main observations were noted by members:
- That the balcony had been refused in a previous planning application
 - That installing a balcony would disrupt the tranquillity of the beach and visual amenities

- The balcony would disrupt the views into and out of the Area of Outstanding Natural Beauty
 - The site was iconic
 - The buildings were historic
 - To approve the application to install two heating pumps to serve the property
- d) In response to a comment stating that the Committee had refused the balcony in a previously discussed planning application (02-09-19), Members were reminded, following discussions with the agent before that Committee, that the balcony element to the front of the property had been removed from the application.

RESOLVED to refuse the application to install a first-floor balcony along the front of the house as it would create unacceptable changes to its appearance, thus having a harmful visual impact on views into and out of the AONB, contrary to Policies PCYFF 3 and AT 1 of the JLDP.

5.4 Application Number C19/0443/11/CR - 196 - 200 High Street, Bangor

Internal and external alterations to convert rear part of former Debenhams shop into six living units.

- a) The Planning Manager elaborated on the background of the application, noting that this application and Application Number C19/0444/1/LL (5.5) were linked. It was explained that the application in question was an application for listed building consent dealing with the listed matters alone and that Application Number C19/0444/1/LL was a full application that dealt with the principle of the development.

It was explained that the building was relatively modern without any conservation features of value in itself, but that it was listed as a listed building due to its connection to the front part of the building which was on the high street. It was noted that there were no objections to the application on the grounds of the relevant considerations. It was emphasised that the recommendation was to approve the application after a favourable response was received from Cadw.

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

RESOLVED to approve subject to receiving favourable comments from CADW and to relevant conditions relating to:

- 1. Five years**
- 2. In accordance with the plans/external materials to be agreed**
- 3. New painted timber frame windows**

5.5 Application no C19/0444/11/LL – 196 - 200, High Street, Bangor

Conversion and change of use of the rear section of the former Debenhams store to create 6 living units (5 x 1 bedroom and 1 x 2 bedroom).

- a) The Planning Manager elaborated on the background of the application and noted that this was a full application linked to the previous listed building application (5.4), to change the use of the rear part of the building of the former Debenhams site into six self-contained

living units as well as minor alterations to the building. It was noted that the application was acceptable in principle, on the grounds of amenities and all relevant policies.

As part of the application, and in accordance with Policy TAI 15, an open market valuation report was submitted for the proposed units which was based on the requirements of the 2017 Red Book. The open market valuation report stated that the open market prices of all the units would be lower than the affordable level in the area, and all the units, therefore, fell within the definition of affordable. This valuation was based on location, size and type of units proposed to be provided which comply with the relevant policies.

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

- Consideration needed to be given to imposing a condition so that one of the flats had to be available at an affordable rent level, if they were let in the future.
- That a rent assessment needed to be received before making a decision.

c) In response to the proposal, the officers explained that the current report did not include a rent assessment that would explain what the affordable rent and market rent price were. It was suggested that it would be difficult to impose the condition before this information was obtained.

ch) During the ensuing discussion, members noted the following observations:

- Accepted that the price of the flats was affordable; however, there was a need to ensure that one of the flats had to be available at an affordable rent level, if they were to be let in the future.

d) In response to the observation, the Solicitor explained that as no affordable rent assessment was included in the current report, he would suggest deferring the decision so that the assessment could be received from the Housing Service

RESOLVED to defer the decision in order to receive further information about the rental price of the unit and amended assessment to address this.

5.6 C19/0995/11/LL - 233-235, High Street, Bangor

Revoke condition 3 of planning application C19/0323/11/LL which restricts two out of the eight units as affordable units

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 revoke condition 3 of planning permission C19/0323/11/LL which restricted two out of the eight permitted units as affordable units. The condition stated:-

'The development shall not begin until a scheme for the provision the 2 affordable units as part of the development has been submitted to, and approved in writing by the Local Planning Authority. The affordable units shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of Planning Policy Wales, Technical Advice Note 2: Planning and Affordable Housing, or any future guidance that replaces it. The scheme shall include:

- i) *the timing of the completion of the two affordable units;*
- ii) *the arrangements for the management of the affordable units;*

- iii) *the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable units; and*
- iv) *the occupancy criteria to be used for determining the identity of occupiers of the affordable units and the means by which such occupancy criteria shall be enforced.'*

The condition was imposed as clear and definitive information had not been submitted (specifically the open market price), as part of the previous application for the affordable provision. Nevertheless, it was considered that there was sufficient information to ensure that the Local Planning Authority could assess the application from the perspective of being able to ensure provision/an appropriate number of affordable housing as part of the application and in order to address the need.

It was explained that the site was located on Bangor High Street and the associated planning consent was application number C19/0323/11/LL. The intention was to convert the first and second floors of the building into residential units. The Committee approved this application in July 2019.

It was reported that the applicant had submitted information that included a viability assessment pro-forma, Property Valuation Report from a competent Chartered Surveyor, along with quotations for undertaking the conversion work. An argument had been submitted regarding the viability of the proposal, and critically, information about the open market price for the units had been submitted. It was noted that this type of information would normally be submitted with the application to convert or build and was considered early on in the process. Nevertheless, the applicant, in respect of the first application, had not acted in this way but rather had stated that they accepted a condition in order to consider this after the planning consent had been granted.

Also, an assessment of the value of the units was submitted by a company of Chartered Surveyors, based on the requirements of the Red Book (2017). It was reported that the open market value of the units would vary from £45,000 to £60,000 - the price had been restricted naturally due to the nature and scale of the site and the size of the units themselves. It was reiterated that the Council's Housing Strategic Unit had confirmed that the valuation of the proposed residential units was lower than the affordable price level (intermediate) for the Deiniol ward in Bangor and therefore, when considering the open market value of the residential units, the proposal would provide affordable units in any case, without a further restriction of a condition or 106 Agreement.

The condition was not considered necessary or reasonable in order to secure affordable units, as all units (8) would be affordable in any case. It was reiterated that the application was acceptable on the grounds of the requirements of local policy and relevant national guidance.

- b) Taking advantage of the right to speak, the agent noted the following main points:-
 - This was an application to revoke a 106 agreement
 - That the proposal was not viable - a valuation and costs had been submitted
 - The units would be affordable in any case
 - That the size and design of the flats as low-cost homes met the relevant policies
 - That the Planning Authority did not disagree with the conversion
- c) It was proposed and seconded to approve the application, provided that the rent charged for the units was intermediate / affordable rent, considering that the units themselves were affordable.

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

- That an explanation was needed about what was meant by 'intermediate salary'
 - Need to ensure that the rent was affordable
 - A request was made for figures regarding the number of flats approved in Bangor - it was suggested that there may now be an over-provision
- d) In response to the request to consider the rent element, the Solicitor noted that no rent assessment had been completed. It was noted that full information was needed from the Housing Service, as the intention for the units was for them to be let. It was suggested that the decision should be deferred.

RESOLVED to defer the decision in order to receive further information about the rental price of the unit and amended assessment to address this.

The meeting commenced at 1.00pm and concluded at 3.05pm.

CHAIR