
PLANNING COMMITTEE 02/03/20

Present: Councillor Elwyn Edwards – Chair

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

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

Others invited: Rhodri Owen (Senior Planning Officer - Gwynedd and Anglesey Joint Planning Policy Unit) - for items 5.1, 5.2 and 5.5; Aled Humphreys (Strategic Housing Manager) for items 5.1 and 5.2.

1. APOLOGIES

Apologies were received from Councillor Eric M. Jones.

2. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

- a) Councillor Simon Glyn (a member of this Planning Committee), in relation to item 5.4 on the agenda, (planning application number C19/0812/39/LL), as he was father to one of the company's employees.

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

- b) The following members declared that they were local members in relation to the items noted:
- Councillor Linda Ann Wyn Jones (not a member of this Planning Committee) in relation to item 5.5 on the agenda, (planning application number C19/1028/03/LL)
 - Councillor Gruffydd Williams (a member of this Planning Committee), in relation to item 5.6 on the agenda (planning application number C20/0022/42/DT).

3. URGENT ITEMS

None to note.

4. MINUTES

The Chair signed the minutes of the previous meeting of this committee, held on 10 February 2020, 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 C19/0444/11/LL 196 – 200, High Street, Bangor

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

- a) The Planning Manager elaborated on the background of the application, noting that it had been deferred at the January 2020 Committee in order to receive additional information regarding the rent prices of the residential units. It was explained that it was a full application for the change of use of the rear section of the building, which was formerly the Debenhams store in Bangor, to form six self-contained residential units, along with minor alterations to the building. It was noted that there were no concerns in relation to amenities or transport matters.

Following the deferral of the application in order to obtain information on the rent prices of the affordable units, further information had been received by the agent and the Joint Planning Policy Unit. Policy TAI 15 of the LDP sought to ensure an appropriate provision of affordable housing in the Plan area, and the threshold for affordable housing in Bangor was 20%. The open market pricing report stated that the open market prices of all the units would be lower than the affordable level of £50,000 in the area, and therefore all the units would fall within the definition of affordable although only 1.2 affordable units would be required. Consequently, it was emphasised that in this case, no legal agreement or planning condition would be required to ensure the provision of affordable housing, since the units would be affordable in any case. It was explained that the location, size and type of units meant that the market prices were affordable, and that the proposal therefore complied with the relevant policies, which were TAI 15 in the LDP and the SPG.

It was explained that, based on what was noted in paragraph 3.3.2 of Supplementary Planning Guidance 'Affordable Housing' (April 2019), householders were expected to pay 25% or less of their gross income on rent for units described as affordable. On the basis of all the information from the report, 25% of the Bangor median income was £464 per month. It was reported that the agent had confirmed that five of the six units provided had an open market rent of £400 per month. Although the median income varied between wards, it was explained that the proposal needed to be considered in relation to the median income of Bangor in its entirety. It was explained that a development in one location could meet the demand for housing within the whole city due to the easy and natural movement between wards, and the proximity of wards to each other (it was noted that Pentir ward had been excluded from the figures on the grounds that it included areas outside Bangor). It was reported that the applicant had provided information based on the Gwynedd and Anglesey local housing market assessment, which stated that there was a current need for 1- and 2-bedroom flats in the area, and this was confirmed by the comments submitted by the Strategic Housing Unit.

- b) A proposal to approve the application was put forward and seconded.
- c) A proposal was put forward and seconded to approve the application with a planning condition to restrict the rent of one of the units to an affordable level for the following reasons:
- The median income for Deiniol ward was the appropriate figure in order to assess income, rather than the median income of Bangor in its entirety, as the salaries in Deiniol ward were lower.

- d) During the ensuing discussion, the following main observations were made by members:
- Concern was expressed that the developer could accept a higher price for the units if the market offered a higher price, which was within their right, and therefore a condition needed to be imposed on the permission to ensure that the units were affordable.
 - It was argued that the median income per ward was the appropriate figure in order to assess income, as the salaries in Deiniol ward were lower, and the guidance did not state that the median income for the wards in their entirety needed to be calculated. It was noted that £404 was the figure for affordable rent for Deiniol ward specifically, rather than £464.
 - It was noted that housing associations did not differentiate between wards when calculating the median income.
 - Attention was drawn to the significant differences in prices within Bangor, with some areas being more prosperous and expensive than others due to their location.
 - Agreement was expressed with views of officers that the appropriate figure to be used was the median income for Bangor in its entirety, as this facilitated the construction of more affordable houses in the more expensive wards, as well as the poorer wards. Concern was expressed that differentiating between the wards restricted the levels of affordable houses in the more expensive wards.
 - Although this referred to demand for housing in Bangor, it was noted that the Committee had previously approved planning permission for developments that were still to be built. It was further suggested that this meant that the assessment of demand was not always accurate, and it was hoped that more evidence of the demand would be provided in future. A further explanation was requested about what would happen if the demand for housing changed prior to a development being built. In response, it was noted that it was likely that demand for housing would remain high and that it would not be fully met.
- e) In response to the members' observations, the officers emphasised that there was clear and robust evidence to show that the market ensured that the units and rent were affordable in any case, without further control or intervention by means of a planning condition. It was explained that if members were not convinced that the rent would be affordable, clear evidence would have to be submitted to support this. Following a thorough assessment in the report, it was reported that it was not likely that imposing a condition to restrict the rent would meet the validity criteria for planning conditions as it was not necessary or reasonable, and on these grounds the officers could not support the case if the application was rejected and subsequently went to appeal.
- f) Members voted against the amendment.
- g) Members voted in favour of the original proposal.

RESOLVED

- 1. Five years**
- 2. In accordance with the plans**
- 3. Agreement on external materials**
- 4. No windows to be installed apart from those shown**
- 5. Welsh Water Sewerage**
- 6. Work to commence outside the breeding season (May-September)**
- 7. Provision of a bin store prior to the units being occupied, to be retained for that purpose.**

5.2. Application No C19/0995/11/LL 233 – 235 High Street, Bangor

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

- a) The Planning Manager elaborated on the background of the application, noting that it had been deferred at the January 2020 Committee in order to receive additional information regarding the rent prices of the residential units to be provided as part of the proposal. The condition was originally 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. Following the deferral of the application, information had been submitted by the developer regarding the rent prices and open market valuations of the residential units. Also, an assessment of the value of the units had been submitted by a company of Chartered Surveyors, based on the requirements of the Red Book (2017). The open market value of the units would vary from £45,000 to £60,000 and the monthly rent of the units would vary between £425.00 and £475.00, with units 4 and 8 within the development offered at a rent of £425 per month. According to Appendix 4 of SPG: Affordable Housing, in relation to the prices anticipated for intermediate housing for sale in the Deiniol ward in Bangor (2018), the value of an intermediate house was £67,876, which meant that the proposed units could feasibly be purchased by occupiers on a moderate salary. The Council's Strategic Housing 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.

It was noted in the report that consultation had taken place with the Joint Planning Policy Unit in order to receive more information on the rent situation. It confirmed that paragraph 3.3.2 of Supplementary Planning Guidance 'Affordable Housing' (April 2019) stated that householders were expected to pay 25% or less of their gross income on rent for units described as affordable. Although the median income varied between wards, it was explained that the proposal needed to be considered in relation to the median income of Bangor in its entirety. It was explained that a development in one location could meet the demand for housing within a whole city due to the easy and natural movement between wards, and the proximity of wards to each other (it was noted that Pentir ward had been excluded from the figures on the grounds that it included areas outside Bangor). It was reported that the rent of the two affordable units noted at £425 each was affordable in the context of the median Bangor income and the requirements of the SPG and relevant TAN.

It was noted that the open market prices of the units were naturally restricted to being affordable due to the nature and scale of the site and the size of the units themselves. It was stated that if this information had been submitted with the original application, such a condition would not have been imposed as it would not have been necessary to do so to ensure a provision of affordable units, i.e. based on their open market price, they would be affordable in any case. Reducing the rent would further reduce the value and this would have the potential to make the scheme inviable. Intervention in a low value market development could affect interest and investment from developers which would affect the regeneration of the High Street in Bangor and other centres.

- b) A proposal to approve the application in accordance with the recommendation was put forward and seconded.
- c) An amendment was proposed and seconded to include a new planning condition that restricted the rent of two of the units to an affordable level for the following reasons:
- The median income for Deiniol ward was the appropriate figure in order to assess income, rather than the median income of Bangor in its entirety, as the salaries in Deiniol ward were lower.

- d) During the ensuing discussion, the following main observations were made by members:
- The median income for Deiniol ward was the appropriate figure in order to assess income, rather than the median income of Bangor in its entirety, as the salaries in Deiniol ward were lower. The rent of £425 was not affordable based on the median income of Deiniol ward. It was noted that the rent needed to be £404 to be affordable in Deiniol ward. Attention was drawn to the fact that the selling price of the units was solely based on the Deiniol ward figure, but the figure for Bangor in its entirety was used for the rent, and it was noted that these were the figures which were convenient for the developer.
 - Although the officials were thanked for their explanation, there was disagreement in principle with revoking the condition, as it was believed that it went contrary to the affordable housing policy. It was noted that accepting the developer's argument about the viability of affordable housing set an unacceptable precedent and therefore the developer should have to follow the policy. A question was asked about the use of officers' discretion not to adhere to the affordable housing policy, and concern was expressed that revoking the condition would be too favourable towards the developer's economic arguments. It was added that this problem arose on both extremes, whether it was an expensive or inexpensive development. Reference was made to past planning applications that had been granted in favour of the developer due to viability arguments, to the detriment of affordable housing. It was felt that members needed to support the affordable housing policy, and to retain the condition, as this was what was important to local people.
 - It was noted that the units were already affordable, and that the developer would win the case on appeal.
 - Disagreement was voiced with the fact that the units could be referred to as being affordable in perpetuity, as it was impossible to predict future economic and social changes.
- e) In response to the members' observations, it was explained that arguments about the viability of expensive and inexpensive developments were two separate arguments, and that the affordable housing contribution was always made, but that it was sometimes in the form of a financial sum. It was noted that the affordable housing policy also acknowledged specific circumstances where it was not possible, or not required, to secure a percentage of affordable units, and that this application was such an example. It was emphasised that the clear and robust evidence in the report demonstrated that the market ensured that the units and rent would be affordable in any case, without any further control or intervention by means of a planning condition, and therefore no affordable units would be lost by abolishing the condition. Reducing the rent would further reduce the value and this would have the potential to make the scheme unviable. It was explained that if members were not convinced that the rent would be affordable, clear evidence would have to be submitted to support this. Following a thorough assessment in the report, it was explained that it was not likely that placing a condition to restrict the rent would meet the validity criteria for planning conditions as it was not necessary or reasonable.

RESOLVED in favour of the amendment to impose a new condition to restrict the rent of two of the units to ensure that it was an affordable rent level.

1. **Need to comply with the remaining conditions of planning permission number C19/0323/11/LL.**

5.3 Application Number C19/0524/14/R3 Land at Canolfan Segontium, Caernarfon

Full application to erect four self-contained residential units and creation of access road together with associated resources.

Attention was drawn to the late observations form and the detailed observations that had been received from the applicant.

The Members had visited the site.

The Planning Manager elaborated on the application's background, and explained that the application had been deferred at the Planning Committee held on 10/02/20 due to the decision made at the meeting to hold a site visit; to obtain more information about the method of screening the access from adjacent housing; to receive more information about the management of the site, and also to hold a meeting to discuss the application with the Local Member. It was explained that the proposal was to erect four residential units / pods designed and provided to meet the needs of vulnerable individuals. It was noted that the units would be in the Council's ownership and managed as short term accommodation via the Council or registered Housing Association.

It was noted that the development site was located on part of the former Canolfan Segontium site and within the development boundaries of the town of Caernarfon, which had been designated in the Local Development Plan as an Urban Service Centre. It was added that the site was near to the Roman fort of Segontium, a scheduled monument, and that discussions had been held with CADW and Gwynedd Archaeological Planning Service about the impact of the proposed development on the scheduled monument. It was an extensive site, and in response to local residents' concerns about the use of the remainder of the site, it was reported that CADW had signalled its intention to designate the remainder of the site as a scheduled monument, that would be likely to prevent further developments.

It was reported that a positive meeting had been held with the Local Member.

The Transportation Unit had no objection to the proposal, and in the context of visual, general and residential amenities, it was considered that the proposal was acceptable in terms of its design, size, scale and exterior materials. The proposal was unlikely to have an unacceptable substantial detrimental impact on any residents or local property.

Having considered all relevant planning matters, including local and national policies and guidance, as well as all the observations received, the proposal was considered acceptable and in compliance with the requirements of the relevant policies.

- a) A proposal to approve the application was put forward and seconded.
- b) In response to a request to provide an additional timber fence along part of the site's boundary with an adjacent house, it was noted that this was not considered to be necessary, and that it was not known whether the owner of the property wished to have a solid fence on their boundary. However, it was suggested that the applicant should hold further discussions with the owner to clarify their wishes about constructing a fence, and to report back to planning officers to confirm the owner's view and to create a suitable condition if necessary.
- c) During the ensuing discussion, the following main observations were made by members:
 - The plan was innovative and the development was promising in principle
 - The site was vast, and better use should be made of it

- A need to ensure that the units were not misused - ambiguity regarding the category of people that would benefit from the units
- The provision would respond to the demand
- If the scheme were to be successful, this type of provision should be considered for other areas
- A need to ensure that the timber fence would be a long-term measure.

It was RESOLVED to delegate powers to the Assistant Head to approve the application, once written confirmation had been received from the applicant regarding the fence.

1. Time
2. Compliance with the plans
3. Landscaping
4. Biodiversity conditions
5. Highway conditions
6. Working hours
7. Archaeology
8. Provision of a bin store prior to occupation
9. Fence to be installed prior to occupation
10. Welsh Water
11. Withdrawal of PD

Notes:
Welsh Water
SUDS
Highways

5.4 Application no. C19/0812/39/LL The Warren Caravan Park, Lôn Pont Morgan, Abersoch,

Extension of the holiday occupation period to be open throughout the year for holiday purposes.

- a) The Planning Manager elaborated on the background of the application, and noted that this was an application to extend the occupancy period on the static holiday caravan site, thus establishing a 12 month holiday season. It was highlighted that the existing permissions restricted the occupancy of the caravans to between 1 March in one year and 17 January the following year. The proposal would increase the occupancy period by around six weeks a year. It was emphasised that there was no intention to add to the number of static caravans on the site, only to extend the occupancy period. It was noted that a number of caravan parks had already been granted permission to extend the occupancy period, and that a precedent had been set.

It was noted that Policy TWR 4 supported proposals to extend the holiday season of existing static caravan and chalet sites provided it could be demonstrated that the accommodation was being used exclusively for holiday purposes and did not become the occupant's main or sole place of residence. It was reported that Haulfryn Group had its own measures in place to ensure that the static caravans were only used for holiday purposes and that the owner was not permitted to use the caravan as a permanent residence. Regardless of these measures, it was considered that it would be appropriate, should the application be approved, to include a condition that the static caravans were

only used for holiday purposes and that a register was kept of the names of the caravans' occupiers, the duration of their stay and the address of their main residences.

Reference was made to the fact that Haulfryn Group owned five Holiday Parks in Gwynedd, including The Warren. It was noted that the park was viewed as a valuable tourism asset for the area and that it provided a number of local jobs. There was strong demand for holiday accommodation during the February half term and also for St. Dwynwen's Day and St. Valentine's Day. It was added that Haulfryn Group offered a letting service on behalf of the caravans' owners to assist with short stays during the year. Extending the holiday season would encourage visitors to spend in the local economy, assist to safeguard local employment and create new employment opportunities that would lead to further investment. Currently, there were 60 part-time staff and 40 full-time staff in the Warren and it was considered that this would change to 80 part-time staff and 55 full-time staff by being open throughout the year.

It was believed that the application, with appropriate conditions imposed to ensure that the static caravans were used for holiday purposes only and that a register be kept, was acceptable on policy grounds. It was reported that conditions could also be imposed as recommended by Natural Resources Wales in relation to the flooding matters.

- b) Exercising the right to speak, the agent on behalf of the applicant noted the following main points:
- There was strong demand for holiday accommodation during the February half term and also for St. Dwynwen's Day and St. Valentine's Day.
 - There was an increase in demand for shorter holidays / breaks
 - The proposal would support the local economy
 - The company had recently invested £8 million in upgrading and improving the site
 - Being open 12 months a year would increase the full-time employment opportunities - The Warren employed many local people
 - The site would use measures to ensure that the static caravans were used solely for holiday purposes - the register and details of residents would be retained on a data base and would be updated annually
 - Other parks in Gwynedd already had 12 month occupancy periods.
- c) A proposal to approve the application was put forward and seconded.
- d) During the ensuing discussion, the following main observations were noted by members:
- Attention was drawn to the observations of the AONB Unit
 - Concern about how the situation would be managed
 - Accept that the holiday season / patterns were changing – holidays were now taken throughout the year
 - Benefits to the local economy – creating more employment and business for local shops
 - The site already existed and therefore there would be no detrimental impact
 - There were no grounds for refusal as a precedent had already been set
 - A duty to refer any doubts or concerns in relation to breach of conditions to the Enforcement Unit.

RESOLVED

- 1. Holiday use and a register to be kept.**
- 2. Submit and agree on an updated Flooding Response Plan.**
- 3. Ensure that the caravans on lower land in the front of the site are bound securely in position.**

5.5 Application Number C19/1028/03/LL Wynnes Arms Hotel, Manod Road, Manod, Blaenau Ffestiniog

Application to convert a public house into five flats, along with the erection of a rear extension and parking spaces

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 it was an application to convert a public house into five residential, self-contained flats, along with the creation of parking spaces and an entrance at Wynnes Arms Hotel. It was explained that the use made of the building as a public house ceased at the beginning of 2017 and the building had been boarded up. It was added that planning permission had been granted for a change of use from a public house into offices and the creation of parking spaces, although this had not been commenced.

Reference was made to section 5.1 - 5.7 of the report that outlined the fact that the development was acceptable in principle, and that the Strategic Housing Unit had stated that there was a recognised need for one and two bedroom flats in the town.

It was expected that at least 10% of the units would be affordable, and reference was made to the information that had been submitted with the application, and the late information that was submitted, that confirmed that the open market and rent prices for each unit were already affordable for the area, and that no further restriction was needed.

In the context of visual amenities, it was noted that the site was situated within the development boundary of Blaenau Ffestiniog and in a prominent location within a residential and public area. Objections had been received, citing the substantial negative impact on the occupiers of nearby properties. However, as the building's legal use was as a public house, there was a potential for the public house to create more problems than a residential unit. It was considered that flats would be suitable, and would be a way of securing the building's use and long-term condition.

In the context of highway matters, it was noted that it was intended to create a new entrance and parking spaces, and although the Transportation Unit had no objection to the proposal, it was recommended that appropriate conditions be imposed on any permission.

- b) Exercising the right to speak, the agent on behalf of the applicant noted the following main points:
- The plans included a new extension that would improve the appearance of the building
 - Residential use was more appropriate for the building than use as a public house
 - There was a suitable site for installing refuse bins and a bicycle storage area
 - Although the Town Council had challenged the need for flats, the Strategic Housing Unit stated that there was a recognised need for one and two bedroom flats in the town
 - Although there was no lack of housing in the town, flats were scarce
 - In terms of affordability, prices were low as it was a low income area
 - Information from two estate agent companies had informed the purchase and rental valuations of the flats.
- c) Exercising the right to speak, the Local Member noted the following main points:

- The residents of Manod had signed a petition objecting to the application
- The public house had been very successful in its time, and the local community would have wished to use the site as a Centre for the village.
- Disagree with the view that there was a need for flats in Manod - enquiries in the local community found a demand for houses, not flats
- The flats would be unsuitable for elderly people
- A mother and child society had stated that the flats were unsuitable
- The site was small and the extension would be insufficient
- The site was parallel to the A470 and access was restricted - insufficient space for the outlined plans
- Proposal for the Committee to undertake a site visit.

d) A proposal was put forward and seconded to undertake a site visit.

It was RESOLVED to undertake a site visit.

5.6 Application Number C20/0022/42/DT Tan y Mynydd, Mynydd Nefyn, Nefyn

Demolition of existing external store, alterations to the existing main house and part single-storey, part two-storey extension to side and rear

- a) It was reported that the Biodiversity Unit had recommended that a Protected Species survey (bats and nesting birds) should be undertaken prior to approving the development. It was noted that it would not be appropriate to consider the application prior to the receipt of the report of this survey as it was essential to assess the principle of the proposal. It was recommended that the application should be deferred in order to receive the report.
- b) It was proposed and seconded to defer the application for the following reasons:
- To receive the Protected Species survey report (bats and nesting birds)
 - A member also noted that a site visit was needed as so many developments had taken place there over the years.

It was RESOLVED to defer the application in order to receive a Protected Species report (bats and nesting birds) and hold a site visit.

The meeting commenced at 1.00pm and concluded at 2.55pm.

CHAIR