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## PLANNING COMMITTEE 25/07/16

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**Present:** Councillor Anne Lloyd Jones (Chair)

**Councillors:** Endaf Cooke, Simon Glyn, Gwen Griffith, Dyfrig Wynn Jones, Eric Merfyn Jones, June Marshall, Michael Sol Owen, John Pughe Roberts, Eirwyn Williams, Gruffydd Williams, Hefin Williams and John Wyn Williams.

**Others invited:** Councillors Anwen J. Davies, Lesley Day, Charles Wyn Jones, Dafydd Meurig (Local members).

**Also in attendance:** Gareth Jones (Senior Planning Service Manager), Keira Sweeney (Senior Development Control Officer), Idwal Williams (Senior Development Control Officer), Iwan Evans (Head of Legal Service), Gareth Roberts (Senior Development Control Engineer), Euryrn Williams (Senior Rights of Way Officer (Arfon)) – for Item 5 on the agenda and Glynda O'Brien (Member Support and Scrutiny Officer).

**Apologies:** Councillors Elwyn Edwards and David Gwynfor Edwards (Local Member).

### 1. DECLARATION OF PERSONAL INTEREST

- (a) (i) Councillor Simon Glyn declared a personal interest in relation to Item 5 on the agenda as he was the person who had requested for the footpath to be registered.

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

- (ii) The following members declared a personal interest in relation to Item 6.11 (Application Number C16/0134/16/LL) on the agenda as they were Members of the Board of Cartrefi Cymunedol Gwynedd:

- Councillor Anne Lloyd Jones
- Councillor Michael Sol Owen
- Councillor John Wyn Williams

The Members were of the opinion that it was a prejudicial interest, and they withdrew from the Chamber during the discussions on the application noted.

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

- Councillor Lesley Day (who was not a member of this Planning Committee) in relation to items 6.1, 6.2 and 6.8 on the agenda (planning application numbers C13/0156/11/LL, C16/0440/11/CR and C16/0518/11/LL).
- Councillor Eirwyn Williams (a member of this Planning Committee), in item 6.4 on the agenda (planning application number C16/0292/35/LL).
- Councillor Charles Wyn Jones (not a member of this Planning Committee) in relation to item 6.7 on the agenda, (planning application number C16/0493/23/AM);

- Councillor Dafydd Meurig (not a member of this Planning Committee), in relation to item 6.11 on the agenda (planning application C16/0134/16/LL);
- Councillor Anwen J. Davies (not a member of this Planning Committee) in relation to item 6.12 on the agenda (planning application number C15/1356/40/LL)

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

- (c) The Head of Legal Services declared a personal interest in Items 6.9, 6.10 and 6.12 (Planning application numbers C15/0828/11/LL, C15/0844/11/CR and C15/1356/40/LL) as he was related to the applicants' agent.

The officer was of the opinion that it was a prejudicial interest, and he withdrew from the Chamber during the discussion on the items noted.

#### 4. MINUTES

The Chair signed the minutes of the previous meeting of this Committee, held on 4 July 2016, as a true record.

#### 5. APPLICATION TO REGISTER A PUBLIC FOOTPATH BETWEEN HAULFRYN AND PEN Y CAERAU, GARN FADRYN, COMMUNITY OF TUDWEILIOG

Submitted - a report from the Head of Regulatory Department regarding an application to register a footpath between Haulfryn and Pen y Caerau, Garn Fadryn.

The Senior Rights of Way Officer (Arfon) elaborated on the application and noted that an application had been received to register the above-mentioned footpath based on the fact that the public had used it for over twenty years. When paths were used for a continuous period of twenty years it was deemed that the road in question was earmarked as a highway unless there was sufficient evidence that there was no intention to earmark during that period. The entitlement to use the path had been challenged for the first time in September 2014 when a lock had been placed on the gate. The application was supported with evidence of use and an objection was received from the owner of Pen y Caerau during the consultation process. After examining all evidence, it was considered reasonable to allege, based on balance of probability, that a pedestrian public right of way existed along the above-mentioned path and thus the Council was required to draw up a Definitive Map Modification Order.

The Head of Legal Services referred to the evidence sent to Committee Members separately and that it was a decision that was based on considering the evidence before members in order to reach a conclusion.

It was proposed and seconded to draw up a Modification Order on the grounds that there was robust evidence that the path had been used for a continuous period of 20 years.

**Resolved: To approve the Council to draw up a Modification Order under Section 53 (3)(c)(i) of the Wildlife and Countryside Act 1981 to register the footpath claimed on the Public Rights of Way Definitive Map.**

#### 6. 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 aspects of the policies.

**RESOLVED**

**1. Application number C13/0156/11/LL – 7, Glandwr Terrace, Bangor**

Demolition of an existing rear extension and the erection of a part two-storey and part single-storey extension to the rear of the property, along with the provision of French doors and erection of new 1.8m fence near the right of way

The Senior Planning Service Manager reported that a considerable number of additional observations had been submitted regarding the above-mentioned application and consequently it would be better to defer the decision so that all additional information could be considered in detail.

**Resolved: To defer the application in order to give detailed consideration to the additional information received.**

**2. Application number C16/0440/11/CR - 7, Glandwr Terrace, Bangor**

Demolition of an existing rear extension and the erection of a part two-storey and part single-storey extension to the rear of the property

Again, the Senior Planning Service Manager reported that it would be better to defer the decision so that all additional information received could be considered in detail.

**Resolved: To defer the application in order to give detailed consideration to the additional information received.**

**3. Application number C14/1222/30/LL – Bryn Gwynt, Anelog, Aberdaron**

Use of exempted Camping and Caravanning Club site as an independent site for locating 8 seasonal touring caravans and 4 tents and creation of play area

(a) The Senior Development Control Officer elaborated on the background of the application and noted that this was a re-submission of a retrospective application that had been deferred at the Planning Committee in September 2015. Following discussions with the applicant, an amended plan had been received in which the numbers had been reduced to 8 touring caravans and 4 tents. Reference was made to the relevant policies outlined within the report and specific attention was drawn to Policy D19 which related to protecting the landscape, layout, location, traffic issues, restricting the use of the units and the accumulative impact on the local area. In terms of the public consultations, it was noted that the AONB Officer did not consider that the proposal would disrupt the AONB provided that an additional landscaping plan was implemented and provided that the units would be restricted to the highest part of the field, ensuring that the units were moved off the site and stored in the appropriate location.

(b) In response to an observation made by a Member regarding his concern about the time it had taken to deal with this application since its registration in 2014, it was explained

that the officers had collaborated with the applicant and his agent to provide support and it was accepted that it had taken more time than usual.

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

**Resolved: To approve the application subject to the following conditions:**

- 1. In accordance with the amended plans.**
- 2. Landscaping plan.**
- 3. Restrict the number of touring caravans to eight and tents to four to be sited on the pitches shown only.**
- 4. Site use periods / touring site only.**
- 5. Touring caravans on tour only.**
- 6. No storing on the site.**
- 7. Records list.**
- 8. No caravans or tents on the playing field.**

**4. Application number C16/0292/35/LL – Land adjacent to George IV Hotel, High Street, Cricieth**

Application to change condition 3 of planning permission C13/0028/35/AM in order to extend the time granted to submit reserved matters

(a) The Senior Development Control Officer elaborated on the background of the application, noting that the application had been deferred at a previous planning committee in order to receive information on linguistic matters and it was confirmed that the Community and Linguistic Statement had been submitted on 1 July 2016 and that it included information based on the 2011 Census. The proposal involved erecting 34 residential units for the elderly, one warden accommodation and two staff accommodation units, and communal facilities along with 18 parking spaces for the residential units and 15 parking spaces for the use of the George IV Hotel. Reference was made to the relevant policies noted in the report along with the relevant planning history to approve 37 residential units on appeal in 2010 and approve 34 units in 2013. It was noted that there had been no change in the Planning position since 2013 based on local planning policy or relevant national advice. It was noted that the Joint Planning Policy Unit believed that the development would be likely to assist to retain Welsh-speaking 50+ aged households in the area, and on the basis that current households were more than likely to move to the new units, this could release houses to other local households. The officers' recommendation was to approve and a late statement had been received from the applicant's agent stating that he was willing to change the period for submitting reserved matters from 3 years to 2 years.

(b) The Local Member (a member of this Planning Committee but who did not participate in the decision), addressed the committee and said that he objected to the application.

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

(ch) The following observations were noted in favour of the recommendation to approve:

- That this was an outline application and that a full application would be submitted in due course.
- Whilst sympathising with the Local Member, there was no valid planning reason to refuse the application.

- Ensure that arrangements were made to dispose of Japanese Knotweed as soon as possible.

(d) The following points were noted in favour of refusing the application.

- The application had been opposed at the Planning Committee meeting dated 13 June 2016 because more information was needed on linguistic matters.
- It was expressed that the situation had changed considerably since 2010 as a number of similar developments had been approved since 2010, along with nursing homes such as The Pines, Bryn Awelon had extended, and Hafod y Gest in Porthmadog had been demolished to build a new development for this type of service users, and the developments approved in Pwllheli recently.
- As a result of the above, it was questioned whether or not more of this type of facility was needed in the area.
- A letter received from a Doctor in a local practice was read out who was completely opposed to the proposal because the practice was under considerable pressure already when attempting to deal with the elderly and also care for 123 patients in nursing homes in Cricieth. As well as work pressure, problems were experienced when recruiting general practitioners to the surgery and it was not anticipated that the situation would improve for some years. The Committee was urged to consider the views of general practitioners in the vicinity of Cricieth.
- Cricieth Community Council had voted unanimously to refuse the application based on local views that the need did not exist and that the development would be a burden on the local infrastructure including the health service.

(dd) In response to these observations, the Senior Planning Service Manager noted that the application before the committee was for houses for the elderly for people aged 55 and older and not for a nursing / care home. Reference was made to the Committee regarding the type of accommodation intended and the strategy for the provision which fully complied with the proposed development.

(e) A Member noted that whilst sympathising with the Surgery, the demography of the population was changing with people living longer and the Health Service promoting to keep people in their homes for as long as possible. It was felt that the proposal was a development to be welcomed and that it was the way forward.

(f) A vote was taken on the proposal to approve the application.

**Resolved: To approve the application with the planning conditions noted below and the original 106 agreement.**

- 1. Five years.**
- 2. Submit reserved matters (appearance and landscaping) within two years.**
- 3. Restrict use of the units to people over 55 years of age.**
- 4. Materials and finishes.**
- 5. Access and parking.**
- 6. Tree details.**
- 7. Landscaping.**
- 8. Submit a plan for eradicating Japanese knotweed.**
- 9. Welsh Water.**
- 10. Development to comply with the approved plans.**

**5. Application number C16/0360/41/LL - Land near Y Dolydd, 4, Glasfryn Terrace, Pencaenewydd**

Re-submission and amendment of an application refused under C16/0091/41/LL to erect an affordable house on a rural exception site

- (a) The Senior Development Control Officer elaborated on the background of the application and noted that it was an application for a two-storey dwelling that had been previously refused as the house that was the subject of the application had not been submitted as an affordable house and as its size was larger than what was allowed as an affordable house. The site is located within the rural village of Pencaenewydd on a plot of land that forms a part of a property's garden. The application is submitted to Committee because of the number of objections received. Reference was made to the relevant policies and the responses to the public consultations within the report. It was noted that Pencaenewydd had been noted as a rural village in the Unitary Development Plan and that the proposed development was located within the curtilage of the garden of the existing end-of-terrace property and that it was considered suitable in terms of its location and relationship with other houses and the general development pattern of the village. Usually, with this type of application, a specific individual or family must prove the need but in this case it was noted that the Strategic Housing Unit had responded to the application and had acknowledged that there was a huge need for this type of development in the area and therefore that it proved the need for an affordable house. There would be a need to manage the development through a 106 Agreement which meant occupation by individuals with a genuine need for an affordable house; either by purchasing or renting the property. For accuracy in the report, there would be a need to restrict the property to affordable local need in accordance with policy CH5 and not as general need which meant that the house would be restricted to local people from the area. It was noted further that the size of the house was in line with the supplementary planning guidance and attention was drawn to the fact that the objections had been considered in full and thus it was considered that the proposal was acceptable and that it was recommended for approval.
- (b) It was proposed and seconded to approve the application.
- (c) In response to an observation regarding how it could be ensured that the 106 Agreement condition would not be removed, it was explained that the Strategic Housing Unit had sufficient evidence from information that there was a need for this type of development in the area and that an individual would not be in a position to remove the 106 condition without having to go through many steps to do so.

**Resolved: To delegate the right to the Senior Planning Manager to approve the application subject to signing a Section 106 Agreement to ensure that the house is an affordable house for local need and to relevant conditions relating to:**

- 1. 5 years**
- 2. In accordance with the plans**
- 3. Slates on the roof**
- 4. Materials**
- 5. Withdrawal of permitted rights**
- 6. Drainage plan condition - Welsh Water**
- 7. Provision of parking and turning spaces within the curtilage**
- 8. Welsh Water Condition**

## 9. Footpath protection condition

### 6. Application number C16/0407/41/LL - Sŵn y Don, Afonwen, Chwilog

Application to create a new 17 unit touring caravan site, relocate 2 existing static units and erect a toilet block.

The Senior Development Control Officer elaborated on the background of the application and noted that the site was on open land on the outskirts of Afonwen with access gained to the site along an existing narrow road off the A497 highway. Reference was made to the relevant policies within the report. Attention was drawn to the fact that policy D19 stated that proposals to develop touring caravan, camping or new touring units can be approved provided that all the policy's criteria can be complied with. It was noted that the Transportation Unit noted that the first 50m of the road from the A497 roundabout was suitable, but then it became narrower and the opportunities for vehicles to pass caravans being towed other were scarce. Therefore, it was considered that the proposal was unsuitable and that it did not comply with the requirements of policy CH33. Concern was also noted that there would be collisions between pedestrians and vehicles due to the narrowness of the road. The element of relocating the two caravans was not completely clear in terms of the existing use of the units and should another application be received in future there would be a need to explain and justify the proposal so that it could be assessed appropriately. After considering all planning matters and relevant policies, it was believed that the proposal was unacceptable in accordance with what was noted in the report.

- (a) It was proposed and seconded to refuse the application in accordance with the officers' recommendation.
- (b) In response to a Member's enquiry, it was explained that it was not possible to create bespoke passing places on the road leading to the site.

**Resolved: To refuse because the proposed development, if approved, would lead to additional traffic using the substandard single-track road leading to the site to the detriment of road safety and the safety of pedestrians on the public footpath. The proposal is therefore contrary to the requirements of policies CH33 and D19 of the Gwynedd Unitary Development Plan (2009) and the Supplementary Planning Guidance: Holiday Accommodation, Gwynedd Council (July 2011).**

### 7. Application number C16/0493/23/AM - Land near Bryn Celyn, Lôn Groes, Llanrug

Outline application for the erection of a dwelling

- (a) The Senior Development Control Officer elaborated on the background of the application and noted that this was an outline application for the erection of a dwelling house measuring 11m by 6m on a plot of land that formed a part of the curtilage of Bryn Celyn, Llanrug, located off an unclassified road. The curtilage of Bryn Celyn would be adapted in order to provide two parking spaces. In terms of the public consultations, a number of objections had been received on the following grounds:
  - A culvert runs through the site.
  - Causes a flood risk to nearby houses and field.
  - No turning space shown within the curtilage
  - Need to provide new parking spaces for the existing house and proposed house

Attention was drawn to the relevant planning policies and it was noted that the proposed development complied with the requirements of those policies. In terms of infrastructure issues and objections relating to flooding, it would be possible to impose a condition to ensure that the development could not be commenced until a water drainage plan for the site would be submitted which would protect the water course and comply with the requirements of Welsh Water. After addressing all considerations and objections, it was considered that the proposal was acceptable subject to relevant conditions.

- (b) Taking advantage of the opportunity to speak, an objector noted that whilst he did not object to the development he was concerned about the flood risk as the culvert had been blocked for many years and that this needed to be resolved before approving the application.
- (c) The local member (who was not a member of this committee), reiterated the concerns of the objector and local residents and that a condition regarding the culvert should be ensured first, before any development was commenced. It was noted further that a field to the rear of the property was wet and that a spring emerged there. Whilst relatively satisfied with the recommendation, it was noted that there was a need to ensure parking spaces within the site, along with parking spaces for Bryn Celyn, as the road was narrow and did not have pavements.
- (d) It was proposed and seconded to approve the application.
- (dd) During the ensuing discussion, the following points were noted by individual members:
- That the forms had not been completed correctly but that things should not be delayed until these were received correctly.
  - Obviously, the main concern was the culvert and assurance was received that it would be addressed and thus there was no reason to refuse the application.
  - That parking spaces should be ensured considering that the road was busy and that it led to Ysgol Brynrefail.
  - When the full application was received, the applicant should show his intentions regarding the culvert.
  - Ensure that the culvert was of the largest size.
- (e) In response to the above-mentioned observations, it was explained that this was an outline application and that there was no justification to defer making a decision on the application, in light of the fact that the proposal was acceptable by Welsh Water and Natural Resources Wales, provided that the concerns regarding the culvert were addressed with appropriate conditions.

**Resolved: To approve the application subject to relevant planning conditions relating to:**

- 1. The commencement of the development and submitting reserved matters**
- 2. Materials and finishes**
- 3. Access and parking**
- 4. Landscaping.**
- 5. Submitting a land drainage plan prior to commencing any work on the site**
- 6. Welsh Water - surface water**
- 7. Development to comply with the approved plans.**
- 8. Withdrawal of permitted rights**



**8. Application number C16/0518/11/LL - 56 Upper Garth Road, Bangor**

Change of use of dwelling to a house in multiple occupation (HMO) for up to 5 people

(a) The Senior Development Control Officer expanded on the application's background and noted that the property was located on Upper Garth Road in a mainly residential area. It was noted that the current legal use of the property was as a private residential dwelling and it consisted of 5 bedrooms on the first floor. The definition of a HMO was explained to the Committee and attention was drawn to the relevant Planning policies within the report. In terms of the public consultations, objections to the proposal were received for the valid planning reasons noted below:

- Lack of information regarding parking
- Concern that parking problems already existed on this street.
- An over-provision of houses in multiple occupation in Garth ward.
- The development would be damaging to the amenities of neighbours.

In addition, observations had been received which were not existing planning considerations and attention was drawn to the late observations received on the additional observations form submitted to the Committee.

It was considered that the development was acceptable in terms of policy CH14 of the Gwynedd Unitary Development Plan and it was not considered that approving one additional HMO unit in the area would have a significant impact on the general or residential amenities of the local area. In terms of transport and access issues, although no new private parking provision was a part of the development, there would be no increase in the density of the use of the site; no significant change was expected in terms of the demand for parking and traffic problems. After considering all relevant matters, it was believed that the application was acceptable and complied with relevant planning policies and the officers' recommendation was for it to be approved with conditions.

(b) Taking advantage of the right to speak, an objector noted the following main points:

- That he was Chairman of the Residents of Maes Hyfryd and represented the views of 22 houses located adjacent to the proposed development.
- That many of the residents were elderly;
- That the area had its quota of HMO properties, namely number 52, 54 and 55 as well as the Garth and Rathbone Halls of Residence that were located approximately 200 yards up the road.
- That it was an area of family homes.
- That there was an excessive number of student accommodation in the area with new ones in St. Mary's, Dean Street and the High Street, and in particular considering that student numbers were reducing.
- That parking problems existed in the area and that the proposed development would increase the problem with the University's staff and students parking in the area during the day
- That Gwynedd Council had addressed the problem of illegal parking in the area a few years ago by painting yellow lines along one side of the road and along a section of the other side.
- That there was approximately 139 metres between number 42 and 93 Love Lane junction from on-street parking spaces for 25 vehicles but that 27 houses were located along this section of the road.

- That the proposed development for 5 accommodation could lead to 5 vehicles and there was no parking provision for them.
- That an individual chose not to move her vehicle to go to the shops as she would not have a parking space upon her return.
- The development was unacceptable unless there was a parking provision available.
- Having more student accommodation in the area would lead to a reduction in Council Tax income and an increasing demand for Council services in relation to refuse collection, etc.

(c) The local member (who was not a member of this Planning Committee), noted that she objected to the application on the following grounds:

- That Garth was a pleasant residential area and was within reach of the High Street and the University.
- That the area had traditionally provided accommodation for professionals such as the Bishop of Bangor, University Lecturers and their families.
- That a total of 11 HMOs were located on Upper Garth Road and that student accommodation tended to cluster together as families moved out.
- Attention was drawn to the fact that numbers 3, 5, 6, 7 and 9 Upper Garth Road located near the Pier, 37, 39 (in the middle) and 52, 54 and 55 off Love Lane, were all student accommodation.
- That approving another HMO would have a significant negative impact on Upper Garth Road.
- Reference was made to the evidence used as background information to the Joint Local Development Plan which showed that 42 out of 326 residential units in the ward were HMO units, and it was noted that 3 of the 22 on the road in question were HMO units - equating to 13.6%. Should the application before the committee be approved, 18.2% of the units would be houses in multiple occupation.
- The Gwynedd Unitary Development Plan noted that no more than 10% should be in the Garth area and that the situation should be managed at the earliest opportunity if an inclusive community was sought in Bangor.
- That the proposed development created an over-provision in the area in question and that it was contrary to policy CH14 of the Gwynedd Unitary Development Plan.
- That there would be a negative impact on the social and environmental character of the area in terms of noise, disturbance, refuse and recycling.
- That the students would have their own cars and that parking problems already existed and that the addition would lead to tension between residents and neighbours.
- It was noted that the areas of Meirionnydd and Dwyfor had concerns about second homes and that Bangor had its problems with student accommodation.
- Approving the application would have a significant harmful impact on general amenities in the area and that the proposal did not comply with policy B23 and that it would be much better to offer it as a family home as there was a real lack of such properties.

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

(dd) The following observations were noted in favour of the recommendation to approve:

- It was difficult to accept the arguments about the mathematical reasons as there were approximately 9,000 students, namely approximately 40% of the population, in Bangor and that there was a lack of student accommodation.

- Everyone who lived in Bangor was a citizen of the city.
  - Traffic, refuse problems could be dealt with through the Council's services.
  - The application did not explicitly state that it would be a house for students.
- (e) In response to a query regarding imposing a planning restriction to prevent students from bringing a car to the city of Bangor, the Senior Planning Service Manager explained that the application had not been submitted as student accommodation and that it would not be reasonable to impose a condition to restrict the use of vehicles.
- (f) The Senior Planning Service Manager noted further that this type of development did not require Planning permission approximately 12 months ago, but now the policies had changes in the interpretation of HMOs, namely any type of property for between 3 - 6 persons.
- (ff) In response to parking concerns, the Senior Development Control Officer - Transportation noted that the existing house had 5 bedrooms and that there could be one vehicle for each person living in the property - it did not necessarily mean that 5 tenants would each bring a vehicle to the city. Usually, it was noted that individuals chose a location with public transport links to save having to have a vehicle. In addition, it was noted that there was no evidence that transforming the house into a HMO would lead to more parking problems.
- (g) The following observations were noted by the Member against the recommendation to approve:
- She could not agree with the figures and they did not portray an accurate and comprehensive picture of Garth Road.
  - That the area was much larger than the street alone and that the Council's policy did not address a small section of the road and it did not provide an accurate assessment of the situation.
  - That Upper Garth Road was a residential area with 11 HMOs in the highest part.
  - That the recent electoral register had noted 69 houses occupied by couples and single individuals and that it was a settled area where well-known Welsh people from the field of broadcasting etc. had lived for most of their lives.
  - Policy CH14 was quoted which noted that the accumulative impact of HMO developments should not have a negative impact on the social and environmental character of the street or area.
  - That Upper Garth Road was at a turning point with families moving out and as outlined in the above-mentioned policy, the Council did not wish to see this happening and consequently, the Member was of the opinion that the application should be refused.
- (ng) In response to observations above, a Member drew attention that areas in Bangor had changed over a period of year; where there were residential houses at one time, they were now student houses. It was added that one Halls of Residence for students was located in the area in question which was an area with a natural and long-standing link with the University.
- (h) A vote was taken to approve the application; however, this proposal fell.
- (i) It was proposed and seconded to refuse the application as it did not comply with policy C14 of the Gwynedd Unitary Development Plan - the development would have a negative social and environmental impact on the area.

**Resolved: To refuse the application as it is contrary to policy CH14 of the Gwynedd Unitary Development Plan as the development would have a negative impact on the social and environmental character of the area in question.**

**9. Application number C15/0828/11/LL - Former Post Office, 60 Deiniol Road, Bangor**

Change of use of existing building to create a café and restaurant and create 29 self-contained student living units, together with the partial demolition of rear buildings and erection of new building to create 116 self-contained student living units with ancillary facilities

**Six members of the Planning Committee had visited the site.**

- (a) The Senior Development Control Officer elaborated on the background of the application, noting that the application had been deferred at the Planning Committee meeting held in July 2016 in order to undertake a site visit and correct figures in the report. The proposal intended to change the use and to adapt an existing building to create a café and restaurant and create 29 self-contained student living units within the existing building, together with the partial demolition of rear buildings and erection of new building to create 116 self-contained student living units with ancillary facilities. It was noted that the development would include a bin and recycling area to the side of the building which would be concealed behind a wall along with the creation of a bicycle storage area but no parking provision was included in the proposal. It was noted that several buildings had been erected to the rear of the original building over the years and it is proposed to demolish them in order to erect a new five-storey building. The new building would be separate from the main building but both would be connected with a glass link on the side, and an open space between the original building and this building.

A listed building application had been submitted but this application would need to be dealt with separately, namely the next item on the agenda.

Attention was drawn to the late observations that had been received from the applicant's agent and also observations had been received from the Local Member expressing his support to the proposed development.

It was noted that this was a listed building and that it was located within the Bangor Conservation Area. It was added that the building was empty following its use as a nightclub and dentist surgery. A substantially sized building was located around the building but it was noted that a number of listed buildings, including the library, were located behind the site. Reference was made to the relevant policies and the responses to the public consultations within the report.

In terms of principle in the context of student accommodation in Bangor, it was explained that no specific policy related to this type of application but it was emphasised that the Unitary Development Plan did not prevent this type of accommodation.

It was noted that the site was within the development boundary and the principle of the development was acceptable and this viewpoint had been confirmed by Inspectors in an appeal decision in Lôn Bopty. It was acknowledged that the site was in an accessible area, close to shops, public transport and University buildings. Therefore, in terms of its location, planning officers were of the view that the proposal was acceptable in principle.

It was noted that the proposal to provide a café and restaurant was acceptable, subject to including an additional condition, namely A3 which restricted the proposal from being changed to A1 use (shops) without planning permission as the site was outside the defined boundary of Bangor.

It was considered that the proposal to re-use and adapt the listed building was to be welcomed and was a way to secure its future use but that protecting the appearance of listed buildings was a statutory responsibility and thus there would be a need to weigh up these needs carefully.

It was noted that the rear building was substantial in size and was modern but it was not believed that it had a harmful impact on the appearance, character or setting of the listed building or conservation area due to its location in the rear as a subservient extension. The original building and the library would remain as the main focus of the structure with the rear extension blending into the background. Therefore, it was not considered that the development would be harmful to the setting of the listed buildings. Attention was drawn to the list of conditions which asked for agreement on the finishes and that the planning officers were not entirely comfortable with the colours and materials offered but that an agreement could be reached regarding them by means of appropriate conditions.

It was noted that the Transportation Unit had raised concerns regarding the lack of parking spaces and had noted that accommodation tenants should be prevented from using their cars during their time in Bangor and that this could be ensured by means of a planning condition.

A community and linguistic statement had been received with the application and it was noted that the Joint Planning Policy Unit was of the opinion that the development was unlikely to lead to a substantial growth in the population to the extent that it would have a detrimental impact on the Welsh language.

Initial objections had been received from Natural Resources Wales and Welsh Water but they had now withdrawn their objections based on relevant conditions regarding the finished floor level and reaching agreement regarding the drainage of the site.

The planning officers' recommendation was to approve the application subject to relevant conditions and an additional A3 condition to restrict the use of the restaurant.

(b) Taking advantage of the right to speak, the objector noted the following main points:

- Concerns regarding the proposal on behalf of Bangor City Council which opposed the development invariably as it was an over-development of the site. That the site was unsuitable as it was a central building within the city. That the old post office had its own qualities and was listed and the proposed development would not make the best use of a listed building. The building had a special architectural design and its beauty was very visible as you entered the city.
- That there was no need for further student accommodation due to the lack of demand for it. That the Library was located to the rear of the site which was another attractive listed building, along with the former County Council Museum and the former town hall. Should this development be approved, it would have a detrimental impact on the area due to its character, size and potential noise. That the proposed development was oppressive and out of character within the area.
- That there was no parking provision in the vicinity - that it was a very busy area, close to the taxi rank and bus station and that it would certainly cause an increase in

traffic and lead to a substantial problem, in particular considering the development of 145 units and a café. It appeared that there was an absence of a coordinated planning policy to allocate student accommodation and this led to occasional specifications such as this application where they did not blend into the environment.

(c) Taking advantage of the right to speak, the applicant's agent noted the following main points:

- Whilst acknowledging that the site was special and listed, it had been ensured that lengthy discussions had taken place with the Planning officers and those discussions continued.
- That the CADW officer had been a part of the discussion and it was confirmed that they supported the development.
- Whilst aware of the concern regarding the number of sites for student accommodation, assurance was given that a thorough investigation of the need had been undertaken and this had been reiterated with statistics by the planning officers.
- There would certainly come a time when there would be an excess of student accommodation, however, there was currently a need for this type of development.
- Since the post office had moved, it was noted that various uses had been made of the building, namely a nightclub and restaurant, a dentist surgery, a restaurant and offices; none of which had been successful and therefore there was a need to obtain a sustainable and feasible building.
- That the proposed development was an opportunity to welcome the need and create and raise living standards, and safeguarded the future of this site at the same time.

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

(d) During the ensuing discussion the following points were highlighted in favour of approving the application:

- Following the site visit, it appeared that the development to the rear blended into the listed design.
- That a comprehensive report had been submitted before the committee and that planning officers had spent a lot of time ensuring that the development complied with the requirements but questioned why the observations of Cadw did not form a part of the report.
- Allegations were often made that there was a sufficient provision of student accommodation in Bangor; however, there was no evidence of this and Bangor City Council seemed to invariably object to such developments.
- It was emphasised that Bangor was dependent on student investment in terms of the economy and that accommodation had to be provided for them.
- The importance of safeguarding what was there already.
- Should relevant conditions be imposed, one could not see how the development could be refused.

(dd) The following points were noted against the recommendation to approve:

- Whilst supportive of the proposal to convert the former Post Office, approving the new building and the extension would be an act of vandalism against a listed building in Bangor.
- Concern regarding the materials, namely the zinc panels and the use of bricks.

- Concerns regarding the lack of parking spaces and it was questioned whether preventing tenants at the accommodation from using cars during their time in Bangor was a weak argument and that they would park their cars on other streets.
  - The following policies were quoted: B2 which ensured that proposals did not cause substantial damage to the special architectural or historic character of Listed Buildings; B3 which ensured that proposals had no adverse effect on the setting of Listed Buildings and that they conformed to a number of criteria aimed at safeguarding the special character of the Listed Building and the local environment; B4 which ensured that proposals within conservation areas, or proposals that affect their setting, were refused unless they aimed to maintain or enhance the character or appearance of the conservation area and its setting.
  - Concern that no consideration had been given to the Conservation Area and that the proposed development would not only affect the Library but would also affect the other listed buildings located near the proposed development, namely the University, the Cathedral, the Diocese Centre and the Memorial Hall.
  - The application could not be supported as it did not comply with policies B2, B3 and B4 of the Council's policies which related to safeguarding ancient buildings.
- (e) In response, the Senior Planning Service Manager acknowledged the observations and noted that the design was the issue that always split opinions and that many concerns had been raised by Members in the context of policies. It was confirmed that no formal observations had been received from CADW. It was noted that the Committee was free to voice its opinion but that the recommendation of the planning officers was robust. The concerns relating to the design were accepted where there was no reference to the use or the need. The Committee was reminded that three appeal decisions had been upheld recently, two of which had incurred costs to the Council, namely at Lôn Bopty, Three Crowns and Railway Institute, with all three applications dealing with this type of student accommodation developments. Therefore, it was emphasised that the Committee had to ensure valid reasons for refusal so that they could be upheld in an appeal. It was further noted that from previous experience, the risk of costs for this type of reason was low.
- (f) A vote was taken on the proposal to approve the application; however, this proposal fell.
- (ff) It was proposed and seconded to refuse because elements of the new building and the extension would affect the scale, size, materials and setting of the existing listed building and the harmful impact on the conservation area which was contrary to policies B2, B3 and B4 of the Gwynedd Unitary Development Plan. A vote was taken on this proposal.

**Resolved: To refuse the application as elements of the new building and the extension would have an impact on the scale, size, materials and setting of the existing listed building and the harmful impact on the conservation area, contrary to policies B2, B3 and B4 of the Gwynedd Unitary Development Plan.**

#### 10. Application number C15/0844/11/CR - Former Post Office, 60 Deiniol Road, Bangor

Change of use of existing building to create a café and restaurant and create 29 self-contained student living units, together with the partial demolition of rear buildings and erection of new building to create 116 self-contained student living units with ancillary facilities

It was proposed and seconded to refuse the application in accordance with the reasons given in the above-mentioned application.

**Resolved: To refuse the application as elements of the new building and the extension would have an impact on the scale, size, materials and setting of the existing listed building and the harmful impact on the conservation area, contrary to policies B2, B3 and B4 of the Gwynedd Unitary Development Plan.**

#### **11. Application number C16/0134/16/LL – Plas y Coed, Bangor**

**With the Committee's permission, and in the absence of the Vice-chair, Councillor Gwen Griffith chaired the committee for this item as the Chair had declared a personal interest and had left the Chamber.**

Amended application - Modification of condition 1 of permission C11/1077/16/LL in order to approve a further 5 years to implement the permission, along with the modification of condition 2 (in accordance with the approved plans), in order to adapt the layout approved to locate 39 houses instead of 17.

**The Members of the Planning Committee had visited the site.**

- (a) The Senior Development Control Officer elaborated on the background of the application and noted that this was an application to modify a condition in order to allow a further 5 years to implement the permission, and to modify condition 2. It was noted that the previously approved permission related to the conversion of the Plas y Coed listed building to include 12 living units, as well as erecting 17 separate living units on the nearby field. The proposal involved creating a new vehicular access. The main purpose of the application was to amend the plan in order to construct 39 houses instead of 17 and involved erecting 23 three-bedroom houses, 8 two-bedroom houses and 8 one-bedroom houses. Attention was drawn to the fact that the proposal included plans to convert the Plas into 12 living units. It was noted that the houses were relatively similar to the previous permission and that the additional houses would be provided by erecting semi-detached houses and two blocks of one-bedroom flats instead of the more detached units that formed part of the previous application. Reference was made to the relevant policies together with public consultations. It was noted that the site was located within the development boundaries of the city of Bangor and the principle to develop had already been accepted within the previous permission and no changes had subsequently been made to the policies. The main consideration of the application was the impact deriving from having 22 additional houses on the site. It was noted that by increasing the number that the proposal made better use of the site with the density of the development more in line with the figure of 30 units per hectare. Due to the increase in the development, it was noted that it was possible to re-assess the affordable housing - the extant permission had secured four affordable units within the Plas and a financial contribution that equated to three affordable units. It was noted that the design had changed since the previous permission by offering a mix of various houses which meant that 10 affordable units were proposed on the site of the field and reasons were stipulated in the report as to why it was not viable to provide affordable units in the Plas. Attention was drawn to the fact that the application remained acceptable in terms of recreational areas, educational provision, transport and access matters and there was sufficient parking provision. In terms of its impact on residential amenities, it was noted that the Lodge near the entrance would feel the greatest impact from the development due to its location and its proximity to the site. For information, a planning application had been received to extend the curtilage of the Lodge which meant that a barrier could be placed between the entrance and the estate road. In



terms of its design, it was noted that it was relatively standard and was no different to the previous permission; however, conditions would need to be imposed in relation to finishes. It was noted that there had been some improvement in terms of the impact of the listed building as the wall of the Plas would be visible and would make it easy to read the history of the site and would create an attractive feature within the estate. After considering all material issues, the planning officers' recommendation was to delegate the right to the Senior Planning Manager to approve the application subject to relevant planning conditions.

(b) Taking advantage of the right to speak, the applicant noted the following main points:-

- Members were asked to confirm the proposed changes to the site plan to facilitate the change made to the type of proposed residential units.
  - That every other element of the plan remained unchanged from the previous application that had been approved. Rather than providing 17 separate units, the application before the committee requested permission for 39 units of 1, 2 and 3 bedroom semi-detached units which adopted a similar design to the approved design.
  - That the need to approve a mix of different units had arisen as a result of extensive further market research carried out by Watkin Jones and this had showed that the demand for large detached houses in Bangor was currently met by Redrow's Goetre Uchaf development.
- That there was another positive aspect to the site, namely extending the number of affordable houses as the application offered units that were much more affordable for families.
- That Watkin Jones was very committed to the plan which was economically achievable and acceptable in terms of the provision of affordable housing and ensuring a residential development of high quality and also the Plas was in real need of restoration and refurbishment - this was an important building that had been in a poor state of repair for much too long.

(c) The Local Member (not a member of this Planning committee) noted the following main points:

- That he had objected to the application when it had been submitted before the Planning Committee previously to approve 17 houses based on the impact on the residential amenities of Plas y Coed Lodge.
- Whilst accepting the principle, that the increase from 17 to 34 units caused concern and would lead to more noise for Plas y Coed.
- The fact that agreement had been reached on transportation matters and that the Planning Committee had visited the site was welcomed.
- It was important that attention was given to Plas y Coed immediately due to its condition and it was trusted that it would be renovated before the houses would be built.

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

(d) In response to the concerns highlighted from the above observations, the Senior Planning Service Manager explained:

- That discussions could be held with the developer regarding a formal condition to ensure a phased development in relation to the need to commence the Plas y Coed development.

- In terms of affordable housing and the financial contribution, the application before the committee was a much broader mix of houses than the previous application which met the need of the housing market in Gwynedd and it was emphasised that 10 of the houses would be affordable and would be built to the standard of Housing Associations.
- That linguistic matters had been considered and submitted as part of the application.

**Resolved: To delegate powers to the Senior Planning Manager to approve the application, subject to the conditions noted below and to signing a 106 agreement to ensure a provision of affordable housing.**

1. Time
2. Comply with plans.
3. Materials and finishes of the houses and Plas.
4. Slates.
5. Removal of permitted development rights.
6. Landscaping and fencing details.
7. Transport conditions.
8. Land Drainage condition.
9. Landscaping and tree planting.
10. Archaeological work condition.
11. Conditions to protect trees.
12. Conditions to protect bats, including a condition to complete the roost prior to the commencement on the site of the new houses.
13. Provision of open amenity area.
14. Provision of biodiversity mitigation area, including an amended management plan.
15. No trees to be felled during the bird nesting season.
16. Lighting plan.
17. Provision of fence to prevent mammals.
18. To reach agreement on a phased development.

**12. Application number C15/1356/40/LL - 1-3 Wenallt, Arddgrach, Llannor**

Revised application for demolition of existing dwelling and construction of a replacement dwelling and associated works

- (a) The Senior Planning Service Manager elaborated on the background of the application and noted that it had been deferred at the Planning Committee in February 2016 in order to receive the necessary information regarding bats and a technical report to justify why it was not possible to locate the house closer to the location of the existing dwelling. The application involved the demolition of an existing dwelling and the construction of a replacement dwelling in a different location within the property of 1-3 Arddgrach, Llannor, and associated works, including a three-bedroom dormer bungalow with its front elevation facing south-east. The house would be finished with slate roofing and painted smooth render. It was intended to create a new entrance on the site of the existing house, expanding a track from the side of the house's carriageway and turning towards the entrance gate of the adjacent field. An application to demolish the building and to erect a new building of the same design as this application, but further back within the plot, had been refused last year. Reference was made to the relevant policies within the report along with the responses to the public consultations. In terms of the principle of the development, it was noted that the proposal did not comply with all criteria within policy CH13 of the Gwynedd Unitary Development Plan. Although bat

issues had been resolved by submitting additional information, it was considered that planning officers were of the opinion that the location and setting of the proposed dwelling was unsuitable and contrary to the principle of the housing and design policies of the Gwynedd Unitary Development Plan. Although there was potential to develop the site, it was not considered that the re-submission before the committee was acceptable and based on the plans submitted it was recommended that the application be refused.

(b) The Local Member (not a member of this Planning committee) noted the following main points in favour of the application:

- Whilst accepting that the location had changed, it was emphasised that it was not possible to build on the same foundations due to the condition of the land in terms of flooding from an embankment behind the houses.
- The above had been endorsed in an independent report by Mr Phil Jones, an expert in drainage and flood management, and this noted, following inspection, that the retaining wall leaked water and deposited water down the road. There was evidence of uncontrollable seepage in a number of locations and it would be unwise to consider re-locating the dwelling on the site of the existing house due to its proximity to the retaining wall and the wet nature of the land. The house had to be located away from the retaining wall and the associated drainage problems.
- That houses of a mixed size had been built in the village of Llannor and that they blended in within the village.
- That the residents of the village were supportive of the application and that it would be a significant improvement to be located on the site of the former agricultural shed.
- That the applicant was local - a grandmother with her family around her.
- That all public consultations supported the application.

(c) Proposed and seconded to approve the application contrary to the planning officers' recommendation.

(ch) The following main points were noted in favour of approving the application:

- That the plan was an improvement and that not building it in the location of the existing house was suitable considering the opinion of the independent drainage management expert.
- That there was a need for some flexibility in order to support houses in the countryside for local people.
- That the application complied with criteria 1, 2, 4 and 5 of policy CH13 of the Gwynedd Unitary Development Plan and although it did not comply with criterion 3 (namely that the new unit was located on the site of the original unit or as close as practically possible), evidence and an explanation had been received from the applicant regarding why the house needed to be relocated to the site of the agricultural shed and that it was not intrusive on this site.
- That the footprint of the existing house was narrow and that it would not be practical to build a family home on it.

(d) The following points were noted against approving the application:

- There was insufficient information before the committee as to why the proposed house should not be built on the foundations of the existing house.

- That the value of the house on the open market would be higher and that the sustainability of the house in future should be protected.
- As the proposal did not comply with policy CH13, the house proposed on another site would be considered as a new house and that new houses in the countryside should be affordable.

(dd) A vote was taken on the proposal to approve the application; and this proposal carried.

**Resolved: To approve the application in accordance with the conditions outlined in (ch) above and subject to relevant planning conditions determined by the Senior Planning Service Manager.**

The meeting commenced at 1:00pm and concluded at 4:25pm.

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**CHAIR**