
PLANNING COMMITTEE 21-03-22

Present: Chair: Councillor Eric M Jones
Vice-chair: Councillor Gareth A Roberts

Councillors: Stephen Churchman, Elwyn Edwards, Louise Hughes, Anne Lloyd Jones, Berwyn Parry Jones, Gareth T Jones, Huw Wyn Jones, Cai Larsen, Edgar Owen, Eirwyn Williams and Owain Williams

Officers: Gareth Jones (Assistant Head of Planning and the Environment), Iwan Evans (Head of Legal Services), Keira Sweenie (Planning Manager), Medi Emlyn Davies (Development Control Officer), Iwan ap Trefor (Senior Engineer - Development Control) and Lowri Haf Evans (Democracy Services Officer)

Others invited:

Local Members: Councillors Gareth Williams, Aled Wyn Jones and Peter Garlick

1. APOLOGIES

Apologies were received from Councillor Dilwyn Lloyd and Councillor Simon Glyn; Councillor Kevin M Jones and Councillor Aled Evans (Local Members)

2. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

- a) Councillor Cai Larsen in item 5.4 (C22/0078/37/LL) on the agenda, as he knew the applicant.
Councillor Owain Williams in item 5.5 (C21/0573/33/LL), and 5.7 (C21/0665/40/LL) on the agenda, as he was the owner of a caravan site.

The members were of the view that it was a prejudicial interest, and they withdrew from the meeting during the discussion on the applications.

- b) The following members declared that they were local members in relation to the items noted:
- Councillor Gareth Williams (not a member of this Planning Committee), in item 5.2 (C22/0032/32/LL) and 5.9 (C21/1010/32/LL) on the agenda.
 - Councillor Peter Garlick (not a member of this Planning Committee), in item 5.3 (C21/0835/19/LL) on the agenda.
 - Councillor Aled Wyn Jones (not a member of this Planning Committee), in item 5.4 (C22/0078/37/LL) and 5.8 (C21/0668/43/LL) on the agenda.

3. URGENT ITEMS

None to note

4. MINUTES

The Chair accepted the minutes of the previous meeting of this committee, held on 28 February 2022 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. PLANNING APPLICATION C22/0047/15/DT 2 THOMAS STREET, LLANBERIS, CAERNARFON, GWYNEDD, LL55 4HW

Application to erect a lean-to canopy roof on the front of the property

- a) The Development Control Officer highlighted that this was an application to erect a lean-to canopy roof against the front of a two-storey property in the middle of a terrace of similar houses on Thomas Street within the development boundary of the village of Llanberis.

The proposal would involve erecting a lean-to glazed canopy roof set on six timber posts (90mm by 90mm) against the front elevation of the property, with the proposed plans noting that the roof would be installed at a height of 2.5m and measuring 4.3m long and 1.4m wide.

The application was submitted to the Committee as the applicant was the partner of a member of staff of the Environment Department, Gwynedd Council. It was considered that the design was in keeping and that it would not be harmful to the appearance of the property or streetscape. Despite the proximity of the structure to the neighbours' front gardens, it was considered to be lower than the neighbour's porch window and therefore it was unlikely to cause any significant harm or deterioration to the amenities of the neighbours or the area in general.

No objection was received from the neighbours after posting a notice on the site - the proposal was acceptable under policy PCYFF 2 of the LDP.

- b) It was proposed and seconded to approve the application
- c) During the ensuing discussion, the following observation by a member was noted:
- Despite the concern about the setting of a neighbour's window, the design was acceptable.

RESOLVED to approve

Conditions:

- 1. Time**
- 2. In accordance with the plans**

5.2 APPLICATION NUMBER C22/0032/32/DT Efail Glandŵr, Sarn Mellteyrn, Pwllheli, Gwynedd,

Creation of vehicular access to road

- a) The Planning Manager highlighted that this was an application to create a new vehicular access to an existing residential site from a class 3 road that runs south from Sarn Mellteyrn, from Tanrallt to Tŷ Fair. It was explained that the access would be located 7.8m to the south of the existing outbuilding with a gate set back 5m from the road, with a soil/stone clawdd measuring 1m high on both sides of the access's "bell". The intention was to create a link road from an existing parking space to the rear of the property.

It was noted that the application was submitted to Committee at the request of the Local Member.

Although the site was within the development boundary, it was reported that it had a countryside, agricultural nature and that the development would basically extend the village's developed area to the countryside, thus changing the nature of the landscape in a significant way. It was acknowledged that it was intended to erect new *cloddiau* to replace the lost clawdd, however, it was not considered that this would be sufficient to compensate for the visual change to the landscape caused by the substantial engineering work that would be essential to create the new access.

It was highlighted that the site had already been the subject of three unsuccessful planning applications for similar developments, including one application that was refused on appeal, where the Inspector had noted;

"Policy PCYFF3 expects high quality design and that development contributes to the creation of attractive sustainable places that complements and enhances the character and appearance of the site, the building or area, and respects the context of the site and its place within the local landscape. Policy AMG 2: Special Landscape Areas (SLA) seeks to ensure that there is no significant adverse detrimental impact on the landscape and that development should aim to maintain, enhance, or restore the recognised character and qualities of the SLA. I consider that the proposal would conflict with these forementioned policies."

It was noted, although this proposal involved taking less land than originally intended, the principle of the plan had not changed significantly and the need to remove the existing boundary with the highway, clear vegetation and infilling to ensure a vehicular link between the garden and the new access, would continue - this would happen in a countryside site beyond any existing development, which would mean that the urban feel would extend to the Special Landscape Area (SLA). It was reiterated that developments, wherever possible, should contribute to maintaining, improving or restoring the recognised character of the SLA - it was considered that the development would be detrimental to the quality of the SLA and thus would be contrary to policy AMG 2.

In the context of transport and access matters, although no response had been received to the consultation on the application, the Transportation Unit expressed their satisfaction with a similar plan that was part of a previous application. It was considered that the proposal met the objectives of Policy TRA 4 of the LDP.

In the context of biodiversity matters, it was highlighted that the Biodiversity Unit did not object to the development, although they noted that the cutting of vegetation should be restricted to outside the bird nesting season and requested wildlife enhancements such as tree / hedge planting to be a part of any permission. In doing so, the development would be acceptable under policy PS19 of the LDP.

Having assessed the current proposal against the relevant planning policies, it was considered that the development would cause an unacceptable change in the nature of the landscape that would be detrimental to the area's visual amenities when approaching the village of Sarn Mellteyrn and therefore it was recommended to refuse the application.

- b) Taking advantage of the right to speak, the local member made the following points:
- That this was not an application for an additional access - it was intended to close the existing access.
 - The existing access was dangerous - difficult to see before pulling out - the access was located between two buildings on an angle and a bend.
 - Impossible to turn to the direction of Rhiw - one would have to turn towards Sarn and then turn back.
 - A new access would improve the situation and light the space that was currently dark and narrow.
 - That neighbours adjacent to the site had agreed that the proposal was safer and had better visibility.
 - That the photographs submitted did not highlight the land levels clearly and that there would be no need for substantial work to restore the work.
 - That there was no intention to create a new parking area.
 - Soil would not be moved from the site - it was needed to create *cloddiau* and infill.
 - There was an intention to plant trees.
 - Although four applications had been submitted, no objections had been received - the Community Council supported the application as the proposed access was better, and the community was supportive.

A letter of support from a neighbour who lived adjacent to the access was read out.

- c) It was proposed and seconded to approve the application, contrary to the recommendation.
Reasons: supported the views of the Community Council; the application was reasonable, the proposed access was safer.
- ch) In response to the refusal reasons, the Head of Legal Services, considering that an appeal had been dismissed on a previous application, that there was a need to consider what was different on this occasion, and that supporting the views of the Community Council was not a planning matter - there was a need to consider reasons that reflected planning matters.

Reasons:

- The visibility would improve if the access was moved.
- That the proposed access would not create a harmful impact on the landscape.
- That there had been an increase in traffic levels following the development of tourism in 2020-2022.

dd) During the ensuing discussion the following points were made by members:

- That the transportation unit had not expressed concern.
- That a site visit would be beneficial.
- That safety needed to be considered.
- An urban feel extending to the rural area?
- That the application had been refused a number of times - the situation was the same.

RESOLVED To Approve

Standard conditions including:

5 years in accordance with the plans, levels, materials and landscaping

5.3 APPLICATION NUMBER C21/0835/19/LL Llain Meddygon, Caeathro, Caernarfon, LL55 2TH

Erection of replacement buildings (partially retrospective) for use as a commercial workshop, store and garages, and for retrospective consent for the formation of new entrance and access road and also for the demolition of a garage and large shed.

Attention was drawn to the late observations form.

- a) The Planning Manager highlighted that the Committee, at its meeting on 13 December 2021 had resolved to defer consideration on the item so that the applicant had an opportunity to submit further information in relation to:
- (a) the need for a workshop in Penygroes and Bontnewydd,
 - (b) the proposal to close the existing entrance to the house permanently, and
 - (c) the justification for the size and scale of the building.

Following the deferral of the application, a further statement was received from the applicant clarifying the aforementioned points in February 2022. It was reported that a retrospective application for the retention of an industrial workshop (use class B2) on the location of a previous agricultural building was under consideration. The new workshop would measure 20 metres long, 12 metres wide and 5.2 metres to the ridge and would be built from a steel frame covered in steel sheets and would be used for the applicant's business. It was noted that the workshop frame had already been erected.

Attention was drawn to Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (July 2010) with paragraph 3.1.2 stating that planning authorities should support the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need to travel for employment. The Development Plan should facilitate the diversification of the rural economy by meeting the needs of traditional rural industries and new ventures, while minimising the effects on the local community and the environment. It was noted that paragraph 3.1.4 of the TAN notes that many businesses in rural areas are small, with self-employment common and the business often operated from home, thus providing a sustainable business model. Planning applications for working from home sites should be supported provided that local amenity is not jeopardised to an unacceptable degree.

It was highlighted that Policy CYF 6 listed the criteria that needed to be complied with, and encouraged small-scale developments that make appropriate use of existing buildings and are in-keeping with the rural areas.

In the context of Llain Meddygon, it appeared that the reasons for the proposal to erect the industrial unit in the applicant's home derived from personal circumstances and that it was not, in planning terms, essential to locate them in the countryside. It appeared that the business was run from the Peblig Industrial Estate, Caenarfon, but due to the poor condition of the building, it was now relocated to a Unit in Penygroes.

It was noted that the applicant's wife was disabled and required care throughout the day and the development would allow him to work and maintain his business as well as being able to hand to look after and care for his wife. He alone would work from the proposed workshop in Bontnewydd.

The additional information was acknowledged, but it was not considered that it changed the opinion that the applicant's justification for the proposal turns around his personal needs rather than an actual planning need to establish a new industrial unit in open countryside. It was considered that the application was contrary to policy PCYFF1, PCYFF2 and CYF6 within the LDP.

- b) Taking advantage of the right to speak, the local member made the following points:
- Confirmed that there was no unit in Peblig now - the business was now registered in Penygroes.
 - That the work of establishing a prototype was being done in Bontnewydd and was produced in Penygroes.
 - That working in Bontnewydd would facilitate the applicant's personal life.
 - The applicant employed 9 workers.
 - Was 20m too big? Suitable for work machinery
 - The Community Council had no objection.
 - The people of Gwynedd had to be placed at the centre of everything we do.
- c) It was proposed and seconded to approve the application, contrary to the recommendation to include conditions, that only the residents of Llain Meddygon would be able to operate from the site, and noting the time limit for industrial work on the site.
- d) During the ensuing discussion, the following observations were made by members:
- That high-quality jobs needed to be protected.
 - That the situation was acceptable.
 - That the current frame was very similar to the previous one.

RESOLVED To Approve

Standard conditions including

Five years, in accordance with the plans, materials, landscaping, completion of access, B2 use only and to be implemented by Llain Meddygon residents only, should the B2 use cease the building must be used for a purpose associated with Llain Meddygon only.

5.4 APPLICATION NUMBER C22/0078/38/LL Uwch Hafoty, Trefor, LL54 5NB

Conversion of a building into a Holiday Unit, including associated work of providing a parking space and installation of a private sewerage treatment system.

Attention was drawn to the late observations form.

- a) The Development Control Officer highlighted that the application was a resubmission of an application that was refused last year to adapt and extend a ruin into a self-contained holiday unit at Uwch Hafoty, Trefor. Attention was drawn to the structure which was a ruin with no roof and with unobstructed access to it. It was explained that converting and extending it would involve erecting a new roof and chimneys, which would probably be higher than the original cottage, and it was intended to retain the original openings and install rooflights in the new roof.

It was reported that the site was located in the countryside on the steep northern slopes of Yr Eifl to the south-west of the village of Trefor, with a narrow and steep public access road leading up from the village - the access track to the site itself was also steep and part of the Wales Coastal Path. The site was within the AONB, Llŷn Landscape of Outstanding Historic Interest and close to a Site of Special Scientific Interest.

It was highlighted that the main matters of the application were the condition and suitability of the structure for development. It was reported that a Structural Report had been received from a competent person, which related to a survey of the site and noted that a test hole had been excavated sometime in the past (no specific date), which confirmed that the building's foundations were set on shale. The Survey concluded due to the thickness of the existing walls and the fact that the foundations were on rock, that the structure of the house was solid and re-roofing and re-pointing the walls, together with reducing land at the rear of the building would make it habitable.

Attention was drawn to the site's extensive Planning history. It was highlighted that another three applications and an appeal, had all been refused to convert the ruin into a house with the same principles applicable, whether it was converted into a house or holiday unit. It was considered that the structure had lost its residential status for many years, with the record of the first refusal dating back to 1989, namely 32 years ago which referred to the structure as a ruin back then; that information within the appeal refused in 2009 noting that the residential use ended in the 1960s, whilst the roof had demolished in 1977.

Reference was made to the Supplementary Planning Guidance - Replacement Dwellings and Conversions in the Countryside, which provided clear guidance on converting a building into a house or holiday accommodation, which stated:

Any building in the countryside proposed for conversion should be a permanent building of sound construction. Developments that include substantial rebuilding work will not be approved, as this would equate to the construction of a new building. It goes on to note that Any building in the countryside that is in such a dilapidated condition where substantial parts of it would have to be replaced or that the building would have to be completely replaced, will not be acceptable.

Therefore, bearing in mind that the planning history including the appeal decision has consistently stated over the years that re-using this ruin would not be acceptable, it is

evident that the site is unsuitable for development. Concerns were raised about the condition of the structure in the appeal almost 13 years ago, therefore, it stands to reason that the condition has not improved over the years and most likely it has deteriorated as it is very open to the elements in such a location. The results of the Structural Report had not undoubtedly convinced officers that the existing structure could be converted into a living unit without firstly undertaking extensive structural work to it, therefore it could be argued that re-establishing the structure would be tantamount to erecting a new house in the countryside.

It was considered that the proposal to convert was unacceptable due to the vulnerable condition of the structure and its unsustainable location in the countryside away from the main roads network and therefore in line with the decision and previous outcomes, it was recommended to refuse the application.

- b) Taking advantage of the right to speak, the local member made the following points:
- That the applicant was a local person and a builder - strongly believed in protecting the character and nature of the countryside
 - That the proposal did not extend the property - the same footprint would be retained.
 - That there were no objections - the Community Council and AONB were supportive.
 - That the applications that had been refused proposed an extension - this was an application to convert without extending.
 - The structural report noted sound walls and foundations to support a new roof.
 - Restoration only - no extensive work.
 - That the property had been empty for years, but it could be restored and brought back to use, rather than demolishing it and polluting the landscape.
 - That local people needed to be supported - to keep them local.
- c) It was proposed and seconded to refuse the application.

RESOLVED: To delegate powers to the Senior Planning Manager to refuse:

- 1. It was considered that the proposal was contrary to the requirements of criteria 2 (i) and (ii) of Policy TWR 2 as well as criteria 3(i) of Policy CYF 6 of the Anglesey and Gwynedd Joint Local Development Plan 2017, and to the advice contained in the Supplementary Planning Guidance: Replacement Houses and Conversions in the Countryside and Technical Advice Note 23: Economic Development, due to the vulnerable and dilapidated condition of the existing structure.**
- 2. The proposal involves the creation of new holiday accommodation in open countryside away from the main road network. It is not considered that the proposal makes use of a suitable site in the countryside as it is an unsustainable site where the majority of the visitors would be dependent on private vehicle use. The proposal, therefore, does not comply with the relevant requirements of policies PS 14 and PS 5 of the Anglesey and Gwynedd Joint Local Development Plan, 2017, along with the advice contained in Supplementary Planning Guidance: Tourist Facilities and Accommodation and Maintaining and Creating Distinctive and Sustainable Communities, Technical Advice Note 18: Transportation and Planning Policy Wales, Edition 11, 2021.**

5.5 APPLICATION NUMBER C21/0573/33/LL Nant, Boduan, Pwllheli, Gwynedd

Siting of 5 seasonal wooden camping pods, erection of shower / toilet unit, installation of a domestic sewage treatment plant and landscaping works.

The Planning Manager highlighted that an application had been received to defer the application.

RESOLVED: DEFERRED - NO DISCUSSION.

5.6 APPLICATION NUMBER C21/1240/41/AC Bryn Hyfryd, Chwilog, Pwllheli, Gwynedd, LL53 6SF

Variation of condition 2 of Planning permission C18/1055/41/LL to extend the time allowed to submit reserved matters.

- a) The Planning Manager highlighted that this was an application to vary a condition in order to extend the time period to submit reserved matters on an outline application to construct 21 houses (including 7 affordable houses) on a site on the outskirts of Chwilog village. It was noted that the majority of the site was located within the development boundary of the village as defined in the Local Development Plan, and had been specifically designated for housing. It was reported that the site was currently an area of relatively flat green land on the western outskirts of the village, with a part of it forming a section of a farmyard near an existing access.

It was explained that the indicative plans submitted with the original application indicated the layout of the 21 properties (8 semi-detached houses and 13 detached houses), with an access and estate road. It was proposed that the affordable houses should be located close to the entrance, on the part of the site outside the development boundary.

Reference was made to Policy TAI 3, which identified the application site as one that had been designated for 21 houses (reference T64): Policy TAI 15 identified the threshold for the affordability contribution as two or more housing units for developments within Service Villages, and that 10% of the offer should be for affordable need: policy TAI 16 confirmed that every house on an exception site should be for affordable need. It was highlighted that the development proposed 7 affordable units from a total of 21 units, which was around 30% of the units, and they would be located on the section outside the development boundary and would form a logical extension to the village. It was considered that the total number of units proposed was acceptable and that the proposal continued to comply and satisfy the current housing policies.

It was noted that the Local Member did not object to the application.

- b) It was proposed and seconded to approve the application
- c) In response to a question regarding applications to extend the time-scale and what was acceptable, considering that there was an actual need for affordable housing in the local community, it was noted, when reviewing the Local Development Plan, that matters like this should become apparent.

RESOLVED to Approve

1. Time
2. Reserved matters to be submitted within three years.
3. Re-list all the conditions from the previous permission C14/01113/41/AM
4. In accordance with the 106 agreement associated with the previous application
5. SUDS drainage note

5.7 APPLICATION NUMBER C21/0665/40/LL Gefail y Bont Lôn Boduan, Efailnewydd, Pwllheli, Gwynedd

Application for the change the use of land into a touring caravan site for 18 units, including the provision of a toilets and shower building, track and play area within the site.

Attention was drawn to the late observations form.

- a) The Planning Manager highlighted that the application was a full application to develop a new touring caravan park. The proposal would include using an agricultural field for the siting of 18 touring caravans, toilet building, improving the existing access and landscaping work along the existing *clawdd*/hedge. The field where it was intended to site the touring caravans was described as relatively flat.

It was noted that the application had been originally submitted to the committee on 22/11/2021, where discussions were deferred in order to discuss the matter with the applicant. Consequently, further details were received in the form of an amended site plan, showing landscaping details, along with the relocation of a row of caravans along the north-eastern boundary and a tree protection report (21/10/22). The applicant had stated their intention to plant along the south-eastern boundary; a toilet building would be situated near the entrance and would measure 11 metres long and 3.75 metres wide, and it was not proposed to construct a track as an internal access road or hardstandings for touring caravans.

The application was submitted to committee as it involved the siting of touring units on land measuring in excess of 0.5 hectares. The application site was designated as a Wildlife Site Area and lands to the south-west had been designated as a Special Landscape Area. It was proposed to undertake improvements to the existing access to the adjoining class 3 county highway.

In the context of the visual amenities, it was highlighted, despite the proposal to plant additional plants along the '*cloddiau*' in order to thicken and strengthen the existing boundaries, that this would not create a permanent situation and that it would not be sufficient to satisfy the Council's policy objectives on managing the impact of the proposal on the countryside. It was considered that a hedge was not a permanent or substantial feature in terms of its construction and that it could be cut or damaged accidentally. It was considered that the proposal would have a detrimental impact on the character and countryside feel of the local landscape and would therefore be contrary to the requirements of Policy PCYFF3, TWR5 and PS19 in relation to its impact on the local natural environment. Although an amended site plan was received, showing planting details, it was not considered that it would solve problems relating to

the proposal's impact on the landscape (which was an opinion shared by the Trees Officer). Any additional planting work would take considerable time to establish and there was no certainty that it would take root or how successful the planting work would screen the site.

The additional information had not convinced the officers that the proposal to establish a touring caravan park for 18 units was acceptable and it was recommended to refuse on the grounds that the proposal, due to its location, setting and appearance in the landscape, would stand out as a prominent and obtrusive feature within the countryside, thus having a harmful impact on the landscape and visual amenities of the rural area.

- b) It was proposed and seconded to approve the application
- c) During the ensuing discussion, the following observations were made by members:
 - That the visual impact was the main issue under consideration
 - That the site was screened by mature trees
 - That the application was one for a seasonal park - the trees and hedges would be full at these times
 - That the allegation of the park being 'prominent' was misleading
 - That a damaged hedge or *clawdd* could be restored by imposing a condition noting that maintenance work needed to be completed
 - If there was no impact on neighbours - who then?
 - Pruning and maintaining the hedge by the entrance would improve visibility
 - The application was acceptable

RESOLVED To Approve

Standard conditions including:

Five years, in accordance with the plans, materials, landscaping, touring use only, holiday use only and maintain register, holiday season 1 March - 31 October

5.8 Application NUMBER C21/0668/43/LL Land near Uwch y Don, Bwlch Gwynt, Pistyll, Pwllheli, LL53 6LP

Construction of affordable dwelling

Attention was drawn to the late observations form.

- a) The Development Control Officer highlighted that the application was a full application for the construction of an affordable house (4 bedrooms) on land near Uwch y Don, Pistyll, which had been designated as a Cluster village in the Local Development Plan.

It was noted that the application had been discussed at the committee on 13 December 2021, where the application had been deferred in order to receive further information from the applicants to prove their need for an affordable house. Following the Committee financial information, Red Book Evaluation and Valuation for their

current house were received. An Amended Plan was also received changing the layout of the house, reducing the size of the plot and changing the boundary treatment, as well as an Ecological Report as the land had been identified as a Wildlife Site. A second consultation was conducted on the new information and much local support was received.

It was reported that there was no doubt that the applicant was a local person who had been brought up in Pistyll, but the main matter with the application was the family's need for an affordable house as they already owned a former Council house in Nefyn which was subject to a local 157 condition.

It was reported that the application met many criteria in main policy TAI 6, but that Tai Teg had re-assessed the applicants based on the latest financial information and had concluded that the applicants were not eligible for an affordable house. The following reasons had been submitted - that the family were in a suitable property for the family's size, that the property was affordable and that they did not have any specific needs.

It was highlighted that the red book valuation for the proposed house had been submitted, noting that the open market price was likely to be £315,000. Although no response had been received from the Housing Strategic Unit to the consultation, it was suggested that a discount of around 50% would be needed to bring the affordable price to £157,000 (which would be affordable for an intermediate property). It was noted that the Local Development Plan only supported proposals for affordable units where it could be ensured that they remained affordable in perpetuity. In such an elevated position with coastal views that could influence the price of the house in future, no guarantees could be given that this house would remain affordable in future.

It was explained that the changes to the size and boundary treatments of the plot, as well as the results and recommendations of the Ecological Report submitted, were all acceptable and that the size and design of the house, residential amenities and road matters were acceptable. However, this did not overcome the fundamental problem with the application - the applicants did not meet the requirements of being in need of an affordable house.

It was accepted that selling their existing house which was subject to a 157 condition would release a house to local residents, however, this did not provide justification to give consent to building in a rural exception site. It was also accepted that the situation was very frustrating to the applicants and their wish to move, but it was not possible to divert from the policies.

Based on the assessment and latest response from Tai Teg, it was recommended to refuse the application as the applicants had not proven an actual need for an affordable house.

- b) Taking advantage of the right to speak, the local member made the following points:
- That the application was unique
 - That the family currently lived in Nefyn under very difficult circumstances, and suffered from anti-social attacks

- The applicant's parents had offered a piece of land to build a home and improve their quality of life - which was one of the main objectives of the Gwynedd Housing Strategy
- The applicant assisted his father on the farm
- The empty Council House had a 157 condition - this restricted who could live there
- Confirmation had been received from the Housing Department to buy the house back to its ownership - an additional house for another local family
- Many had taken the time to write in to support the application
- The applicant had responded to the Officers' requests - had submitted additional reports and information
- The applicant had clearly shown his need for a home

c) It was proposed and seconded to approve the application

ch) During the ensuing discussion, the following observation by a member was noted:

- A house would be released for a local family

In response to the proposal to approve, the Assistant Head noted that this would be subject to a 106 agreement for applicants who were eligible for an affordable house. It was noted that the applicant was not eligible and that he would not be able to reside in the house.

RESOLVED: To approve contrary to the officers' recommendation

The Senior Planning Service Manager 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.

5.9 APPLICATION NUMBER C21/1010/32/LL Caerau, Llangwnadl, Pwllheli

Conversion of outbuilding to provide an affordable dwelling, together with alterations to existing vehicular access, installation of a package treatment plant and associated works.

Attention was drawn to the late observations form.

a) The Assistant Head of Environment submitted his report after referring the Committee's decision on 10-01-22 to a cooling-off period. A decision on the application had been deferred to enable the applicant to prepare an open market valuation of the proposed property in order to assess whether it would be possible to determine a discount to make the property affordable. The purpose of reporting back to the Committee was to highlight the planning policy issues, the possible risks and the possible options for the Committee before it reached a final decision on the application.

After the application had been referred, a letter was sent to the applicant's agent on 12/01/22 asking for a full market valuation of the property in order to enable the Council to assess whether it would be possible to ensure that the property remained permanently affordable by securing an appropriate discount on the market price.

A response was received from the agent on 11/02/22, which included an Open Market Evaluation prepared by a registered valuer to RICS (Royal Institute of Chartered Surveyors) standards, following the recognised "Red Book" international approach. It concluded that the fair market price for the completed property in accordance with the submitted plans would be £275,000.

Given the definition of an intermediate affordable house in the LDP as a house where the prices or rents were higher than social housing rents but lower than the prices or rents on the open market, and that the applicant in this case had been assessed by Tai Teg as qualifying for an affordable house, it was not considered that the price, with a 50% discount, was unreasonable in relation to ensuring that the property would be available for a local person on an income that would not allow access to the open housing market. It was considered that including a 50% discount in a 106 Agreement that would correspond with the consent, would keep the property affordable and within a reasonable price to those in the community that had been identified as eligible for a property of this type, was acceptable.

Despite the justification for the affordable element, it was considered that the existing building was not a suitable structure to be converted into a residential unit in accordance with local and national policies. It was noted that this site was in open countryside and that the building was in a dilapidated condition and had blended into the landscape. It was explained that local and national policies were totally clear that only housing for serving rural enterprises or a one planet development should be considered in open countryside, and no such justification had been offered in this case.

It was reiterated that the increase in the building's floor area of around 50% derived from the plan in question and was contrary to the requirements of policy TAI7 of the Local Development Plan which noted that no extensive extensions should be required to enable the development, and the building in its current form (in terms of size) should be suitable. It was obvious, from the need for vast extensions, that the application did not meet the mandatory criteria for accepting plans to convert traditional buildings in open countryside into residential use.

The risks to the Council from approving the application, along with the options available to the Committee, were highlighted. The officers noted clearly that the features of the application had been thoroughly assessed by the Council's officers, who firmly recommended that the application be refused as the proposal did not comply with the requirements of the Anglesey and Gwynedd Joint Local Development Plan's adopted policies, local and national guidance and national planning policies.

- b) Taking advantage of the right to speak, the local member made the following points:
- That the decision to approve the application at the Committee on 10-01-22 had been unanimous
 - That the open market price had been submitted
 - That the applicant qualified for an affordable house
 - This was a golden opportunity for a local young person to have a house
 - It was impossible to buy a house locally in the Botwnnog ward - a discount of 50% was needed to address the affordable element - this highlighted the housing situation of Pen Llŷn.
 - Why would a 'holiday home' be more acceptable than a 'home'?
 - That a structural report noted that the house was suitable for conversion

- Local people had to be supported

c) It was proposed and seconded to approve the application

When considering approving the application, the Head of Legal Services said that the reasons for approval had to be balanced carefully in order to avoid setting a precedent.

Option b was proposed - *Approve the application with a Section 106 Agreement - The only way to make the house affordable if a high discount such as 50% is given on it.*

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

- We must keep our Welsh communities alive
- Too much talk of supporting local people - we must act
- This was an opportunity to breathe new life into a ruin
- That the structural report noted that the ruin was sound for refurbishment
- That an effort had been made to respond to the Committee's requests
- This had been a Welsh home - this was a chance for it to become a Welsh home again
- If we want to see change - we must challenge national policies
- That the application responded to the need for affordable houses in the area

In response to a proposal to approve the application and a pattern of decisions that were contrary to local and national guidance, the Assistant Head highlighted the possibility that the decision could lie with the Welsh Government - the application was contrary to policies and could set a dangerous precedent.

In response to a question regarding the positive structural report and the officers noting contrary to that, it was noted that the report confirmed that it was possible to refurbish the building but that policies challenged the need for work beyond constructing walls and a roof - there were vast extensions within this application and therefore was contrary to policies.

RESOLVED: To approve with a 106 agreement

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

In favour of the proposal to approve the application, (13) Councillors: Stephen Churchman, Elwyn Edwards, Louise Hughes, Anne Lloyd Jones, Berwyn Parry Jones, Gareth T Jones, Huw Wyn Jones, Eric M Jones, Cai Larsen, Edgar Owen, Gareth A Roberts, Eirwyn Williams and Owain Williams

Against the proposal to approve the application, (0)

Abstaining, (0)

Standard conditions including:

5 years in accordance with the plans, materials, landscaping, PD restriction

The meeting commenced at 10.00 and concluded at 12.55.

CHAIR