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## PLANNING COMMITTEE 1/02/21

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

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

**Also in attendance:** Gareth Jones (Assistant Head of Planning and Environment), Cara Owen (Planning Manager), Iwan Evans (Head of Legal Services), Gareth Roberts (Senior Development Control Engineer), Idwal Williams (Senior Development Control Officer) and Lowri Haf Evans (Democracy Services Officer)

**Others invited:** Councillor Dewi Roberts (Local Member)

### 1. APOLOGIES

Apologies were received from Councillor Gareth Williams (Local Member)

### 2. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

- a) Cara Owen (Planning Manager) in item 5.3 on the agenda (planning application number C20/0764/32/LL) as she had personal connections with the family

The officer was of the view that it was a prejudicial interest and she left the meeting during the discussion on the application.

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

Councillor Gareth M Jones (a member of this Planning Committee), in relation to item 5.1 on the agenda (planning application number C19/1174/42/LL)

Councillor Eirwyn Williams (a member of this Planning Committee) in relation to item 5.2 on the agenda, (planning application number C20/0698/35/LL)

Councillor Dewi Roberts, (not a member of this Planning Committee), in item 5.4 on the agenda, (planning application number C20/0835/39/AC)

### 3. URGENT ITEMS

None to note

### 4. MINUTES

The Chair signed the minutes of previous meetings of this committee, held on 21

December 2020 and 11 January 2021, 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

### 6. APPLICATION NO C19/1174/42/LL ST MARY'S CHURCH, LÔN YR EGLWYS, MORFA NEFYN, PWLLHELI, GWYNEDD

Residential development of six dwellings, access and associated works

Attention was drawn to the late observations form.

- a) The Planning Manager elaborated on the background of the application, noting that this was a full application for a residential development to include six detached dwellings, access road and associated works on the site of the former Catholic Church at Morfa Nefyn, that has by now been demolished.

It was highlighted that an appeal had been submitted in relation to the application due to the failure to determine the application within the target of 8 weeks. It was added that late information had been received from the agent regarding a public footpath and a revised language statement.

It was explained that policy TAI 4 noted the need for any housing proposals within coastal/rural villages to be of a scale, type and design that was in keeping with the character of the settlement. A comparatively lower level of development was promoted for these Villages in order to protect their character and support the community need for housing or affordable housing for local need. In recognising that an offer of financial contribution had been made towards the provision of local affordable housing, the development would comprise six substantially sized open market houses that would add to the over-provision of housing in the settlement since the adoption of the LDP.

In the context of affordable housing, as two or more units were offered as part of the proposed development, Policy TAI 15 notes that at least 10% of the units are expected to be affordable. It is also noted in the policy, where the affordable housing requirement of a particular scheme falls below a single dwelling on the site, as in this case, then providing an affordable unit within that development will remain the priority. None of the units proposed as part of the application are affordable and it was highlighted that the applicant had offered a financial contribution equivalent to 0.6 unit towards the provision of local affordable housing. It is not clear why at least one affordable house could not be included as part of the plan and therefore it was considered that the plan did not meet the requirements of policy TAI 15.

In the context of language matters, it was highlighted that a Welsh Language Statement had been submitted with the planning application and reported that on the whole the impact of the development on the Welsh Language in the local community would be neutral and the affordable contribution would assist towards the provision for local people. However, it was noted that the Language Unit (in the late observations form) had noted, in their opinion that insufficient information had been submitted in the application's documents to

support the opinion of a neutral impact. A recommendation had been made for the applicant to reconsider the information and resubmit the statement prior to submission to the Planning Committee. Although additional information had been received (29/01/21) it did not respond to all the concerns of the Language Unit and therefore the officers were not convinced in terms of language matters.

In the context of the access road it was reported that the road was very narrow, the width of one vehicle, and due to its nature, it would not be adopted as a public road by the County Council and the estate road continued to be private. It was suggested that there would be a likely, significant and consistent increase in the use of the access road on the junction with Lôn yr Eglwys and close to Ysgol Gynradd Morfa Nefyn (which itself generated traffic that caused current inconvenience to local residents). In light of matters such as the need to collect litter from the entrance to the access road, it was considered that there was a likelihood that there would be intervention in terms of the impact on the convenience of access, parking problems and traffic flow difficulties that would be unacceptable to nearby residents. In addition, despite the efforts submitted in the plans to provide a safe and tidy bin store area, due to the nature of such a facility, in such a restricted spot, it was considered that it was inevitable that those arrangements would add to litter and untidiness problems near the access.

Although there were some positive features in the plan submitted, approval of the application could not be recommended due to the failure to satisfy the requirements of the LDP's housing policies, the impact on the amenities of residents in terms of the proposal as well as language concerns.

- b) Taking advantage of the right to speak, the applicant's agent noted the following points:
- It was disappointing that the concerns noted in the report had not been mentioned or discussed with the applicant before the application was reported to Committee - all the information had been submitted to the Council since October.
  - Policy TAI 4 stated that proposals for open market housing in villages such as Morfa Nefyn would be granted provided the size, scale, type and design of the development was in keeping with the character of the village and that the site was located within the development boundary. The report noted that the development of 6 houses was a 'large windfall' site as noted in Policy PS 16. However, policy PS 16 did not refer at all to 'large windfall sites' and did not define them.
  - The report noted that the proposal would not make any contribution to meet with the community need for housing. Despite this, the housing mix assessment contradicted this. The report noted that the population in Gwynedd was expected to grow over the next five years with an increase in the number of children in the long term. This suggested that there would be a need for larger houses, as offered as part of the proposal to satisfy the housing needs of families.
  - From the construction patterns in Morfa Nefyn (period between 2011 and 2020), no 4+ bedroom units were built. This meant that the percentage of 2 and 3 bedroom houses were higher than the 40% and 30% highlighted within the Gwynedd Local Housing Market Assessment.
  - The mix of proposed housing helped to address the needs of the community for larger houses and to expand the range of housing available in the county in accordance with policy TAI 8.

- No request had been received from the Council questioning the intention to provide a financial contribution and officers in the policy unit confirmed that the units are larger in size than what was considered suitable as an 'affordable house'.
  - That a statement that the proposal would have a detrimental effect on the flow of traffic and the amenities of local residents was contrary to the observations of the Highways Officer who was of the opinion that the increase in traffic would not be significant, and would not lead to congestion on the road.
- c) Taking advantage of the right to speak, the Local Member made the following points:
- The prices of the houses were out of the reach of local people
  - Although anticipating a recommendation to refuse, the application had been called in in case it might slip between complex policies
  - There were too many holiday homes and open market houses in Morfa Nefyn - only affordable houses were needed
  - The development would be harmful to the Welsh language
  - The houses would affect the privacy of nearby houses
  - That the access was too narrow (9.5') and only allowed one vehicle at a time. There was no space to widen the access and it was not suitable as it was for a fire engine or waste vehicle
  - The development added to traffic problems in front of the Primary School
  - The development would cross a public footpath - that the Council had an open application regarding having better use of the public footpath
- ch) It was proposed and seconded to refuse the application
- d) During the ensuing discussion, the following observations were made by members:
- The reasons for refusing the application were clear in the report.
  - The village had suffered as a result of the impact of incomers
  - There were too many houses in Morfa Nefyn
  - Open market housing would destroy the village from the point of view of the language
  - That the use of the 'private road' was likely to cause problems
  - 'Affordable'? Who decides? The prices of the open market houses would be out of reach of local peoples' wages
  - Need to protect our cultural values.
- dd) In response to a question regarding the instructions to complete the language assessment the Planning Manager noted that a template in the Local Development Plan set out the guidelines to complete the language assessment and the template had been available since the Plan had been adopted. It was added that Planning Unit Officers had no control over the contents of the language assessment and it was only Officers from the Language Unit who offered observations.

In response, it was suggested that there was a need for more detailed guidelines and information regarding the requirements shared with applicants. It was proposed that Officers would contact the Member directly to discuss the procedure.

**RESOLVED: To refuse the application**

**Reasons:**

1. **The housing provision in Morfa Nefyn is already significantly higher than the provision set by the Joint Local Development Plan, and therefore it is not believed that the proposal would meet the recognised local need for housing. As a result, the development would lead to an over-provision of open market housing in the community, which is contrary to the requirements of policy TAI 4 of the LDP and the settlement strategy included in policy PS 17.**
2. **No sufficient reason has been provided within the application as to why an affordable unit cannot be provided on the site, and therefore the application is contrary to the requirements of policy TAI 15 of the LDP.**
3. **Due to the narrowness of the access route to the site and the detrimental impact on the flow and convenience of private and service transport which will use it, it is likely that the development will have negative impacts on the amenities of local residents and users of Lôn yr Eglwys, including those who attend Ysgol Morfa Nefyn; therefore, the proposal is contrary to the requirements of policy PCYFF 2 of the LDP with regard to protecting the amenities of land users near development sites.**
4. **On the basis of the information submitted in the Language Statement, the LPA is not convinced that the development would not have a negative impact on the Welsh language, contrary to the requirements of policy PS1**

**7. APPLICATION NO C18/0698/35/LL PINES CARE HOME, THE PINES FFORDD PENPALED, CRICIETH, GWYNEDD, LL52 0DE**

**Application to extend a nursing home building and car park together with confirming the location of the existing biomass unit**

- a) **The Planning Manager highlighted that a request had been received from objectors to defer the application in order to give them time to prepare a video presentation of their objection. It was intended to re-submit the application at the next Committee meeting - 1 March 2021. It was added that the Local Member was aware of the situation and supported the request to defer the application.**
- b) **It was proposed and seconded to defer the decision.**

**RESOLVED:**

**To defer in order to give the objectors time to have an opportunity to prepare a video presentation of their objection**

**8. APPLICATION NO C20/0764/32/LL GELLIWIG FARM CARAVAN PARK, BOTWNNOG, PWLLHELI, GWYNEDD, LL53 8RG**

**To extend the caravan park's holiday season from 8 to 12 months to be open throughout the year for holiday use**

Attention was drawn to the late observations form.

- a) The Senior Development Control Manager elaborated on the application's background, and noted that this was an application to extend the occupancy period on the static caravan holiday site so that there was a 12 month holiday season. It was reported that there was planning permission for 40 static caravans on the land and the existing permission restricted the occupancy of the caravans to between 1 March and 31 October in any year.

It was highlighted that a Design and Access Assessment had been submitted to explain the application's background and in response to the call by the existing caravan owners to remain on the site over Christmas, New Year and February half term. It was added that extending the holiday season was also a means to upgrade the site.

Reference was made to policy TWR 4 that supported proposals to extend the holiday season of existing static caravan and chalet sites provided it could be demonstrated that the accommodation was being used exclusively for holiday purposes and did not become the occupant's main or sole place of residence. It should also be ensured that the accommodation was suitable for occupation during the winter, that the extended season would not increase the consequences of an extreme flooding event and would not have a detrimental impact on the local environment.

It was considered that the application, with appropriate conditions to ensure that the static caravans were used for holiday purposes only and to maintain a register, was acceptable on policy grounds.

- b) Taking advantage of the right to speak, the applicant noted the following points:
- That all the static caravans were in private ownership and some of the 'plots' had been in the occupancy of the same family since the 1970s.
  - It was proposed to extend the season for the 40 static caravans to be open throughout the year for holiday purposes only. The application was in response to customers' requests to use the caravan for shorter periods throughout the year.
  - Extending the season would improve the standard of tourist accommodation facilities
  - In response to the concern regarding the pressure on the Local Health Service, the contract with the occupiers confirmed 2 conditions that would get to grips with the problem
    - i. The caravans were for holiday use only. Our owners cannot live permanently on the site. As part of the annual contract, the owner had to provide proof of their main address, as a result of this the owners had been registered with their appropriate local health service.
    - ii. The caravan site had already adopted an owners only park model; it meant that all the static caravans were in private ownership and as part of the agreement only the owners and their close families could use the caravan. This meant that less use was made of the caravans than if they operated as a mixed caravan site where caravans are let.
  - It was known as a quiet, family caravan site. Their customers came here on holiday for peace and tranquillity

- Lighting fireworks was against the rules of the caravan site. The caravan site was located on a livestock farm with most of the caravanners owning a dog
- There would be no physical development on the site that may be a threat to the habitat of bats or any animals or similar wildlife
- That the road to the site was maintained
- A bilingual policy had been adopted for the Park with a willingness to use the Welsh language at all times. The 'residents only' sign was a temporary sign as a result of the COVID-19 pandemic.

c) The Chair read the Local Member's written observations:

- The applicants did not request permission to add more caravans to the 40 they already have on the land.
- The application had been opposed by Cyngor Cymuned Botwnnog due to the circumstances with Covid. They feel that the Local Health Service is already under strain and accepting more people from outside the area into the Botwnnog area would place more pressure on the service.
- As a Councillor for the Botwnnog Ward, he was very eager to support the planning application.
- He felt that Members of Cyngor Cymuned Botwnnog were worrying unnecessarily. Under current circumstances all the caravan sites in Pen Llŷn are closed. The fact that this caravan site could be open for an additional four months and would place more strain on the surgery would not exist at all due to covid.
- The main reason for supporting the application was the fact that the owners of the site were a Welsh speaking family who had been born and brought up in Botwnnog. It was a pleasure to see local people succeeding.
- He has always lived in the Botwnnog area - have come to know many of the caravan owners at Gelliwig. Many of them are Welsh speakers or with relations in Pen Llŷn. He often sees them shopping locally, socialising regularly at the Tŷ Newydd Sarn public house and supporting local businesses and the economy rather than carrying their provisions here from towns.
- It was pleasing to see the children coming into the village to play with the little children in Botwnnog.
- One major problem in Pen Llŷn is the fact that local young people cannot buy the houses that are on the market as their wages are not high enough. He would much prefer to see happy caravanners in the Botwnnog area - people that are not interested in buying our scarce houses!
- If the application is successful, we wish to see a condition that the caravanners have no right at all to identify their caravan as their main residence - this would be totally unacceptable as they could live here all the time and certainly then there would be a strain on the surgery. Neither would they pay Council tax.
- He saw no reason for not supporting and approving this application and wishes them every success in their application

ch) It was proposed and seconded to approve the application

d) During the ensuing discussion, the following observations were made by members:

- This was a caravan park that was managed responsibly
- The caravan site was now part of the landscape
- Welcomed the applicant's measure for caravan owners / visitors to submit evidence that they had registered with a doctor at their main address - this was a consideration for every caravan site to adopt
- It would be difficult to justify refusal - TWR4 supported such applications

dd) In response to a question regarding the requirements of the Supplementary Planning Guidance: Holiday Accommodation (2011) to use relevant conditions to ensure use (maintaining a register) and to the suggestion that Council officers needed to visit the site to look at the register, it was noted that the requirement to maintain a register was an enforcement tool that gave permission to investigate use. In response to a further comment that the applicant could be asked to send a copy of the register to Council officers, it was noted that this was possible, however, the usual process was to maintain a register on the premises. The Solicitor added that the process was in accordance with the Council's enforcement policy.

A comment was made although in support of the application, that there was a need to review the principle of allowing extensions to the holiday season for static caravan sites. It was considered that the system was a burden on services and local resources.

In response to a question regarding the rationale for submitting the application to committee bearing in mind that there was no basis to refuse the application, it was noted that policy TWR4 supported proposals to extend the holiday season for established sites and it would be difficult to present evidence that would justify refusal. In accordance with the Gwynedd Planning Delegation Scheme 'any planning application for developments on a site that is 0.5 hectares or more in size' will be submitted to the Planning Committee for determination.

**RESOLVED: To approve the application**

**Conditions:**

1. **Holiday use and a register to be maintained.**

**9. APPLICATION NO C20/0835/39/AC GLYN CARAVAN PARK, LÔN GARMON, ABERSOCH, PWLLHELI, GWYNEDD, LL53 7UL**

**Application to remove condition 3 from planning permission 34/64/371'C' for a caravan site to approve the use of caravans throughout the year**

- a) The Planning Manager elaborated on the application's background and noted that it was an application to remove a condition preventing the use of caravans on a static caravan site between 1 November and 1 March of the following year. Such a permission would enable extending the occupation period for the site to have a 12 month holiday season. The proposal would increase the occupancy period for four months in the year, however, it was not intended to add to the existing number of static caravans, namely 25. It was added that there would be no alterations or additions to the existing facilities on the site.



It was noted that policy TWR 4 supported proposals to extend the holiday season of existing static caravan and chalet sites provided it could be demonstrated that the accommodation was being used exclusively for holiday purposes and did not become the occupant's main or sole place of residence. It should also be ensured that the accommodation was suitable for occupation during the winter, that the extended season would not increase the consequences of an extreme flooding event and would not have a detrimental impact on the local environment.

Having considered all the relevant matters, it was deemed that removing the condition in question was acceptable provided it was replaced with an appropriate condition to ensure the use of static caravans for holiday use only and that a full register of all unit users was maintained. Also, it was believed that imposing a condition to ensure bilingual signage within and outside the site was a way of highlighting the Welsh language within the development.

- b) Taking advantage of the right to speak, the Local Member made the following points:
- He supported the application, however, he required confirmation of compliance and the conditions
  - Did the Council have the capacity to ensure enforcement?
  - Accepted the need for fairness and consistency in caravan sites
  - Tourism was a major business in Pen Llŷn
  - Welcomed the suggestion for caravanners to give evidence that they had registered with a doctor at their main home
  - Need to ensure that the area's language and culture were protected
- c) It was proposed and seconded to approve the application.
- ch) During the ensuing discussion, the following observations were made by Members:
- It would be difficult to justify refusal - TWR4 supported such applications
  - Local Members had a responsibility to keep an eye on the situation - it was suggested that the electoral list could be used to see if some were breaching the rules by using the caravan as their main or sole home.

**RESOLVED: To approve the application**

#### **Conditions**

- 1. Holiday use only and a register must be maintained of all users.**
- 2. All internal and external signs to be in Welsh only or bilingual with a priority given to the Welsh language.**

The meeting commenced at 11.00 am and concluded at 12.25 pm

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**CHAIRMAN**