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## PLANNING COMMITTEE 24-05-21

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### Present:

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

**Officers:** Gareth Jones (Assistant Head of Planning and the Environment), Iwan Evans (Head of Legal Services), Cara Owen (Planning Manager), Keira Sweenie (Development Control Team Leader), Alison Owen (Environment Business Manager) and Lowri Haf Evans (Democratic Services Officer)

### Others invited:

Local Members: Councillor Gareth Williams, Councillor Gruffydd Williams and Councillor Dafydd Bullard

### 1. ELECTION OF CHAIR

**RESOLVED: to re-elect Councillor Eric M Jones as Chair for 2021/2022**

### 2. ELECTION OF VICE-CHAIR

**To re-elect Councillor Gareth A Roberts as Vice-chair for 2021/2022**

### 3. APOLOGIES

No apologies were received

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

- a) Councillor Simon Glyn in item 7.2 on the agenda (planning application number C20/1076/14/LL) as his son-in-law worked at Coed Helen.

The Member was of the opinion that it was a prejudicial interest, and he withdrew from 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 Williams (not a member of this Planning Committee), in item 7.1 on the agenda, (C20/0666/32/LL)
  - Councillor Gruffydd Williams (a member of this Planning Committee), in relation to item 7.3 on the agenda, (C21/0167/42/DT)
  - Councillor Dylan Bullard (not a member of this Planning Committee), in item 7.4 on the agenda, (C21/0215/45/LL)
- c) Councillor Anne Lloyd Jones stated that she had received a phone call regarding one of the applications.

## **5. URGENT ITEMS**

None to note

## **6. MINUTES**

The Chair signed the minutes of the previous meetings of this committee, held on 22 March and 12 April 2021, as a true record.

## **7. 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**

#### **7.1. Application Number C20/0666/32/LL Crugeran, Sarn Mellteyrn, Pwllheli, Gwynedd,**

Application to erect a structure for the production of free-range eggs including foundations and associated works

Attention was drawn to the late observations form.

- a) The Development Control Team Leader expanded on the background to the application, and noted that it was an application to construct an agricultural unit to house chickens to produce free-range eggs, along with the construction of silos and associated works at Fferm Crugeran, Sarn Mellteyrn. The proposed shed would be located parallel to an existing chicken shed on the site; it would be of the same design and size and would house up to 32,000 laying hens. The four feed silos would be approximately 6.8m high and of a grey-blue colour, situated adjacent to the shed.

It was reported that the site was located in the countryside and within a Special Landscape Area, the Registered Historic Landscape of Llŷn and Bardsey. In terms of visual amenities, the setting of the existing chicken shed is comparatively flat within an rolling landscape, which ensures that there are only occasional views of the existing shed from the nearby landscape. It does not appear obtrusive or out of place within the Special Landscape Area. The proposed shed would be situated parallel to the existing shed; therefore the proposed shed would be screened to an extent from the most prominent views.

It was explained that there were some residential dwellings in the vicinity of the site. No objections were received to the proposal from local residents, which was positive and underlined the way the farm was managed. The Council's Public Protection Unit was consulted regarding the noise issues. The Unit did not consider that the Noise Management Plan received was sufficient. It was recommended, due to the rural location of the unit, that a Noise Assessment should be undertaken and agreed prior to the commencement of the unit's construction to ensure that the unit did not have a noise impact on nearby residents and did not unacceptably increase the area's background noise level.

It was proposed to use the farm's existing access and the access track to the existing shed to serve the proposal. In terms of transport patterns, it was expected that a HGV lorry would come to the farm 2/3 times a month transporting chicken feed, as is the arrangement with the existing chicken shed. Eggs were to be collected every three days and vehicles transporting new chickens were expected to arrive once every 13 months.

Apart from this, there would be the daily comings and goings by farm workers. The Transportation Unit had noted that they had no objections to the application and that they only anticipated a small addition in traffic levels.

Having considered all the relevant matters, including local and national policies and guidance, together with the observations received following the consultation process, it was deemed that the proposal was acceptable subject to the inclusion of conditions.

- b) Taking advantage of the right to speak, the applicant noted the following points:
- That he was very happy with the way the existing shed had strengthened their agricultural business.
  - The existing shed had taken its place very well within the landscape.
  - They were a Welsh-speaking family and business - a second shed would offer more work opportunities for local Welsh-speakers.
  - All agencies, including NRW, were happy with the license and the application for the second shed.
  - The demand for free-range eggs was increasing due to the hens' well-being, as well as being a healthy product.
  - In addition to the eggs, the manure was also very valuable due to a decrease in the use of artificial fertiliser and the fact that it was healthier for the soil.
  - Developing a wide-ranging and strong business was very important in looking to the future, giving the opportunity for his children, two sons and one daughter, to earn a living in Pen Llŷn.
- c) Taking advantage of the right to speak, the Local Member made the following points:
- That he fully supported the application.
  - He had received no complaints from the Botwnnog area during the consultation period.
  - The existing shed had been an excellent way to raise money in the area by holding open days, as well as raising funds towards the Pen Llŷn National Eisteddfod in the near future.
  - The existing shed did not affect the landscape - it took its place very neatly and suited the surrounding landscape.
  - Following the owners' success, and since the shed was built in Autumn 2017, the third flock of hens had now arrived at the farm. One full-time manager worked on the site along with six local people on a part-time basis
  - Due to the success of the enterprise, the farm business had been strengthened and work had been secured for those who worked there - the owners were always looking for ways to develop the business for their own benefit and that of future generations.
  - The chicken manure had created financial savings in terms of artificial fertiliser to improve the quality of the land.
  - There was a higher demand for free-range eggs as they were healthy to eat.
  - The family created employment for local Welsh-speakers. This was an excellent opportunity to create more opportunities for young local people to work in their own area. With more and more outsiders from across the border purchasing houses in Pen Llŷn, opportunities to find work 'at home' were sure to decrease.
  - Crugeran's first enterprise with the chicken shed had been an outstanding success, and he was therefore supportive of the application for a second shed
- ch) It was proposed and seconded to approve the application
- d) During the ensuing discussion, the following observations were made by members:

- The business created local employment
  - The buildings for agricultural use were located on agricultural land
  - The family managed the business responsibly
  - The shed was located on an expanse of land
  - Such an enterprise was important for rural areas
- e) In response to a question regarding the area of land for the chickens, it was noted that there was one hectare for 2000 chickens. It was added that the chickens were released from the shed on a rotational basis, and were free to roam within the shed and out in the fields. It was noted that the applicant was required to comply with requirements for the well-being of chickens.

## **RESOLVED**

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

1. **Commence within five years.**
2. **In accordance with the plans.**
3. **The roof and external walls to be of a dark green colour to match the existing shed.**
4. **The colour of the feed bins to match the existing.**
5. **Agricultural use of the building only.**
6. **Submission of a landscaping plan**
7. **A Noise Impact Assessment to be submitted prior to the commencement of the development**
8. **Submission of an Assessment of the Impact of Pollution from Particulate Matter prior to the commencement of the development**
9. **Submission of a Biodiversity Enhancement Plan prior to the commencement of the development**
10. **A revised Manure Management Plan to be submitted prior to the commencement of the development**

### **7.2. Application Number C20/1076/14/LL Coed Helen Holiday Park, Coed Helen Road, Caernarfon**

Application for the extension of the holiday occupancy season of all of the static caravans on the site to allow their all year-round occupation for holiday purposes

- a) The Senior Planning Officer noted that policy TWR 4 supported proposals to extend the holiday season of existing static caravan and chalet sites provided it could be demonstrated that the accommodation was being used exclusively for holiday purposes and did not become the occupant's main or sole place of residence. It was noted that the existing permissions for the site permitted occupation of static units between 1 March in one year and 10 January the following year. The caravan site currently closed for seven weeks of the year.

It was explained that Supplementary Planning Guidance: Tourist Facilities and Accommodation (March 2021) also referred to using holiday occupancy conditions that allowed the use of holiday units throughout the year but with relevant conditions, which ensured that such units were not used for permanent residential use. Policy TWR 4 did not restrict the period that static caravans / chalets could be occupied. Therefore, static caravans / chalets could be occupied for holiday purposes throughout the year and there were many case laws that were clear and supportive on this matter. By now, there were several sites in Gwynedd that operated in this way, with a condition to ensure that they were only used for holiday purposes. It was emphasised that it was possible to include a

condition stating that the static caravans on the site could only be used for holiday purposes and that a register should be kept of the names of all occupiers of the caravans, the duration of their stay and the address of their main residence.

It was reported that some similar applications had been refused by the Planning Committee in the past on the grounds that a 12 month use would lead to people using the units as residences all year round and on the grounds of the impact on the Welsh Language. Notably, an application was refused to extend the occupancy period of Ocean Heights in Chwillog for this reason (C12/1323/41/LL). A planning appeal was conducted on the decision, which included a claim for costs against the Council.

In order to ensure consistency, it was noted that the proposal to extend the occupancy period of the units to 12 months met the requirements of policies as noted in the report, and that a planning condition should be imposed to ensure that the units would be for holiday use only. There was no evidence to suggest that the proposal would have a significantly greater impact on the Welsh language than the current situation.

- b) It was proposed and seconded to approve the application
- c) Attention was drawn to a note in the report stating that the Local Member was supportive of the application in principle

**RESOLVED:**

**To approve – conditions**

1. **5 years**
2. **Holiday use and a register to be kept.**

**5.3 Application Number C21/0167/42/DT Tan Y Mynydd, Mynydd Nefyn, Nefyn, Pwllheli.**

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

Attention was drawn to the late observations form.

- a) The Senior Officer stated that this was an application to alter and expand the existing property, and that it was a re-submission of a plan previously refused by the Committee (application number C20/0022/42/DT). It was noted that the proposal submitted was an attempt to respond to the previous refusal reasons and that the plan had been amended further in response to observations received during the consultation process.

The application was submitted to the Committee at the local member's request.

The property was located on the slopes of Mynydd Nefyn in open countryside, approximately 340m to the east of the development boundary and 50m outside the Llŷn Area of Outstanding Natural Beauty.

It was explained that the development would include:

- Demolishing an existing outbuilding and relocating a stone wall in order to create a parking and turning area
- Demolishing a rear two-storey extension and a glass side extension
- Erecting a two-storey extension in the form of a crescent with three dormer windows in the front elevation and footlights in the rear elevation together with

the erection of a single-storey extension with a mono-pitch slate roof along its front.

- Erecting a balcony on the gable-end of the existing house

Slides were shown to exhibit the setting of the existing house, and the refused proposal side by side with the amended plans. It was noted that the scale and size of the proposal had been reduced and although it remained large, the dormer windows reflected traditional design and the porch reduced the prominence of the glass. It was emphasised that the applicant had attempted to respond to the committee's previous concerns.

Having considered the observations and objections received, it was suggested that the proposal was an improvement on the previously refused plan in terms of its impact on the landscape, and that it met with local and national planning policy requirements.

- b) Taking advantage of the right to speak, the applicant noted the following points:
- The applicants wished to turn Tan y Mynydd into a permanent family residence, and had dreamed of owning a property in the beautiful village of Nefyn.
  - The applicant spent her first holiday at Nefyn, in the old hotel in Pistyll, and her family had resided at the Aberafon Holiday Park in Nefyn since then. The applicants had family in Morfa Nefyn, were life members of Nefyn's sailing club and golf club, and were regular customers at the former Sportsman Hotel. They were now shareholders of Tafarn yr Heliwr, Nefyn.
  - The proposal was not an application for another holiday home, or for a rented property. This was to be their permanent home - their dream. They looked forward to spending many more years in the community with their children and grandchildren.
  - In drawing up the application, they were very aware of the beauty of the landscape and surrounding properties. They were eager for their home to integrate into the landscape, and had therefore chosen not only local builders and merchants, but local supplies as well.
  - Following the concerns expressed following the submission of the original application, they had carefully addressed those concerns, changing many aspects of the proposed plan.
  - The applicants had lived in Wales for over 30 years. Their children were Welsh and their businesses were located in North Wales. They employed around 30 people, and served the local community.
  - They were very passionate about Nefyn. With such sweet and happy memories of the area, they hoped for many more! They did not want the house to be an eyesore; their wish was to create a beautiful home to be shared with family and friends, appreciating what the beauty of Pen Llŷn had to offer.
  - Tan y Mynydd had stood empty and had deteriorated over recent years. They were keen to give it a new life as a remarkable home on the mountainside, that was in keeping with its surroundings.
- c) Taking advantage of the right to speak, the Local Member made the following points:
- This was a second application to refurbish the house
  - Although there were 'minor adaptations' to the original application, the building would affect adjacent buildings
  - Welsh Government emphasised the need to protect the AONB as with a National Park - policies relating to the AONB safeguarded views in and out of the AONB
  - There was a need to protect the traditional houses
  - It had to be ensured that there was no significant harm to views - policy A1
  - A special meeting of the AONB joint committee had made an unanimous decision to reject the application due to significant harm to AONB settings - these

observations were not included in the report and therefore had not been given full consideration (these were included on the late observations form)

- There was a need to consider Policies HP2 (Housing Density), HP3 (New Housing Developments), HP4 (Housing Proposals), HP6 (Dwellings in open countryside) and PP3 (Dark Sky)
- The proposal would set a precedent that would cause further impact to the AONB - if permitted, the floodgates would open to similar applications
- This would 'gentrify' the area
- The Committee was requested to refuse the application based on the policies listed, to protect the AONB

d) It was proposed and seconded to defer the decision on the application, so that time could be given to consider the AONB joint committee's observations as part of the officer's assessment.

dd) In response to the proposal, the officer noted that the AONB joint committee's observations had been included on the late observations form circulated on 21/5/21. It was added that the observations had been given full consideration, but that those observations were insufficient to change to Planning Service's recommendation.

**RESOLVED: To defer in order to consider the observations of the AONB Joint Committee as part of the officer's assessment**

#### **5.4 Application Number C21/0215/45/LL 20 Ala Road, Pwllheli**

Conversion of a three-storey residential house into two flats

Attention was drawn to the late observations form.

a) The Planning Manager noted that this was a full application for the conversion of an existing residential property into two self-contained living units. It was explained that the existing building was located within the development boundary of Pwllheli, and that it was a three-storey building located at the end of a terrace of similar houses.

Specifically, the internal layout offered:

- Unit One
  - Ground floor – shared hall/access, bedroom, living room, kitchen, bathroom
- Unit Two
  - First floor - living room/kitchen, bathroom, utility room
  - Second floor – two bedrooms

It was noted that the assessment was extensive and that it demonstrated evidence and justification for the need, as well as meeting the requirements of policy TAI 9 that allowed the sub-division of existing properties into smaller units, without the need for substantial external extensions or adaptations. It was highlighted that the development was part of the Council's Housing Action Plan, and would be used to contribute towards the effort to meet the need for housing for local residents of the Pwllheli area. It was added that there was a clear confirmation of the acknowledged need for units of this type and size in the area. The units were to be let to residents in accordance with the Council's letting policy.

In terms of general and residential amenities, it was explained that the site was located in a busy location close to Pwllheli town centre, and surrounded by residential dwellings. The current front elevation of the building looked out over a busy public road

to the front; it was intended to construct a 1.8m fence along the site's boundaries to ensure that residential amenities were protected. There were no external changes proposed for the building itself that would create any direct overlooking that was either new, or worse than the current situation.

It was reported that concern had been expressed about bins that would be kept at the front of the house, and how these would affect the pavement and existing movements. Referring to the proposed plans, it was noted that a specific area had been designated for bin storage in the yard that formed part of the site. It was not considered that the proposal would cause significant harm to the amenities of the local neighbourhood that was worse than the current situation.

In terms of transport and access matters, it was reported that the house did not currently have a parking space and that it was not intended to include spaces for the two new flats either. It was reported that there were unrestricted parking spaces along the majority of the road as well as there being public car parks relatively close by, and very convenient public transport connections. Given this, the Transportation Unit had no objection to the proposal.

The Language Unit confirmed that the units were to be let at an affordable social rent as part of the Housing Action Plan, which was part of the Council's wider plans to secure housing for the county's residents, thereby contributing to safeguarding and promoting the language.

It was highlighted that the site was partially within a C1 flood zone, as noted on the development advice maps included with TAN15: Development and Flood Risk. It was noted that the applicant had submitted a limited flood consequence assessment in accordance with the guidance noted in Table A1.15 of TAN 15, and that the assessment in question had been discussed with Natural Resources Wales - reference was made to the response in the late observations form

It was acknowledged that local concern had been highlighted about the use of the units, and whether they would be let to vulnerable individuals. This was not a material planning consideration. It was explained that residential use was already established on this site, and it was not considered that the proposed use would intensify the use of the site to the degree that it would have an unacceptable impact on the amenities of nearby residents or the wider area.

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

- b) Taking advantage of the right to speak, the representative of an objector to the application noted the following points:
- A sign notifying of the application was located on a post on the opposite side of the street to number 20, and was impossible to see if walking in the direction of Pen Llyn. A far more prominent post was located a few yards from the property and on the same side of the road, on the pavement used by all the residents. In addition, the sign was on unlaminated paper. The notice was not visible despite receiving an e-mail from a planning officer claiming that the 'location of the notice was visible in order to notify of the proposal.'
  - Only four letters were sent; these were sent to the closest neighbours at numbers 18, 19, 21 and 22. The department had apologised for failing to send letters to other nearby houses, but what was the reason for this? There should have been more effort made to contact the residents of the terrace who were to be affected by the development.



- Gwynedd Council had purchased number 20 before the property received planning permission for conversion into two flats. This suggested that they were confident the application would be successful, otherwise why spend public funds? They should have exercised caution and considered obtaining planning permission on Council land near Plas y Don rather than purchasing a private dwelling or buying back a Council house.
- The representative sympathised with local homeless people who had fallen on hard times.
- The Head of the Housing and Property Department had attempted to reassure them by saying that 'the local people of Pwllheli will always be prioritised' for these flats; however, the Housing Policy banded applicants from one to four depending on their circumstances (band one - people who had been abused and who were at risk of harm. Without complete policy changes, it was people like these who were likely to be housed in the flats
- Gwynedd Council were going to 'keep an eye on the two units' - how? There was no hope of keeping to this promise. If someone was unruly, how long would it take to get them out of the flat?
- Many young, local, Welsh-speaking people lived in the terrace - many of them were families with young children who had purchased their houses. These people would ensure the Welshness of this area of the town as we want it, for the benefit of the community and the Welsh language.
- Gwynedd Council intended to locate two flats for homeless people amongst these homes. What impact would this have on the price of their houses? The proposal was completely inappropriate.
- The two properties to the west of number 20, namely 21 and 22, were in a very poor condition, with huge holes in their roofs and pigeons flying in and out. Why had Gwynedd Council purchased a house adjoining these houses? Was it the intention to purchase these cheaply, thus adding more flats to the portfolio?
- It was difficult to believe that the Highways Department and Pwllheli Town Council had not opposed the application; the lack of parking spaces was laughable, with around 50 houses vying for around 20 parking spaces. If the Town Council viewed such a plan to be appropriate in a respectable area of the town, God help us.
- It was likely that strong objections to the plan were very disappointing to the Planning Department, as it was obvious that they had hoped to push this application through on the quiet. They should be ashamed of the way they had behaved, and for what they were doing to Pwllheli by homing such bad people in our hotels.

- c) Taking advantage of the right to speak, the Local Member made the following points:
- He agreed with the need to house the homeless but was uncertain as to whether the location was suitable / safe
  - Many local families were desperate for social housing, and perhaps there was a need to consider their feelings regarding the project
  - If approved, there was a need for 100% assurance that the address would be monitored on a daily basis (although he thought it would be difficult to achieve this)
  - As a committee, it should be insisted that suitable residents were to be homed at the property, and not people who would create problems for nearby residents, the Council and the Police
  - There was a need to ensure the safety of the community, and to listen to the community's concerns
  - His duty as a Local Member was that the well-being of residents of his ward was not endangered, and that their privacy was maintained
  - He acknowledged that there were alternative choices to the application

- ch) It was proposed and seconded to approve the application
- d) It was proposed and seconded to defer the application to give the applicant the opportunity to consult the community again regarding the proposal
- dd) During the ensuing discussion the following points were made by members:
- Information regarding the proposal needed to be shared again with the community
  - Neighbours needed to be sure of the proposal - it was suggested that discussions should be held with the Local Member so that everyone could be involved in the process
  - It would be good practice to re-consult fully with the community - this should be undertaken jointly by the Planning Service and the Housing Department
  - It was acknowledged that statutory requirements had been implemented in terms of consultation, but there was a need for further consultation with the community so that the officers could persuade people
  - No parking space
  - The report was misleading in the context of use - there was a need for clarity
  - The house had been purchased for the purpose of re-converting - it was therefore taken for granted that a planning application would be approved
  - The application appeared to have been rushed - there was a need to comply with the process
  
  - No external adaptations
  - Choosing who was to live in the flats was not a planning matter
  - It was important to have affordable housing for local people, and to support the housing strategy
  - There was no need for the stigma against homeless people - everyone needed to be given a chance
  - It was a planning application to convert a house that was being discussed
  - The Community Council supported the application
  - A condition was proposed that the houses / flats should be affordable indefinitely
- e) In response to the observations regarding a second consultation, the Planning Manager noted that the consultation process in connection with the application had met the statutory requirements relating to notifying of planning applications, and that four nearby properties had received letters along with a statutory notice placed on the street. The Head of Legal Services added that a number of observations had been received and that this was evidence that sufficient consultation had been undertaken.
- The Assistant Head of the Environment Department added that there was no planning basis for refusal of the application; this was an application for two affordable units responding to the need, with sufficient evidence to make a decision
- f) A vote was taken on the proposal to defer
- The proposal fell
- ff) A vote was taken on the proposal to approve

**RESOLVED:**

To delegate powers to the Assistant Head of Department to approve the application subject to receiving an acceptable flood consequence assessment and NRW approval of the flood consequence assessment, and also subject to the following conditions:

1. Time
2. Compliance with plans
3. Boundary treatment completed prior to occupying the units
4. Standard affordable housing scheme condition

Note:

Welsh Water

Party Wall Act Requirements

The meeting commenced at 11:00am and concluded at 1pm.

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CHAIR