
PLANNING COMMITTEE 21 October 2024

Present: Councillor Elwyn Edwards (Chair)

Delyth Lloyd Griffiths, Louise Hughes, Gareth Tudor Jones, Huw Wyn Jones, Anne Lloyd Jones, Cai Larsen, Edgar Owen, Gareth Coj Parry, John Pughe Roberts, Gareth A Roberts, Huw Rowlands and Gruffydd Williams

Others invited: Local Members: Councillor Dafydd Meurig and Gareth Williams

Officers: Gareth Jones (Assistant Head of Planning and the Environment), Keira Sweenie (Planning Manager), Iwan Evans (Legal Services) and Lowri Haf Evans (Democracy Services Officer).

Sian Dafydd (Planning Department) - observing

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

- a) Councillor Cai Larsen (a member of this Planning Committee), in item 5.1 C24/0205/32/LL on the agenda as he was a Member of the Adra Board

The Member was of the opinion that it was a prejudicial interest, and he withdrew from the meeting during the discussion on the application and did not vote 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 5.1 (C24/0205/32/LL) on the agenda
 - Councillor Gareth Tudor Jones (a member of this Planning Committee) in relation to item 5.3 (C24/0640/42/LL) on the agenda

- c) Protocol matters

It was suggested that all Members of the Committee had received e-mails relating to application C24/0205/32/LL on the agenda - Land Near Cae Capel, Botwnnog, Pwllheli,

3. URGENT ITEMS

As a matter of order, it was reported that since the Chair was joining the meeting virtually, the Legal Officer would announce the results of the voting on the applications.

4. MINUTES

The Chair signed the minutes of the previous meeting of this committee, held on 30 September 2024, 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.

5.1 Application Number C24/0205/32/LL Land Near Cae Capel, Botwnnog, Pwllheli, LL53 8RE

Full application to construct 18 affordable houses with associated developments

Attention was drawn to the late observations form that included a summary of observations received by Botwnnog Community Council and on behalf of the Perthyn Project; a recent appeal decision in Anglesey (which has the same planning policies as Gwynedd), where the appeal was upheld, with costs against the Council for unreasonable conduct; information and evidence from Adra shows that the percentage of main tenants in new housing developments who speak Welsh is on average higher than the percentage of Welsh speakers in Gwynedd and that similar developments, overall, have a positive impact on the Welsh language.

- a) The Assistant Head of Planning and Environment highlighted that the intention of the Committee on 9 May was to refuse the application contrary to the recommendation for reasons relating to a negative impact on the Welsh language and lack of need for affordable housing within the Botwnnog ward. With a substantial risk to the Council over refusing the application, the application was referred to a cooling off period. The context of the planning policy, the potential risks to the Council and options for the Committee before making a final decision on the application were reported on.

It was explained that this was an application for 18 affordable homes to be built on a site specifically designated for housing, within the development boundary of Botwnnog Service Village, as defined in the Local Development Plan (LDP). It was reiterated, since reporting to the Committee last time, additional information has been submitted by the applicant responding to two reasons given for refusing. The information stated that:

- Botwnnog's status as a settlement in the LDP meant that there was no need to prove that the local need had been restricted to the Botwnnog ward, instead that there was an expectation for the settlement to welcome the area's wider need; that the scale of the development was appropriate and complied with Botwnnog's status as a Service Village; that recent statistics from the Council's Strategic Housing Unit proved the need for affordable housing in the County and the mix of houses proposed reflected that need; that plans like these were key to supporting the Welsh language and responded to the housing crisis in Gwynedd. It was considered that lack of evidence had been offered to defend the reason for refusal.
- In the planning policy context, it was noted that the statutory requirement was that planning applications must be determined in accordance with the adopted plan (LDP), unless a relevant planning consideration states otherwise. Attention was drawn to a full list of the relevant planning policies and specifically to the planning policies relating to the two reasons of refusal given by the Committee. It was reiterated that consideration to the Welsh language was central to the LDP's Strategy, as a way of contributing to maintaining and creating Welsh communities, and that had been a consideration when designating sites for housing developments in the Plan area. It was emphasised that the strategy recognised the role and status of each settlement in the Plan area and Botwnnog was recognised as a Service Village. Botwnnog would be the only Service Village in Pen Llŷn to serve a wide rural area with an important status and role in the area. In accordance with the requirements of the Planning Policy, the new houses would greet the housing needs of the residents of the whole of Gwynedd and not only the housing needs of Botwnnog ward.

It was noted that Policy PS17 related to the settlement strategy and outlined how housing developments should be dispersed in appropriate locations across the Plan area. The expectation was that Service Villages such as Botwnnog, got a higher level of new housing, if they were to remain sustainable, acknowledging that Service Villages had a higher level of facilities and services than the more remote villages; That Policy PS1 directly related to the Welsh language, and the application had submitted a Welsh Language Statement (which went beyond the requirement with housing developments on designated sites). Reference was made to evidence submitted to the Committee on 9 September which confirmed that no evidence had been submitted to show that the proposal would have a substantial impact on the Welsh language.

Reference was made to a recent appeal decision in Anglesey for 33 affordable homes, on a windfall site outside the development boundary, with the main issues relating to the Welsh language and issues of need. It was determined based on the same planning policies as Gwynedd and was therefore relevant to consider. When reaching his decision, the Inspector referred to the Supplementary Planning Guidance which related to the Welsh language, noting, "the land use planning system cannot predict or control the personal characteristics of the owners of new homes"... "Nevertheless, providing adequate local housing at an appropriate scale and size, and for a mix of households, is an important factor in terms of the viability of the language, e.g., when retaining individuals who use the language".

Considering the need for housing, it was emphasised that the site had been designated for housing in the LDP, and therefore the principle of housing on the site had already been established. It was noted that the application complied with housing policies, namely policies TAI 3, TAI 8, TAI 15 and Strategic Policy 18 because; there was capacity within the indicative housing supply in Botwnnog; the density was appropriate and the design of a high standard; evidence had been submitted which clearly showed that the housing mix proposed met the need. In addition, it was noted that the need for housing in Gwynedd had been proven in the current evidence provided by the Council's Strategic Housing Unit which confirmed, for Gwynedd, that 2374 were waiting for social properties on the Housing Options Register and 882 had been registered with Tai Teg for intermediate properties; there were 34 families on the social housing register and 14 on the Tai Teg register in the Botwnnog Community Council area (the Council and Tai Teg's housing registers were acknowledged as reliable evidence to prove the need and was confirmed by the Inspector in the appeal decision for the affordable housing scheme in Anglesey).

It was explained that the recommendation to approve the application was based on robust evidence which showed that the application complied with the LDP – no evidence had been submitted to justify refusing the application and, therefore, if there would be an appeal against the decision to refuse, and the appeal was upheld, there would be costs against the Council (Isle of Anglesey Council had to pay costs of over £16,000). A decision to refuse the application would undermine the Council's planning policies.

It was also explained that if the decision was to refuse the application, the proposer and the seconder will be expected to lead the defence of any appeal against the Committee's decision.

The Assistant Head highlighted that the Committee had two options:

1. To approve the application considering the information in the reports which included robust evidence that the application complied with the LDP.

2. Refuse the application for reasons relating to the Welsh language and the lack of need within the Botwnnog ward for affordable housing. The Members were reminded that the risks associated with this decision had already been highlighted. Should the decision be to refuse the application, the proposer and the seconder would be required to defend the decision in any appeal.

The Assistant Head recommended that the Committee approved the application subject to imposing the planning conditions listed in the report. Reference was also made to the condition relating to affordable housing and the information that would need to be submitted before any development commenced.

- b) Taking advantage of the right to speak, the Local Member made the following comments:
 - That he was disappointed that there was no adaptation to the application as a result of local people's concerns
 - That the field was small for 18 houses in the middle of Botwnnog
 - Approving 18 houses would mean an increase of 25% in the size of the village, although the Local Planning Authority Officers considered this as an over-development
 - The report did not set a current picture of the need - there were only 4 families on the waiting list for a house in Botwnnog
 - Referring to 'lack of housing locally' - this was the whole of Gwynedd and not Botwnnog
 - That the LDP was faulty - needed to be disposed.
 - That houses needed to be raised where the need was located
 - In the context of PS1, that it was essential to look at each application on its own merits
 - That the Language Commissioner had highlighted the need for a comprehensive impact assessment of the LDP as there was failure to comply with planning policies
 - That there was a duty on the Members to protect the Welsh language. The village of Botwnnog was a Welsh village with 70% of the population speaking Welsh - the village was within the boundaries of the Pen Llŷn Area of Linguistic Significance (higher density)
 - Grŵp Barcud (Mid and West Wales Region) - they had a policy which imposed a priority for local people who had a 10-year connection to the area and was being assessed if they could speak Welsh. Why was there no similar policy from Gwynedd?
 - That the Members had a right to refuse the application and that there was no need to have guidance from Officers; That they had a statutory duty to refuse - valid and fair reasons had been submitted. The application was contrary to policy PS1 - creating a negative impact on the Welsh language.
- c) It was proposed and seconded to refuse the application.
Reason: that it was contrary to policy PS1 - significant harm to the Welsh language.

The proposer noted, based on new evidence received, that the officers' recommendation was contrary to PS1. Attention was drawn to statistics from 'Output AREA' census maps which highlighted that the percentage of people who spoke Welsh in Botwnnog was 84.7%, compared to Rhiw (89%), Abersoch (69%) and Llanbedrog (44%) - was there an intention to draft people to Botwnnog? He reiterated that he was disappointed in the content of the Anglesey appeal example, because 'harm to the language' was the third reason for refusing that application and that there were no direct costs to this refusal reason. He highlighted that Botwnnog Community Council had highlighted a lack of confidence in Cyngor Gwynedd's Planning Department as a result of their unwillingness that the Committee's original decision on 9 May stood, and that

Botwnnog Community Council received support for their stance from other community councils in the area. The 'Cymraeg 2025': A million Welsh-speakers (the Welsh Government) strategy must be supported - there was no assurance from Adra that Welsh families would be living here and why does Cyngor Gwynedd not have a similar policy to Grŵp Barcud?

- ch) During the ensuing discussion, the following observations were made by members:
- The Welsh language must be protected - the Council's ethos was to protect the language. We must be seen practising what we preach.
 - Following a site visit, the field appeared to be too small for 18 houses. Why squeeze houses here instead of spreading them across the area?
 - The development would change the character of the village
 - That the Committee had a right to refuse; they had an independent right to an opinion
 - That there was public and national interest in the application - no one was in favour of the plan locally
 - That there were grounds to the concerns of Botwnnog Community Council - attention must be given to their comments
 - 'Golwg' article expressed that 'social housing harmed Welsh heartlands'... Botwnnog community must be protected, which was one of the most Welsh villages in Gwynedd. Welsh habitats must be protected - holiday homes were not the only threats to the language
 - Local people's voices must be listened to - they do not wish to see such a large development
 - The application was contrary to PS1. Although the applicant had submitted evidence that there would be no substantial harm to the Welsh language, the evidence was not strong evidence submitted by experts in the planning or language field.
- The Council's policies must be adhered to
 - The land had been designated for the construction of 21 houses - as part of Cyngor Gwynedd's housing strategy. Had Botwnnog Community Council originally refused the designation?
 - The housing mix proposed here was good - was 100% affordable houses
 - There was no evidence to show that Welsh people would not move to the area
 - There was evidence of the local need - it would keep people local 'for them to live where they want to live'
 - That there were no planning grounds to refuse - the Inspector would certainly approve it if it went to an appeal

In response to a question regarding who commissioned the review of local housing needs by the Rural Housing Enabler, what was the cost of the work and whether the information / research was being ignored, considering that there was a substantial difference within a year in the data, the Assistant Head noted that the information was up-to-date and had been provided by Cyngor Gwynedd's Strategic Housing Unit. The information clearly highlighted, without a doubt, that there was an affordable housing need in Botwnnog and within the County.

The Planning Manager reiterated that it was not only individual social housing being proposed here. There were 12 Social Rent Units, with 4 of them for people aged over 55 years old only; 3 Intermediate Rent Units and 3 Intermediate Rent Units (with an option in the future to buy through Rent First). An affordable housing condition would be at the root of the development and there would be a need to agree on an allocation policy before commencing the work.

In response to the comments, the Monitoring Officer noted that the Committee Members had a statutory duty to determine and make a decision in accordance with the LDP, unless there was supporting evidence which noted the contrary. It was reiterated that the Planning Officers were not providing direction, but advice to the Members which corresponded to the Gwynedd housing allocation policy. A statement of opinion was not the expectation, but rather that evidence was being submitted with an appropriate reason for refusal - consistency must also be ensured with applicants.

It was proposed and seconded to undertake a registered vote.

RESOLVED:

To refuse the application, contrary to the recommendation.

REASON: Application is contrary to PS1 – significant harm to the Welsh language

In accordance with the previous guidance, Councillor Gruffydd Williams (Proposer) and Councillor Louise Hughes (Secunder) will be expected to lead the defence of any appeal against the decision.

RESULT OF THE REGISTERED VOTE:

In favour: (7) Councillors Huw Rowlands, Gareth Jones, Delyth Lloyd Griffiths, Louise Hughes, John Pughe Roberts, Gareth Roberts and Gruffydd Williams

Abstentions: (0)

Against: (6) Councillors Edgar Owen, Gareth Coj Parry, Huw Wyn Jones, Elwyn Edwards, John Pughe and Anne Lloyd Jones

5.2 Application Number C24/0174/25/LL Vaynol Arms, Pentir, Bangor, Gwynedd, LL57 4EA

Change of use of ground floor from Public House to Holiday Lets

- a) The Planning Manager highlighted that this was an application for the conversion of the ground floor of an empty public house into two self-contained holiday units. The application was submitted to the committee for decision at the Local Member's request and also because of the public interest in the application. It was explained that this was the third submission of a similar scheme, and the other applications were refused due to the lack of information to justify the loss of a community resource. It was highlighted that the main difference with this application was that a Viability Report had been included with the application.

When considering the principle of the development, attention was drawn to Policy ISA 2 and the relevant criteria. It was highlighted in the report that there was no similar facility within convenient distance of the village without the use of a motor vehicle to reach it.

It was noted that the Viability Report discussed proposals from a community group to maintain a business in the pub, which concluded that such an enterprise would not be viable in this case. However, it did not appear that those conclusions were based on any detailed analysis of a particular business proposal and the community group remained of the opinion that their proposals to run a business from the site were viable and practical. It was reiterated that the Viability Report specifically relied on the views of

the expert and that there was no robust financial evidence in the appropriate form submitted to support the application.

It seemed that the policy also asked for evidence of genuine attempts to market the facility. Reference was made to an e-mail which was submitted stating an effort to market the property for over 12 months, but no detailed evidence had been submitted to support this statement. In addition, it seemed that this was an effort to market the property for rent rather than an effort to sell the property as a whole as a business. A copy of a marketing advertisement was received, but there was no information to show when the property was advertised, the length of the advertising period and the response to that advertisement - there was no longer an advertisement for the property on the company's website. When assessing the information submitted with the application, it was not considered that sufficient evidence had been submitted regarding the financial situation of the business or to show that the pub had been advertised appropriately for a continuous period of at least 12 months in accordance with the requirements of the SPG and policy ISA 2.

In the context of providing self-service holiday accommodation, it was explained that there was no evidence of excess in the area and, therefore, the proposal met the relevant criteria within policy TWR 2. However, it was highlighted that policy TWR 2 aimed to protect the residential character of an area and considering that this development would lead to the loss of an important community resource, and replacing it with the creation of an entirely different private facility in nature, it would be inevitable that there would be damage to the residential character of the area from this development.

It was reported that the business plan submitted with the application referred to a business which included three holiday units, with the first floor of the building being converted into a holiday let unit for up to 12 people. It was noted that this was not part of the application in question and, therefore, it was not possible to consider that document as part of the application as it was a different development from the one in question. If there was an intention to use the upper floor as a permanent residential accommodation in its own right, then planning permission would be required.

Although the agent had confirmed that there was an intention to amend the application in May this year, no further information was subsequently received. As a result, it was highlighted that the application had been assessed based on the information submitted and, therefore, the Officers recommended that the Committee refused the application as they were not convinced that the evidence submitted was sufficient to confirm that it was not possible to continue with the community use of the building.

- b) Taking advantage of the right to speak, an objector to the application made the following observations:
- That, in the past, the pub was amongst the best in the area
 - The pub's doors had closed in 2019 - the community had not had an opportunity to 'save the pub'
 - Following the covid period and rules relaxing, a community facility was lost
 - That the Parchu Pentir Committee held many activities – a busy committee
 - The Church was currently the only public building in the village
 - That Pentir was a central site, a good site as a hub for the wider community
 - That closing the doors of the pub had been a knock to the community - an Airbnb would be a fatal blow
 - That the community was thriving - the community could make the pub work
 - That sustaining communities was important

c) Taking advantage of the right to speak, the Local Member made the following comments:

- That there were strong feelings locally about changing the use of the pub
- That no update of the proposal had been received since May
- No sufficient consideration had been given to the loss of community facility
- That the Viability Report highlighted the opinion of one person from Wakefield
- No details had been submitted regarding why the pub was not viable - no financial details had been submitted or examples of pubs run by communities
- No consideration to the future of buildings run by the Community - good examples in Gwynedd of successes
- No evidence had been submitted which clearly showed how and when the facility was marketed nor the response to those efforts
- Asked the Committee to refuse the application in accordance with the recommendation

ch) It was proposed and seconded to refuse the application in accordance with the recommendation. Need to see the pub reopening its doors.

RESOLVED to Refuse

Reason: The Local Planning Authority is not satisfied that the evidence submitted with the application is sufficient to demonstrate that it is not possible to continue with a community use of this building. The application is therefore contrary to Policy ISA 2 of the Anglesey and Gwynedd Joint Local Development Plan 2011-2026 as it relates to the protection of community facilities.

5.3 Application Number C24/0640/42/LL Glascoed Lôn Cae Glas, Edern, Pwllheli

Full application to construct a 3-bedroom, two-storey residential property (C3 use) as well as the creation of a new vehicular access

- a) The Planning Manager highlighted that this was a full application for erecting a two-storey residential property within a section of garden in an existing property in the village of Edern. The application was submitted to the committee at the local member's request.

It was explained that the site was located within the Edern development boundary which was a village identified as a Rural Village in the LDP and policy TAI1 was considered when assessing the application. It was highlighted that the indicative housing supply level for Edern was 12 units, with a total of 3 units completed and 4 units in the windfall land bank. Based on this information, approving a development on this scale would be completely acceptable based on the Village's indicative growth level and as there was only a proposal for 1 house, it did not reach the threshold of needing an affordable housing contribution.

It was reported that planning permission existed on the site until January this year for the same development and that decision had been considered under the LDP - the same policy considerations remained. It was reiterated, as there was no change in policy or terrestrial terms, refusing the application would be unreasonable and would be a subject of appeal costs if the application would be refused. However, attention was drawn to an older planning history where applications were refused based on the fact that the proposal added to the number of second homes, concern about the size of the site and the ability to provide access, parking and amenity space and that there was no contrary information available to the council. It was highlighted, at this time, that the policies were different, the planning applications were outline ones without the need to show an indicative layout.

In the context of transportation and access matters, it was noted that it was possible to provide a quality access and plenty of turning space and parking within the curtilage. The transportation unit had no objection.

It was noted that the applicant had confirmed that the proposal was for a class C3 permanent residential house which meant that it was possible to manage the use through a condition to ensure that this was a permanent residential use and not a holiday use or second home use. In terms of visual impacts, it was explained that there was a variety in the size and design of nearby houses which included traditional houses and more modern ones with a variety and mix of clusters of terrace houses and separate two-storey houses seen throughout the village. With the proposal located near other houses, it was not considered that it would be prominent in the landscape.

In terms of construction materials, it was considered that slate, render, timber boards and stone would be suitable for the location and in-keeping with the local construction materials. In terms of the balcony, it was acknowledged that features such as balconies were common on other houses within the wider area which varied in terms of size and appearance, and therefore, it was not considered that this proposal would be significantly different, if at all, to the types of developments already approved locally. Although there was concern about the impact of the house on neighbours, it was considered that the dwelling had been carefully designed to protect neighbours' amenities and that there were no grounds to refuse the application based on amenity impact, in accordance with policy PCYFF 2.

The Local Planning Authority Officers noted that there were no valid planning reasons to refuse the application, and therefore recommended that the Committee approved the application and include conditions.

- b) Taking advantage of the right to speak, the Local Member made the following comments:
- That he spoke on behalf of the local residents of Edern to object to the application on the grounds of over-development - the proposal was too big, too prominent and out of reach of local people
 - That Glascoed had been a holiday accommodation for years
 - That access to the property was unsuitable - Lôn Cae Glas Road was an unclassified road, no pavement, narrow, muddy, high hedges and unsafe. Although there was a 20mph restriction, it was a single-lane road.
 - Although the Transportation Unit had made an application for a detailed plan for the proposed access point, no response was received
 - That Nefyn Town Council objected to the application on the grounds of over-development
 - Having a balcony would create an impact of over-looking on nearby houses
 - Historical applications had been refused (12/86 and 11/95). The 2019 application had been approved, but no construction had happened on the site
 - That there were 15 conditions to the application if it were approved. No confirmation of C3 use only or response to adapting the entrance
 - Encouraged the Committee to refuse the application or delay and conduct a site visit
- c) It was proposed to refuse the application on the grounds of over-development. The proposal was squeezed to a narrow plot of land as well as over-looking impacts on neighbours' residential amenities.

The Members were reminded that planning on this exact site had been approved 5 years ago and that time was running out before commencing construction.

There was no seconder to the proposal.

ch) It was proposed and seconded to defer the application to conduct a site visit.

RESOLVED:

To defer in order to conduct a site visit

The meeting commenced at 13:00 and concluded at 14:45

CHAIR