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## PLANNING COMMITTEE 04/09/17

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**Present:** Councillor Anne Lloyd Jones - Chair  
Councillor Elwyn Edwards - Vice-chair

**Councillors:** Stephen Churchman, Sian Wyn Hughes, Eric M. Jones, Berwyn Parry Jones, Huw G. Wyn Jones, Dilwyn Lloyd, Edgar Wyn Owen, Catrin Wager, Eirwyn Williams, Gruffydd Williams and Owain Williams.

**Others invited:** Councillors Dewi W Roberts and John Brynmor Hughes (Local members).

**Also in attendance:** Gareth Jones (Senior Planning Service Manager), Cara Owen (Planning Manager), **Aneurin Rhys Roberts** (Development Control Officer), Rhun ap Gareth (Senior Solicitor) and Lowri Haf Evans (Member Support Officer).

**Apologies:** Councillors Simon Glyn, Louise Hughes and W Gareth Roberts (Local Member).

### 1. DECLARATION OF PERSONAL INTEREST

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

- Councillor Dewi Wyn Roberts (not a member of this Planning Committee), in relation to item 5.2 on the agenda (planning application number C17/0412/39/LL)
- Councillor John Brynmor Hughes, (not a member of this Planning Committee), in relation to item 5.3 on the agenda (planning application number C17/0494/39/LL)
- Councillor Eric M Jones (a member of this Planning Committee) in relation to item 5.5 on the agenda (planning application number C17/0567/17/LL)

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

### 2. MINUTES

The Chair signed the minutes of the previous meeting of this committee, that took place on 24 July 2017, as a true record.

### 3. PLANNING APPLICATIONS

The Committee considered the following applications for development.

Details of the applications were expanded upon and questions were answered in relation to the plans and aspects of the policies.

#### RESOLVED

#### 1. Application No. C17/0437/22/LL - Land adjacent to the Penygroes Telephone Exchange, County Road, Penygroes

Erect a 21m high telecommunications mast, including a radio station, 3 antennae, 2 equipment cabinets, associated equipment, along with a 1.8m high security fence

The Members had visited the site.

Attention was drawn to a petition that had been submitted which referred to similar issues as those which had already been submitted along with oral observations from the Public Protection Unit.

- (a) The Planning Manager elaborated on the background of the application, and noted that the application had been deferred at the Planning Committee meeting on 3.7.17 so that the Members could visit the site before making a decision. It was noted that the site was located on the outskirts of Penygroes at the rear of the telephone exchange site which contained one permanent single-storey building. It was explained that residential houses were located on the far side of the public road to the direction of the north, west and east with the following nearby, Ysgol Gynradd Bro Lleu, Ysgol Uwchradd Dyffryn Nantlle and Plas Silyn Leisure Centre.

From the information submitted, it was noted that the reason for the proposal was to carry out the Government's aim to provide a 4G signal where it did not already exist in rural areas.

In response to the objections voiced at the Committee on 03.07.17, the applicant submitted additional information that justified locating the mast on this specific site and these had been included in the report. It was also highlighted that a "*Declaration of Conformity with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) Public Exposure Guidelines*" had been submitted as part of this application. It confirmed that the development had been certified as being in compliance with ICNIRP guidelines, namely the recognised guidelines for this type of development.

An objection had been received on the grounds on concern about the impact of the development on health, and specifically on the health of the children at the nearby Nursery, Primary School and Secondary School along with users of Plas Silyn Leisure Centre.

Although it was acknowledged that concern had been raised regarding the potential impact on health, it was not considered that the proposal was contrary to national policies or the LDP and there was no need for further information to assess the potential impact of the development. It was noted that Planning Policy Wales stated clearly in relation to the implications of such development proposals on health, that WG was of the opinion that the local planning authorities should not further consider any health impacts or the concerns about them when processing an application for planning permission or approval beforehand if the development satisfied the requirements of ICNIRP.

It was noted that with this type of development, it would inevitable that the proposed main structure would be partly visible from public places as it needed to be in a fairly open location to ensure that it worked to its full capacity. It was explained that the closest dwellings were approximately 50m and 90m away from the site of the application in various directions; it was acknowledged that this type of development would have some visual impact on the nearest dwellings, however, it was considered that impact would not be substantial in this case. It was noted that a number of narrow, high structures already existed in the area, such as electricity poles and street lighting, and as this would be a narrow and simple structure in essence, it would unlikely have a long term impact on the visual amenities of the local area.

- (b) The following main points were made by a member who was acting as a local member (not a member of this Planning Committee):-
- Objected to the mast's proposed location - eager to re-locate in a more suitable place
  - The mast would have an impact on visual amenities and would be too close to houses, a nursery, schools and leisure centre
  - The community sought to boost pride and improve the visibility of the village - the mast would undermine the effort to improve appearance
  - Satisfying the need for affordable housing for local people by installing a mast so close - it would create a oppressive impact on the houses. (Grŵp Cynefin intend to build

affordable housing here and were threatening to pull out if the development was approved).

- The mast would create continuous noise
  - Other appropriate locations needed to be considered
  - The Well-being Act needed to be considered
  - The local community was concerned about the negative impact of the development on health, in particular on the children's health.
  - Referred to international studies and appeals which showed the impact of electronic magnetic radiation on health
  - Sufficient reasons to cause concern - the location of the mast posed too much risk
- c) The Senior Solicitor took the opportunity to draw the Members attention to recent issues that had appeared before the High Court regarding challenges relating to masts and the impact on health. It was emphasised that the challenge had failed and that the High Court had been supportive of the Council's decision. He also noted, as no evidence had been submitted by the objectors and that information had been submitted with the application showing that it satisfied statutory requirements, health should not be considered as a reason to refuse the application.
- ch) It was proposed and seconded to refuse the application due to the impact on visual amenities
- d) During the ensuing discussion, the following points were highlighted by individual Members:
- The location was unsuitable
  - The applicant should assess other sites
  - The design was not a good one - less industrial designs should be considered
  - The long-term impact of the mast should be considered - the location was unique - too close to educational establishments 2½ - 18 years old
  - Unaware of the health impacts, therefore precaution was needed;
  - Telecommunications Companies should be encouraged to share a mast
  - Refusing the application would be irresponsible and contrary to guidelines
- dd) In response to a question relating to Grŵp Cynefin's intention to develop affordable housing in this area, it was confirmed that this proposal would not have an impact on any proposals to develop on nearby land and that no such application had been received as of yet.
- e) In response to the observations, it was noted that the Planning Service would not be in a position to enforce mast sharing, but certainly, it would be good practice in regards to developments of this kind.
- f) A vote was taken on the proposal to refuse the application and it fell on the Chair's casting vote.

It was proposed and seconded to approve the application.

A vote was taken on the proposal and it fell.

The Senior Solicitor noted that the decision should be deferred on the grounds that both proposals had failed.

**RESOLVED to defer the application**

**2. Application No. C17/0412/39/LL - Llain Las, Abersoch, Pwllheli**

## Creation of site for touring caravans

Attention was drawn to the late observations that had been received referring to the historic use of the site for five caravans by members of the Caravan Club.

- a) The Development Control Manager elaborated on the background of the application, noting that it was a full application to create a touring caravan site. It was emphasised that the site was currently used for five caravans under an exempted Camping and Caravanning Club certificate with the proposal of using the site for nine touring caravans and using the existing toilet block as well as planting indigenous trees along the northern and western boundaries of the site and to re-locate the existing gate.

It was highlighted that the main consideration in terms of the principle of the development was policy TWR 5 of the Joint Local Development Plan which permitted proposals to develop new touring caravan sites provided the plan conformed to all the criteria noted. It was not considered that the plan complied with the requirements of the policy in terms of its visual impact on the landscape.

The site was located in open countryside outside the development boundary and within the AONB (Area of Outstanding Natural Beauty). Due to an existing hedge, it was accepted that the caravans would not be very visible from the adjacent county road, however, it was noted that the site was located in a hollow in the landscape and consequently the caravans would be visible from higher ground, specifically from the road that led from the site to the west. Formal observations had been received from the AONB Unit stating that the site was prominent from higher ground within the area.

Attention was drawn to the plan submitted with the application which indicated a proposal to plant indigenous trees and hedges along the western and northern boundaries of the site, however, it was considered that the proposed landscaping would not significantly reduce the impact of the development on the landscape enough to overcome concerns regarding the prominence of the site in the landscape within the AONB.

It was considered that the plan was acceptable under the requirements of other policies, such as the impact on resident's amenities, highway issues and biodiversity considerations. However, the proposed development would likely have a significant detrimental impact on views within the AONB.

- b) Taking advantage of the right to speak, the applicant noted the following main points:
- The existing caravan site had been run by a local Welsh family since the 50s
  - The caravan site was of a high standard and was open from 1 March until 31 October every year
  - No objections had been received
  - There was no intention to increase the size of the site - only the number of caravans from five to nine
  - The increase was in response to the demand in the number of enquires
  - The increase responded to the demand (given that the number of touring caravans parking illegally was increasing)
  - The touring visitors contributed to the local community and local economy
- c) The Local Member expressed his support to the application with the following main points:
- The caravan site was effectively operated and was a neat and welcoming site
  - The site was in a hollow and therefore was less visible, it was screened by hedges with the intention of planting more
  - The Community Council had no objection.

- Letters of support had been received and the Public Protection Service had praised the site
- The intention to protect the public footpath
- The increase responded to the demand
- The site would not significantly harm the visual quality of the landscape
- The site was simple and clean, not intrusive and met the requirements of the policies
- The Planning Committee was encouraged to approve the application.

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

- d) During the ensuing discussion, the following points were highlighted by individual Members:
- An increase of four touring caravans would not have a substantial effect on the AONB
  - Several caravan sites could be seen from higher ground within the AONB

In response to a question, it was confirmed that approving the application would formalise the use of the caravan site for anyone to stay there and would not just be for the use of members of the Caravan Club.

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

1. Time
2. In accordance with plans
3. Number to be restricted/located in the places shown
4. Entrance to be completed in accordance with the plans before the site can be used for touring caravans
5. Season/touring/register
6. No storing
7. Landscaping to be agreed before the planting season

**Note: NRW and protect the public footpath**

**3. Application No. C17/0487/30/LL Fferm Methlem, Rhydlios, Pwllheli**

Create a touring caravan site with six plots along with landscaping, construction of toilet/shower block and installation of septic tank.

Attention was drawn to the late observations that had been received and a request by the applicant to defer discussing the application. The Planning Manager noted that adequate reasons had not been submitted to defer. As a result, deferring this discussion would not make a difference to the recommendation as there were fundamental concerns in terms of policy and visual impact on the AONB.

- (a) The Planning Manager elaborated on the background of the application, and noted that this was an application to establish a touring caravan site for six units in a field at Methlem, Rhoshirwaun. The proposal also involved building a toilet block to the rear of the existing workshop, along with installing a sewage treatment system and undertaking an element of landscaping to enhance existing hedges.

It was also highlighted that this was a site in open countryside which abutted the Whistling Sands class three county road and was also located within an Area of Outstanding Natural Beauty and a Landscape of Outstanding Historical Interest. It was intended to use a vehicular access that currently served as an access to the workshop and the yard as an entrance to the site.

It was explained that the site was of a limited size and it was questioned if it was possible to ensure a layout of a high standard. There was insufficient space for the number of units proposed when considering parking and awning tents. It was noted that the current landscaping was insufficient with open fields beyond the site. Reference was made to the policy which stated that new sites should not be intrusive to the landscape. It was considered that the site was prominent in the landscape as it was, with the number of vehicles, machinery and equipment within the yard visibly attracting attention and standing out. Approving a caravan site on this site would add to the prominence of the site and would detract from views within the AONB, which were very conspicuous from the direction of the road near Whistling Sands and also when travelling towards Methlem from the direction of Rhydlios. The proposal would not contribute positively to the broader landscape of the AONB and therefore the proposal did not meet the requirements of policy AMG1 of the LDP.

- b) It was highlighted that the Local Member had submitted written observations objecting to the application.
- c) It was proposed and seconded to refuse the application.

**RESOLVED to refuse the application**

- 1. The proposed caravan site, due to its location, setting and appearance in the landscape, would stand out as a prominent and intrusive feature in open countryside and would have a detrimental impact on the landscape and on the visual amenities of the Area of Outstanding Natural Beauty. The proposal is therefore contrary to policy AMG 1 and TWR 5 The Gwynedd and Anglesey Joint Local Development Plan (July 2017) (as amended by the Inspector's Report, 30 June 2017) and the Supplementary Planning Guidance: Holiday Accommodation, Gwynedd Council.**
- 2. Insufficient information was submitted regarding the means of sewage disposal from the site to ensure that the proposal would not cause pollution mainly to the aquatic environment, therefore the proposal is contrary to criterion 7 of Policy PCYFF 2 The Gwynedd and Anglesey Joint Local Development Plan (July 2017) (as amended by the Inspector's Report, 30 June 2017)**

**4. Application No. C17/0494/39/LL – 16, Lon Cernyw Bwlchtocyn, Pwllheli**

Extension and internal alterations

- a) The Development Control Manager elaborated on the background of the application, noting that this was an application for alterations to the existing house that entailed the construction of an extension and raising the height of the roof in order to use the roof-space for additional rooms. It was noted that the intention was to construct an extension on the gable-end to comprise a garage and a multi-purpose room on the ground floor with a bedroom on the first floor; build an extension at the front of the property to create a front-lean-to ridge roof extension and finish the development's roof with slates, and the external rendered walls would be painted to match the existing property.

Attention was drawn to the fact that the property was within a residential area outside the development boundary of Bwlchtocyn and within the AONB and Landscape of Outstanding Historical Interest. It was considered that the proposal's location would not have a significant additional detrimental impact on the area's visual amenities or impair the AONB.

It was highlighted that objections had been received from neighbours on the grounds of issues such as loss of natural light, impact of external lighting, design and overlooking. However, when considering the size and design of the development, it was not considered that the proposal's impact on the amenities of nearby properties would not be significant enough for the application to be refused on the grounds of these matters.

It was reiterated that the proposal was acceptable in terms of issues such as road safety and biodiversity.

- b) Taking advantage of the right to speak, the applicant's agent noted the following points:
- That the applicant had received advice from the Planning Service
  - The concerns expressed in the objections had been considered
  - That it was intended for opaque glass to be installed in the overlooking windows
  - An extension would be a suitable and purposeful addition
  - It would not set a precedent due to its setting and relationship with the other houses in the estate
- c) The Local Member noted his support to the application and noted the following main points:
- That the plans had been adapted in response to the objections
  - There was a need to ensure that the applicant kept to condition regarding rooflights
  - That the neighbours were happy with the adaptations
- ch) It was proposed and seconded to approve the application.
- d) During the ensuing discussion, the following points were highlighted by individual Members:
- Concern that this could set a precedent for other houses in the area
  - Adapting houses to make them bigger made them out of reach of the local market price

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

1. **Commencement within five years.**
2. **In accordance with the plans.**
3. **Slates of the roof to match.**
4. **Exterior walls to be of white coloured render.**
5. **Roof lights in the roof on the western elevation (rear) to be at least 1.8 metres above floor level.**

**5. Application No. C17/0567/17/LL - Tŷ Newydd, Bethesda Bach, Caernarfon**

Application to demolish the existing dwelling and construct a new dwelling in its place

The Members had visited the site.

Attention was drawn to the additional observations submitted.

- (a) The Planning Manager elaborated on the background of the application, and noted that this was an application to demolish the existing dwelling and construct a new dwelling in its place, erect a garage/storage shed on the existing site along with changes to the existing vehicular access to the site and extending the property's existing curtilage.

It was noted that there had been informal prior discussions about the proposal to demolish and rebuild the house; and, although the discussions were informal, and the policies of the Unitary Development Plan were no longer relevant, clear guidance had been given on how

to overcome the oppressive impact and impact on the amenities of the nearby property and the basic planning principles were equally relevant here in considering the application in the context of the policies of the Joint Local Development Plan. It was therefore considered that the proposal was contrary to the following criteria of policy TAI 13:

Attention was drawn to

**Criterion number 4: Outside development boundaries, it is impossible to retain the existing building through renovating it or extending it and/or it is possible to demonstrate that repairing the existing building is not economically practical** - that priority was given to renovating buildings before constructing new houses; but, the Local Planning Authority accepted that there were occasions where that was not possible. To this end, this application did not contain any evidence that it was not possible to repair the existing building practically in economic terms.

**Criterion 6: Outside the Coastal Change Management Area, a house to be built must be located on the same footprint as the existing building unless relocating within the curtilage can be shown to reduce its visual impact and its impact on local amenities** - Although the proposed house had been set back in order to reduce its impact on the property that stands directly in front of it; contrary to the pre application advice given, the proposed house has been rotated so that the rear (with large openings and main rooms e.g. large living room, kitchen and bedrooms) face the adjacent building below, and the front of the proposed house contains the secondary rooms (e.g. bathrooms, office and changing room) and face open agricultural land. It was therefore considered that neither the location nor the setting of the proposed house attempted to mitigate its impact on local amenities, specifically the existing amenities of the nearby property.

It is considered that the height of the eaves were excessive and therefore created a disproportionate design in terms of the surface area of the wall in relation to the roof. This meant that this design created a design structure that would not be in keeping with its setting on a hill in open landscape, and would lead to a substantially greater visual impact than the existing building. It was noted that the rear of the proposed house included windows for the main rooms, along with bi-folding doors which overlooked the rear of the nearby property and a private yard located directly to the front of the property that was the subject of this application - thus creating unacceptable overlooking.

It was highlighted that the pre application advice offered suggested that the front and rear of the house should be rotated so that the main openings such as the large glass-fronted living room and patio door faced the south instead of the north in order to make the most of the light and natural heat. At present, it was the secondary rooms that would be south facing, namely the utility room, porch, office, bathroom and one of the dining room windows. These changes would also ensure greater privacy for the adjacent house and the new property and would also improve the appearance when approaching the house from the public road. It was noted that this could slightly change the internal arrangements, but this was considered to be entirely possible without reducing the area. In addition, it was suggested in previous advice that slightly reducing the height of the eaves and, as proposed by the agent at the time, would be more acceptable than the higher eaves submitted. It was confirmed that there was no objection to the proposal in principle on these grounds, but that the plan could be improved through carrying out the suggestions that officers had already proposed. Based on what had been submitted, therefore, the proposal was considered to be unacceptable and contrary to the policies listed in the report.

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

- His intention was to renovate the house
- Although informal discussions had been held with the Planning Service, he did not understand the reasons for refusing
- The ceiling was low and therefore needed to be adapted



- He worked locally and wanted to live in rural Gwynedd
- (c) The Local Member expressed his support to the application and noted the following main points:
- Accepted that the original plans were unacceptable but amended plans had been submitted
  - Too much emphasis on 'overlooking'
  - No objections had been submitted - the local community were supportive
  - A letter had been received by neighbours stating that they did not have any objection as long as the house would be moved back.
  - Welcomed improvement
  - Made no sense to refuse the application

ch) It was proposed and seconded to approve the application with conditions

(d) During the ensuing discussion, the following points were highlighted by individual Members:

- Welcomed the fact that the property would not be used as a holiday home
- Need to work together and agree on a suitable design
- Need to consider the neighbours' letter
- Supported the application - the applicant worked locally

In response to the observations, the Senior Manager noted that sound advice had been offered to the agent and should the application be approved the usual/appropriate conditions would need to be included.

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

1. Time
2. In accordance with plans
3. Slate
4. Materials
5. Landscaping/planting
6. Withdrawal of PD
7. Removal of PD windows
8. Highway conditions
9. Remove the slates from the existing house by hand/fixed term
10. Not to demolish the existing sheds without permission

**Notes relating to the entrance.**

The meeting commenced at 1.00pm and concluded at 3.00pm.

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**CHAIR**