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## PLANNING COMMITTEE 20th May 2024

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**Councillors:** Elwyn Edwards, Delyth Lloyd Griffiths, Elin Hywel, Gareth T Jones, Huw Wyn Jones, Anne Lloyd Jones, Cai Larsen, Edgar Owen, Gareth Coj Parry, John Pughe, Gareth Roberts, Huw Rowlands and Gruffydd Williams

Others invited – Local Member: Councillor Rhys Tudur

**Officers:** Gareth Jones (Assistant Head of Planning and the Environment), Miriam Williams (Legal Services), Keira Sweenie (Planning Manager – Development Control and Enforcement) and Lowri Haf Evans (Democracy Services Officer).

Elen Morris (Professional Trainee in Environment Planning) – observing

### 1. ELECTION OF CHAIR

**RESOLVED: TO ELECT COUNCILLOR ELWYN EDWARDS AS CHAIR OF THIS COMMITTEE FOR 2024/25.**

The Chair thanked Councillor Edgar Owen for his work as Chair over the past two years.

Councillor John Pughe was welcomed to his first meeting of the Planning Committee.

### 2. ELECTION OF VICE-CHAIR

**RESOLVED: TO ELECT COUNCILLOR HUW ROWLANDS AS VICE-CHAIR OF THIS COMMITTEE FOR 2024/25.**

### 3. APOLOGIES

Apologies were received from Councillors Louise Hughes and John Pughe Roberts

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

- a) The following member declared that he was a local member in relation to the item noted:
- Councillor Gareth Morris Jones (a member of this Planning Committee), in item 7.2 (C24/0131/42/DT) on the agenda

### 5. URGENT ITEMS

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

### 6. MINUTES

The Chair accepted the minutes of the previous meeting of this committee, held on 22 April 2024, 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.

### **7.1 Application Number C23/0938/41/LL Capel Rhoslan, Rhoslan, Cricieth, Gwynedd, LL52 0NW**

#### **Revised layout for the erection of a new dwelling, including parking and sewage treatment plant**

The officer drew attention to the late observations form which contained land drainage details - after receiving these observations, the third reason for refusal, which was noted in the report, was removed.

- a) The Planning Manager explained that this was a full application to erect a new single-storey dwelling-house on a parcel of land near Capel Rhoslan. The site was considered a site in open countryside, outside any development boundary and away from a cluster village as defined in the LDP.

It was noted that the application was submitted to the Committee at the request of the local member.

It was explained that policy TAI 6 which allowed new affordable housing in clusters, did not apply here because of the distance of the site from the village. It was reported that only new dwellings that infilled between buildings or were located immediately adjacent to the curtilage of a building would be permitted by this policy, and with the application site located far from the nearest housing cluster, the policy was not supportive of such an application.

Subsequently, it was reported that policy PCYFF1 was the relevant policy here; which allowed new development in open countryside where there was evidence of justification for this. It was also explained that policy PS17 Settlement Strategy confirmed that only housing developments that complied with Planning Policy Wales and Technical Advice Note 6 would be permitted in open countryside, with support for developments such as agricultural dwellings or housing attached to a rural enterprise.

The officer drew attention to the information within the Design and Access Statement which noted that the applicant worked in the army and wished to build a house near his parents who resided in Capel Rhoslan. Although it appeared that the applicant was a local person, born and bred in the area, no evidence had been submitted that a current need for a house existed, or a need for an affordable dwelling. The site was not considered suitable as a rural exception site because of its location away from the cluster, and there was no agricultural holding on the land or any proven agricultural or rural enterprise justification. As such, it was reported that none of the policies within the LDP or national policy were supportive of such an application.

In the context of visual amenities, although the design of the dwelling had been amended since the previous refusal, permitting the application would result in a new development on green land in open countryside, which would inevitably lead to an urban spread to the countryside, in a place that was visible from the road and nearby public footpaths.

Therefore, it was considered that the proposal was contrary to policy PCYFF 3 of the LDP.

Having weighed up the proposal against the relevant policy requirements and after giving full consideration to the response to the consultations and the objections received, it was concluded that the proposal was contrary to several local and national policies, therefore the recommendation was to refuse the application.

b) Taking advantage of the right to speak, the Local Member made the following observations:

- He supported the application
- The applicant wanted to return to live to the area where he had been brought up – he was a young man and needed a house close to his parents
- The housing need had been included in the original Design and Access Statement
- Average prices in the area were out of the applicant's reach – this was a reasonable application to have a dwelling
- The application was for a single-storey, three-bedroom dwelling – a house for a family who needed to support the applicant's parents
- There was a 106 condition on the house – the agreement had been made between the Council and the applicant's parents
- The proposal was located in the Chapel's garden and close to a residential building (another property nearby)
- The original application had been supported by the Community Council but their support had not been included in the officers' report
- In planning terms, the site was in 'open countryside' but it would only be a few metres from the Chapel – the Chapel was located as a focal point for the community, it served the community and there was a collection of dwellings nearby
- The village was a 'cluster village' - the boundary was not easy to interpret
- The site had been designated in the LDP as land suitable for solar panels – this was poor quality land, rather than good, green agricultural land
- The Biodiversity Unit had noted that it would not have an impact on species
- The officers had noted that the materials for the proposal did not suit the area – the design was in the form of sheds with an exterior finish of black corrugated sheets – emulating a traditional agricultural structure – it was not overbearing – this was a single-storey dwelling
- No objections from Gwynedd Consultancy, Natural Resources Wales, Welsh Water or the Transportation Unit
- This was not an application to exploit the planning system, but an application from an individual to build a house near his family and bring up a Welsh-speaking family
- He asked the Committee to consider policy Tai 15 and support the application on its own merits

c) In response to the observations, the members were reminded of the need to consider the proposal as it had been submitted; in principle, this was an open-market house, and even if the application was being considered as an affordable dwelling, it would still be against policy because of the countryside element. It was also noted that the 106 condition was only on the Chapel, and that the terms of the 106 did not apply to the development in question.

It was confirmed that the observations of the Community Council had been received

- d) It was proposed and seconded to refuse the application because it was contrary to local and national policy.
- e) During the ensuing discussion, a Member commented that should the need for an affordable house be proved, then it would be possible to consider this.

**RESOLVED: DECISION: To refuse**

1. **There is no proven need for erecting a new dwelling in open countryside, therefore the proposal does not comply with the requirements of policies PCYFF 1 and PS17 of the Anglesey and Gwynedd Joint Local Development Plan, as well as paragraphs 4.2.37 - 38 of Planning Policy Wales and part 4.3.1 of Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities which ensures that new dwellings in open countryside may only be permitted in specific and exceptional circumstances.**
2. **This development would have a detrimental effect on the landscape causing urban spread onto a greenfield site in open countryside. It is not considered that the proposal would add to or enhance the character and appearance of the site nor that it would integrate with its surroundings. The application is therefore contrary to Policy PCYFF 3 of the Anglesey and Gwynedd Joint Local Development Plan.**

**7.2 Application Number C24/0131/42/DT  
Hafan Lôn Bridin, Morfa Nefyn, Pwllheli, Gwynedd, LL53 6BY**

**External works including reinstatement and extension of terrace/patio area, construction of a new wall and other various alterations**

The officer drew attention to the late observations form – following a second consultation, further observations had been received from the local member and the Community Council.

- a) The Planning Manager highlighted that this was a full application to undertake external works associated with a residential property. It was explained that the site was located outside the development boundary of Morfa Nefyn and was part of a cluster of other residential buildings that abutted the nearby beach. The site was not within the area of the Llŷn AONB designation, however, it was within the Llŷn and Enlli Landscape of Outstanding Historic Interest.

The application had been submitted to the committee at the local member's request.

It was explained that the proposal had been amended from its original submission in response to concerns, and the proposal was now as follows:

- Creation of a front wall by using gabions filled with stone, which would also contain an internal space to be used for storage
- Improve and extend the existing terrace/external area above the wall and include new boundary treatment in the form of a series of wooden posts with a

wire between them (this element had been changed from the original submission which included a glazed boundary treatment).

- Raise the floor level in front of the property and create a low stone wall to highlight the separation between the land that the owners wished to keep private, and the area that ran alongside the sea wall which they were happy for the public to use as a right of way when needed (It was emphasised that this was not a formal public footpath, but a path that had historically been used by the public especially at times of high tide).

It was added that, through the use of conditions to agree materials and finishes, the Planning Authority was of the view that the proposal was not contrary to the design policies or to those policies that protected residential and visual amenities.

Despite concern about the proposal, it was noted that the land that was the subject of the application, was within the curtilage of a residential property where the owner had the right to rectify the existing patio levels and erect fences without the need for planning permission, and where there was no control over the colours and types of materials to be used. It was added that permission was only required for the engineering work and change of levels, but it was important to be mindful of what the applicant could do without permission. It was highlighted that the applicant had also been more than willing to discuss and agree on finishes and had taken note of the concerns that had arisen by revising the application. Nevertheless, as with any planning application, the Members were reminded that the decision had to be reasonable, especially when matters could be agreed through conditions.

It was reported that the property was part of a cluster of adjacent houses which were partly within the Site of Special Scientific Interest (SSSI) of Porthdinllaen to Porth Pistyll designation and the Clogwyni Pen Llŷn Special Area of Conservation (SAC), and opposite the Pen Llŷn a'r Sarnau Special Area of Conservation. Observations had been received from NRW and the Biodiversity Unit, and the conclusions from both noted that the proposal was unlikely to have a significant impact on the protected sites.

It was also noted that the Green Infrastructure Statement highlighted that a new planting area would be maintained to the front of the new terrace and that additional shrubs would be planted to the rear – this would improve the biodiversity and was to be welcomed. Details of the type of native species would need to be agreed in order to be classed as a Biodiversity enhancement, and agreeing the type of planting would ensure that the site's appearance looked natural; this would contribute to softening the stonework.

Attention was drawn to comments that had been received which raised concern about the proposal's impact on the stability of the cliffs behind the site. It was noted that a series of supporting walls already existed on the applicant's land and there was no suggestion that work would be carried out to alter these elements; the proposed development would be undertaken within the front section of the site and would not spread to the rear of the site. It was also highlighted that the applicant had commissioned a geotechnical report which concluded that the work would not affect the cliff, and as with any property situated under a cliff, the situation would need to be monitored. It was also noted that NRW had not raised any concern regarding the stability of the cliffs.

Having considered all the relevant matters, the Planning Authority recommended approving the application with conditions.

- b) Taking advantage of the right to speak, the Local Member made the following observations:
- He objected the application on the grounds of overdevelopment
  - The alterations would spoil the character of the traditional cottage
  - He was grateful to the Officers for holding discussions with the applicant to consider changing the original plan – the wire and post fencing was better suited than glass
  - The house was called 'Hafan' – there was no need to spoil what existed here – keep it as a 'Hafan Deg' (in Welsh, it meant *fair haven* – keep it as such)
  - The location was prominent, open and public, therefore there was a need to ensure that these alterations were tasteful and blended in with the area
  - There were calls locally for the patio to be less prominent, for nothing to impact on the cliff, and for the public to be allowed to continue using the right of way when needed (a suggestion to condition use of the path)
- c) In response to the suggestion of imposing a condition to ensure that the public continued to have access and use the right of way, the Planning Manager stated that this was beyond the scope of the planning permission and that this was a civil matter since it was private land. The Manager reiterated that the applicant was crystal clear that he had no intention of preventing public access.

Regarding concerns about ground stability, should more work need to be carried out, they applicant would be required to submit a planning application, but at present they did not consider that the work in question would have an effect.

With regard to conditions, the Manager noted that it was not possible to impose conditions regarding the size and shape of the development, but the could impose conditions regarding the materials.

- d) It was proposed and seconded to approve the application.
- e) During the ensuing discussion, the following observations were made by members:
- The changes could be implemented without planning permission
  - The alterations caused a negative effect on a cluster of old fishermen's cottages that were located on the beach and abutted the AONB - need to protect the view
  - There was a need to strengthen the policies to protect traditional houses – it would be sad to lose these small clusters along the coast – they were an attraction in themselves

**RESOLVED: To delegate powers to the Senior Planning Manager to approve the application subject to the following conditions:**

1. **Time**
2. **Compliance with plans**
3. **Landscaping scheme**
4. **Details of finishes/materials**
5. **Removal of invasive plants**

**6. Agree/restrict work areas**

The meeting commenced at 13:00 and concluded at 13:50

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**CHAIR**