

PLANNING COMMITTEE	DATE: 03/07/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	PWLLHELI

**Number: 9**

**Application Number: C17/0448/39/LL**

**Date Registered: 15/05/2017**

**Application Type: Full - Planning**

**Community: Llanengan**

**Ward: Llanengan**

**Proposal: New service building, various engineering works together with increasing the number of touring caravan pitches from 18 to 24**

**Location: Fron Hyfryd Caravan Park, Sarn Bach, Abersoch, Pwllheli, Gwynedd, LL537ET**

**Summary of the Recommendation TO APPROVE WITH CONDITIONS**

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1. **Description:**

- 1.1 This is an application to carry out improvements to an existing touring caravan site by increasing the number of touring caravans on the site from 18 to 24. The caravans would be sited around the field's boundary and adjacent to the existing hedgerows within the site. As part of the improvements, it is intended to construct a new service building. This building would measure 24.2 metres by 5.8 metres with a height to the apex of 3.6 metres. It is proposed to finish the external walls with timber boards and the roof would be of grey coloured metal profile sheeting. This building would also include washing facilities and toilets, a disabled toilet, baby changing room and a laundry room. It is also proposed to create tracks with a slate waste surface to facilitate movement within the site and a hook-up for electricity and water will be installed for each pitch. As part of the application an ecological assessment was submitted that recommends measures to promote biodiversity on the site and its outskirts.
- 1.2 The site is located in the countryside between Sarn Bach and Bwlchtocyn. It is also within the Llŷn AONB and within a Landscape of Outstanding Historic Interest. The site is located directly adjacent to an unclassified road that also operates as a public footpath. Towards the north and west of the site is Abersoch golf course. South of the site there are a few dwelling-houses. There are many trees and hedges to be seen along the site's boundaries. Close to the site's northern boundary is the Cors Llyferin Site of Special Scientific Interest and most of the eastern section of the Prospective Machroes Mosaic Wildlife Site. A small section of the site near to the northern eastern boundary lies within a C2 flood zone.
- 1.3 A Planning and Appraisal Statement and an Initial Ecological Impact Assessment were received as part of the application.
- 1.4 The application is brought before the Committee as it involves more than five caravans.

2. **Relevant Policies:**

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.
- 2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the 7 well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 2.3 **Gwynedd Unitary Development Plan 2009:**

POLICY B8 - THE LLŷN AND ANGLESEY AREAS OF OUTSTANDING NATURAL BEAUTY (AONB) - Safeguard, maintain and enhance the character of the Areas of Outstanding Natural Beauty by ensuring that proposals conform to a

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series of criteria aimed at protecting the recognised features of the site in accordance with the statutory requirements of the Countryside and Rights of Way Act 2000.

**POLICY B12 – PROTECTING HISTORICAL LANDSCAPES, PARKS AND GARDENS** - Safeguard landscapes, parks and gardens of special historical interest in Wales from developments which would cause significant damage to their character, their appearance or their setting.

**POLICY B16 – PROTECTING NATIONALLY IMPORTANT NATURE CONSERVATION SITES** - Refuse proposals which are likely to cause significant harm to nature conservation sites of national significance unless they conform to a series of criteria aimed at protecting, enhancing and managing the recognised features of the sites.

**POLICY B17 - PROTECTING SITES OF REGIONAL OR LOCAL SIGNIFICANCE** Refuse proposals which are likely to cause significant harm to sites of regional or local significance unless they conform to a series of criteria aimed at the protecting, promoting and managing recognised features within the sites.

**POLICY B22 – BUILDING DESIGN** - Promote good building design by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and character of the local landscape and environment.

**POLICY B23 – AMENITIES** - Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area.

**POLICY B24 – ADAPTING AND EXTENDING BUILDINGS WITHIN DEVELOPMENT BOUNDARIES, RURAL VILLAGES AND THE COUNTRYSIDE** - Ensure that proposals for adaptations or extensions to buildings conform to a series of criteria aimed at protecting the character and amenity value of the local area.

**POLICY B25 – BUILDING MATERIALS** - Safeguard the visual character by ensuring that building materials are of a high standard and are in keeping with the character and appearance of the local area.

**POLICY B27 - LANDSCAPING SCHEMES** - Ensure that permitted proposals incorporate soft/hard landscaping of a high standard which is appropriate for the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

**POLICY B29 – DEVELOPMENT ON LAND AT RISK OF FLOODING** - Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A unless they conform with a series of criteria relevant to the features on the site and to the purpose of the development.

**POLICY CH33 – SAFETY ON ROADS AND STREETS** - Development proposals will be approved provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

**POLICY CH36 – PRIVATE CAR PARKING FACILITIES** - Proposals for new development, extension of existing development or change of use will be refused

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unless off-street parking is provided in accordance with the Council's current parking guidelines and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the distance from the site to a public car park.

POLICY D20 – SITES FOR TOURING CARAVANS, CAMPING AND TOURING UNITS - EXTENSIONS, ADDITIONAL PITCHES, RELOCATION AND EXCHANGE - Proposals for increasing the number of pitches, extensions to sites, relocation or exchange of sites will be approved if the proposal includes a plan to ensure environmental and visual improvements, and meets other criteria regarding the impact of the development on the local area.

Supplementary Planning Guidance: Holiday Accommodation (July 2011)

Supplementary Planning Guidance, Gwynedd Council: Planning and the Welsh Language (November 2009)

**2.4 Gwynedd and Anglesey Joint Local Development Plan. (Composite Version including Matters Arising Changes, January 2017)**

TRA 2: Parking standards

TRA 4: Managing transport impacts

PS 6: Mitigate and adapt to the impact of climate change

PCYFF 1: Development criteria

PCYFF 3: Design and landscaping

TWR 5: Touring caravan, camping and temporary alternative camping accommodation

PS 16: Protect and/or enhance natural environment

New Policy: Areas of Outstanding Natural Beauty Management Plans

AMG 5: Protection of Sites of Local or Regional Significance

PS 17: Safeguarding and/or enhancing heritage assets

AT 1: Conservation Areas, World Heritage Sites and Landscapes, Parks and Registered Historic Gardens.

**2.5 National Policies:**

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 12 – Design

Technical Advice Note 13 – Tourism

Technical Advice Note 18 – Transport

**3. Relevant Planning History:**

3.1 Y15/002312 - An enquiry was received prior to application submission to increase the number of touring caravans on the site from 18 to 34. It was recommended that the number of touring caravans was reduced or if they were to be increased to 34 that the number of tents with permission were reduced / deleted.

3.2 C05D/0148/39/TC – Certificate of lawful use for tents in accordance with planning permission 3/4/857 and the relevant licence that permits up to 70 tents on the land and as a touring caravan site in accordance with certificate of lawful use 2/19/W.767 and as grazing land - Fron Hyfryd - Sarn Bach - Withdrawn.

3.3 C03D/0234/39/LL - Application to exchange 70 tent pitches for 20 touring caravan and 40 tent pitches - Fron Hyfryd, Sarn Bach - Withdrawn.

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3.4 2/19/W.767 – Certificate of Lawful Use to locate 18 touring caravans during the period 1 April to 31 October and to store two touring caravans between 1 November and 1 April - OS field nos. 291, 292, 293 Fron Hyfryd, Bwlchtocyn - Approved 7 November 1995.

3.5 3/4/857 - Camping in tents on OS field nos. 292 and 293 at Fron Hyfryd, Bwlchtocyn - Approved 28 September 1965.

4. **Consultations:**

Community/Town Council: Not received.

Transportation Unit: No recommendation as it is not assumed that the proposal would have a detrimental impact on any road or proposed road.

Footpaths Unit: Not received.

Welsh Water: Note that a foul water public sewer crosses the service building location. Recommend a condition regarding surface water / land drainage. Note that if it is proposed to connect to the public sewer then the applicant would be required to contact Welsh Water and sign a 104 Agreement.

Natural Resources Wales: We have significant concerns regarding the development as submitted. It is recommended that planning permission should only be approved for the proposal if it can meet the following requirements including the conditions as recommended. Otherwise, we will object to this planning application.

**Flood Risk**

The application site is partly within a C2 zone, as defined by the development advice maps referred to in TAN 15 Development and Flood Risk (July 2004). As a result, the applicant needs to show, by submitting a Flood Consequence Assessment, that the flood outcomes can be managed for the lifespan of this development. The development is considered to be very vulnerable to damage and TAN states that such a development should not be approved within a C2 zone. If your Authority intends to approve the application contrary to the requirements of TAN 15, then the applicant will be required to submit a Flood Consequences Assessment prior to the determination of the application and you should consult further with Natural Resources Wales. Although it appears that the proposed development would take place within the boundary of the existing site, the number of pitches would increase and this would lead to an intensification of the site.

**Sewerage Drainage**

The site lies in an area with a public sewer and the proposal should discharge into the public sewer system. The applicant has stated on the application form that he does not know what the sewage disposal method will be. Installing a private

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septic tank in an area with a public sewerage facility is considered to be environmentally unacceptable. Therefore, we would object any such facility unless it can be shown that it is not reasonable to connect to the public sewer.

### **Protected Sites**

The site is adjacent to Cors Llyferin SSSI and therefore the development has the potential to have a detrimental impact on the site. The Initial Ecological Impact Assessment submitted to support the application recommends that the Buildings Management Environmental Plan is submitted and that this includes details of the measures that will be achieved during the building phase to ensure that the development does not have a detrimental impact on the features of the Cors Llyferin SSSI. We support this recommendation and recommend that a condition is imposed to this end.

### **Environmental Control**

Observations on the building methods and guidance available for buildings to prevent pollution.

### **Protected Species**

We acknowledge the Initial Ecological Impact Assessment received in support of the application. The assessment confirms that the sides of the site and the hedges that run through it are likely to be used by bats for feeding and travelling from roosting sites off the site and it is likely that bats in particular feed in the shelter of the SSSI woodland where insects gather as winds lead to a drift impact. It is noted that the report recommends that a lighting plan is prepared. We agree with these recommendations and recommend that a condition is imposed to submit and agree on a lighting plan.

Biodiversity Unit:

This development entails the loss of habitat of part of the Machroes Wildlife Site. There is also a possible impact on bats and reptiles. An ecological report has been submitted with the application which offers measures to mitigate these.

In accordance with point 34 of the ecological report, a condition should be imposed that the developer submits a Management Plan within a specific period following completion.

In accordance with the recommendation of point 43 a condition should be included that a lighting plan is submitted prior to commencement.

In accordance with recommendation point 38 and 44 a condition should be included that a Construction Environmental Management Plan is submitted prior to the commencement of the work.

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Caravans Officer: The development is welcomed in terms of creating a block of new toilets. There are no details showing that wash basins will be installed with the toilets. It will be necessary to install wash basins with the toilets. The development must comply with the requirements of the following Acts and Standards:-

- Caravan Site and Control of Development Act 1960.
- Model Standards 1983 (licence conditions).
- The Health and Safety at Work etc. Act 1974

The applicant will be required to make an application to vary the site's licence should this application be permitted.

AONB Unit: Fron Hyfryd caravan site is situated fairly close to the coast in the Machroes area and in the Area of Outstanding Natural Beauty. The site is fairly hidden due to the form of the landscape and surrounding natural vegetation, however, there are rights of way nearby. The density of caravans is fairly low on the site, this assists to ensure that the caravans do not to appear prominent in the landscape. It is noted that the current facilities are substandard and untidy and their upgrade is supported, however, it is deemed that the building's size should be limited to what is actually essential for the site. Due to the nature of the site, the natural landscaping and the low density it is considered that the increase in unit numbers can be incorporated without harm to the AONB.

Fire Service: No observations on the access for fire vehicles and water supply.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period has expired and no response was received.

## 5. **Assessment of the material planning considerations:**

### **The principle of the development and visual amenities**

5.1 Policy D20 of the GUDP approves proposals to increase the number of pitches on existing touring caravan sites by means of an extension provided that the proposal forms part of a plan that will secure environmental and visual improvements in terms of the location, layout, design and appearance of the site, and its position in the surrounding landscape. Furthermore, it is a requirement that the proposed development will not exceed the reasonable capacity of the immediate locality to accommodate such a development, taking into account the cumulative impact of existing touring caravan sites.

5.2 There is currently permission to locate a total of 18 touring caravans on the site. Also, there is also permission to site 70 tents. This current application does not change the situation in terms of the right to use the site for tents. Therefore, the proposal will increase the numbers of touring caravans from 18 to 24 an increase of six touring units on the site. Amongst the proposed amendments is a proposal to construct a new service building together with measures to promote biodiversity.

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- 5.3 An increase of six units would be a relatively small addition to the number. The site is not considered prominent or obtrusive in the landscape as the field boundaries are surrounded by hedges and trees that act as a screen. The location of the site and its setting in the landscape also means that the location does not stand out and is not prominently visible. It is considered that the visual impact of the site is restricted to what can be seen from the roads and paths directly near the site to the west and south and this is through the trees and existing hedges. Although the site or parts of the site can be visible from those places, it is not considered that the proposal to add to the number of the touring caravans on the existing site would be likely to create an obtrusive and prominent feature in the landscape within the AONB designation. The comments of the AONB Unit also agree with this and note that due to the nature of the site, the natural landscaping and the low density it is considered that the increase in unit numbers can be incorporated without any harm to the AONB.
- 5.4 As part of the proposal it is intended to construct a new services building. The existing service building is in a blue/green colour. The exterior walls of the proposed building's exterior would be finished with timber boards with the roof in a grey colour. It is considered that this new building would improve the appearance of the site and would also be a means of improving facilities for site visitors. It is considered that the design of the proposed service building is acceptable and in keeping with the area. It is also considered that the proposed materials are acceptable. Creating tracks within the site will also be a means to improve the quality of the site for users. It is intended to cover the tracks with slate waste. The proposal will also involve work to promote biodiversity with recommendations to include creating buffer zones on the boundaries to safeguard the SSSI and also for a Habitats Management Plan for the vegetation along the boundaries. Therefore, it is considered that the proposal to increase the number of touring caravans on the site would not create an obtrusive and prominent feature in the landscape that is within the AONB designation.
- 5.5 Having assessed the proposal against the requirements of policy D20, it is believed that the additional pitches in terms of their location, setting, design and appearance are likely to integrate and blend in with the site and its landscape. The site is neither prominent nor intrusive in the landscape, it is believed that it would not have a detrimental impact on the visual amenities of the vicinity or on the AONB. The proposed environmental improvements would improve the appearance of the site as a whole. Although there are a few other touring caravan sites nearby, the proposal does not go beyond the locality's reasonable capacity to accommodate such a development when considering the cumulative impact of existing sites within the area. Therefore, it is considered that an extension of the site, an increase in numbers and the landscaping comply with the requirements of policies B8, B22, B24, B27 and D20 of the GUDP.
- 5.6 The site lies within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest. Policy B12 states that consideration will be given to the information about the historic landscapes if the impact of proposals is on such a large scale that their impact would be greater than merely a local impact. In terms of its location and size, it is considered that the impact would be local and it would not have a wider impact on the historic landscape. Therefore, the proposal is not considered to be contrary to Policy B12 of the GUDP.
- 5.7 It is a requirement that planning applications are determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The current 'Development Plan' is the Gwynedd Unitary Development



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Plan (2001-2016) and the Joint Local Development Plan for Gwynedd and Anglesey (JLDP) will replace the UDP as the 'development plan' once it is adopted. It is hoped that the JLDP will be adopted during July 2017.

5.8 When dealing with any planning application the statutory test should be your first consideration at all times, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other relevant considerations state otherwise. The JLDP is now a material planning consideration for the purposes of development control - see paragraph 3.1.3 Planning Policy Wales that states:  
*"Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies ..."*

5.9 Although a number of policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not know the contents of the Plan for certain until the Inspector presents his binding report.

5.10 Paragraph 2.14.1 of Planning Policy Wales states:  
*"...thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances."*

5.11 In this case, the JLDP policies as noted in 2.4 above are material and, as these policies are consistent with the policies of the Unitary Development Plan, the recommendation of this report is considered to be consistent with the emerging policy.

#### **General and residential amenities**

5.12 Since the site is located in the countryside, properties in the vicinity are few and sparse. It is considered that the proposal would not cause significant harm to the amenities of the local neighbourhood with regard to privacy / over-looking. It is considered that the proposal to increase the numbers from 18 to 24 is not an over-development of the site. The site is also located directly adjacent to the county highway and, as such, it is not considered that the proposal would lead to an increase in traffic, such that it would have a significantly detrimental impact on local amenities. The site would have seasonal use between 1 March and 31 October. As a result, the site would be used on a seasonal basis and the caravans would not be sited on the land throughout the year. This would mean no change to local residents' amenities outside the occupancy season. The applicant's property is located near the site; therefore, the owner would be living nearby, and would be available to manage the site and any potential incidents in respect of safety, noise, litter, anti-social behaviour etc. Therefore, it is not considered that the proposal would cause significant harm to the amenities of the local neighbourhood and the proposal is considered to be acceptable in terms of policy B23 of the GUDP.

#### **Transport and access matters**

5.13 There is no need to make alterations to the existing vehicular access. The road that leads to the site is an unclassified country road. However, it is not considered that increasing the number of touring caravans by six would have a detrimental impact on road safety. The Transportation Unit has no objection to the proposal. It is therefore considered that the proposal is acceptable in relation to Policy CH33 of the GUDP.

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### **Biodiversity Matters**

- 5.14 The site borders with the Cors Llyferin SSSI and part of the site forms a section of a Prospective Wildlife Site. The Biodiversity Unit's observations were received on the application. These observations state that there would be a loss of habitat as a wildlife site and there are potential impacts to bats and reptiles. As part of the application an ecological report was submitted and this offers mitigation measures to these. The Biodiversity Unit recommend that conditions are imposed on any planning permission to ensure that specific points of the recommendations in the ecological report are implemented. These conditions include the submission of a Management Plan, site lighting plan and the submission of a Construction Environmental Management Plan. This is also supported by the observations of Natural Resources Wales. As a result of imposing such conditions it is considered that the proposal is acceptable in terms of Policies B16 and B17 of the GUDP.

### **Flooding Matters**

- 5.15 A very small section of the application site in the north eastern corner is situated within a C2 flood zone. Consequently, Natural Resources Wales have requested a Flooding Consequences Assessment. It is understood that the application's agent has contacted Natural Resources Wales to note that the section of the site that is within the flood zone forms the buffer of 10 metres between the caravans and the adjacent SSSI, and that no caravan would be situated within the flood zone. Natural Resources Wales are currently re-considering their observations as a result of receiving this information. The proposal is to increase the numbers, by six units on the existing touring caravan site. None of proposed caravans or the existing would be within the flood zone. Indeed there are plenty of other sites available within the existing caravan site where touring caravans that are closer to the flood zone can be situated. Bearing in mind that neither the existing or proposed touring caravan pitches are located within the flood zone, and that there is plenty of room to locate them further away from the flood zone, it is considered that there are no implications in terms of flooding that derive from the current application. It would even be possible to amend the red line of the application in order that the application site is completely outside the flood zone without impairing on the site's layout. It is considered that the proposal is acceptable in terms of policy B29 of the GUDP.

### **Any other matters**

- 5.16 In their observations, Natural Resources Wales have referred to the fact that they need confirmation of the method of disposing sewage and they oppose private systems in an area with a public sewer. The application form does not state what the disposal method is. The agent was contacted to get information about the existing system and what is proposed. Confirmation was received that the existing site is connected to the public sewer and the proposal is to continue to use the public sewer. Consequently, it is considered that the proposal is acceptable in respect of sewage disposal and this overcomes the concerns of Natural Resources Wales.

### **6. Conclusions:**

- 6.1 Due to the scale and location of the application together with existing natural features, the site is not considered to be obtrusive in the landscape, or likely to have a significantly harmful impact on the visual amenities of the AONB. It is not considered that it would have any effect on road safety or have a detrimental impact on the amenities of the local neighbourhood. In terms of ensuring that the site can is

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correctly managed it is considered that this can be ensured by imposing relevant conditions.

7. **Recommendation:**

7.1 To approve – conditions

1. Commencement within five years.
2. In accordance with submitted plans.
3. The number of touring units on the site at any one time to be restricted to 24.
4. Restrict the season to between 1 March and 31 October.
5. Holiday use only.
6. A register to be maintained.
7. No storing of touring caravans on the site.
8. The timber boards on the external walls of the service building to be left to weather naturally.
9. The colour of the service building roof to be dark grey colour BS 18 B25.
10. Submit and agree upon a Habitats Management Plan.
11. Submit and agree upon a lighting plan for the site.
12. Submit and agree an Environmental Buildings Management Plan.