

PLANNING COMMITTEE	DATE: 16/04/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	PWLLHELI

Number: 3

Application Number: C17/1056/39/LL

Date Registered: 31/10/2017

Application Type: Full - Planning

Community: Llanengan

Ward: Llanengan

Proposal: Application to site 10 touring caravans and a static caravan for site manager, shower and toilet block, acoustic fence, earth bank, new access drive and parking spaces for a nearby chapel

Location: Frondeg, Llanengan, Pwllheli, LL537LL

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1 The application was submitted to the Planning Committee dated 26 February 2018 when it was resolved to defer considering the application in order to provide an opportunity for members to visit the site before discussing the matter at the next meeting of the Planning Committee. This is a full application to establish a touring caravan park for 10 touring caravans and to site a permanent warden's caravan, erect a toilet block and create a track from the site to the county road. The intention is to erect a toilet block measuring 9.9 meters in length and 4 metres in width on the uppermost part of the site. The building is to be covered with steel sheeting of dark green to the walls and of blue grey to the roof. The applicant has not stated in the application how sewerage will be disposed of. Touring caravans are to be sited around the edge of the field and the manager's caravan at the southern corner of the field. The proposal also includes the construction of a track as a new access road to the site. The track will lead from the site past the rear of a residential dwelling known as Fron Isaf and onward to the east for approximately 300 metres to the existing entrance of a field near a property known as Wern. A 2.2 metre high acoustic fence is proposed in order to reduce the impact of activities along the road on the residents of Fron Isaf. The track will be approximately six metres wide, except for one section located by the county road that will be 10 metres wide, and will include a parking space between the track and the hedgerow of the county road. The applicant states that the parking space will be large enough to hold 25 cars for visitors to the cemetery and users of the nearby chapel. The track will be made of gravel.
- 1.2 Having discussed the concerns of the Biodiversity Unit surrounding the effect of the proposal on trees on the site boundary with the applicant, an amended plan was received on 3 January 2018 showing part of the track by the county road measuring 15 metres in width and which includes a parking space, the track and a gap for protecting trees and a hedge along the boundary of the county road. The amended plan shows a substantial entrance that also functions as a turning point, measuring 20 square metres. It should be noted that the applicant has no control over the entrance's northern boundary.
- 1.3 The applicant claims that the field has been used to site caravans in the past and he submitted information to the Council to that end. It must be noted that no planning permission or certificate of legal use exists to support this. The application should, therefore, be considered as a proposal to establish a brand new touring caravan park. Should the applicant wish to prove his/her case, then an application for a certificate of legal use would have to be submitted to the Council for consideration.
- 1.4 The centre of the site is located approximately 50 metres from nearest property known as Fron Isaf and approximately 100 metres from other nearby houses in the village. The site is outside the development boundary as allocated within the LDP. The site is within a Conservation Area and an Area of Outstanding Natural Beauty. The applicant states that the existing entrance to the site is dangerous and inconvenient. The Council's definitive maps indicate that a public footpath runs past the south eastern boundary of the site.

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- 1.5 A Design and Access Statement was also submitted.
- 1.6 The application is submitted to the Committee as it involves siting more than five additional caravans on land.

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

TRA 2: Parking standards

TRA 4: Managing transport impacts

PCYFF 2: Meini prawf datblygu

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

TWR 3: Permanent alternative static caravan and chalet and camping site

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

TAI 14: Residential use of caravans, mobile homes and other types of accommodation that are not permanent.

PS 19: Conserving and where appropriate enhancing the natural environment

PS 20: Safeguarding and, where relevant, improve heritage assets

AMG 1: Areas of Outstanding Natural Beauty Management Plans

PS 17: Safeguarding and/or enhancing heritage assets

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

Supplementary Planning Guidance: Holiday Accommodation - July 2011

Anglesey, Gwynedd and Snowdonia National Park Capacity and Sensitivity Study - Gillespies - March 2014

2.4 National Policies:

Planning Policy Wales, Edition 9 (November 2016)

Technical Advice Note - 13 Tourism

Technical Advice Note - 18 Transport

3. Relevant Planning History:

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3.1 Application number 9583 - Siting six caravans - Land near Fron Deg, Llanengan - Refused - 5 June 1963

4. Consultations:

Community/Town Council: The Council has declared an interest in the application as it is the owner of the extension to Capel y Bwlch cemetery.

Transportation Unit: Concern that vehicles will be unable to turn from the main road into the entrance and then the track. Further details, such as a Vehicular Path Assessment, are required. The distance of the entrance from the site could create confusion when trying to transport caravans.

Natural Resources Wales (NRW): Recommends that the Council only approve the application if it receives confirmation from the applicant that it intends to connect foul water to a public sewer or otherwise demonstrates that it is not practical to connect it to the public sewer. Usual biodiversity and environmental observations.

Welsh Water: Offer the following observations:
Recommend a condition stating that a surface water drain will not be connected to a public sewer and that a Welsh Water contract is required before connecting the proposal to a public sewer.

Public Protection Unit: No objection to the application, but need to ensure that the development complies with the Caravan Sites and Control of Development Act 1960 and the Health and Safety at Work Act 1974. The new road would have to be suitable for emergency vehicles.

Biodiversity Unit Thank you for consulting with the Biodiversity Unit regarding the above application. It is unclear from the plans what will happen to the line of ash and sycamore that grow between the existing road and the new track. No reference has been made to felling them but creating the track is certain to affect their roots. A tree report, in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction", will be required before the application can be determined

The amended plan shows the new road 4 metres away from the *clawdd* with the trees. It is likely that this will be sufficient to avoid damage to the tree roots. A condition should be included to prevent any excavation or laying of stone surface within this 4 metre zone. A condition should be imposed on any permission to ensure that vehicles cannot come any closer than 4 metres from the trees.

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Fire and Rescue Service
The Fire Authority has no observations regarding the access for fire vehicles and water supply.

Area of Outstanding Natural Beauty Unit (AONB)
The site in question is located within the village of Llanengan in the Area of Outstanding Natural Beauty and also within the village's Conservation Area. Local and national policies are relevant to these designations.

The site is on higher land and not very prominent in the landscape. However, it is visible from some locations including the adjacent public footpath. The proposal involves creating a touring caravan site for 10 units, one static caravan and a wash/toilet building. It also includes modifying an existing entrance on a country road, creating a new road and creating a parking space for up to 20 vehicles.

There is concern that the new caravan site, and the ancillary developments would affect the AONB and Conservation Area.

Public Consultation:
A notice was posted on the site and nearby residents were notified. The advertisement period has expired and correspondence was received objecting on the following grounds:

- Concern about the effect of the parking area on the landscape.
- The new fence would have a detrimental impact on the amenities of nearby residents.

Two letters/items of correspondence were received which supported / submitted observations on the application:

- The Need
- Not visible from a county road or the new road to the site.
- Improved parking by the cemetery.
- Welcome the parking provision near the cemetery.
- Applicant has shown evidence that the land had been used as a caravan site since the 50s.
- Building the new road would solve access problems to the existing sub-standard entrance.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 Policy TWR 5 LDP permits proposals to develop new touring caravan sites provided they comply with all the criteria noted. These include the need for the proposed development to be of a high quality in terms of design, layout and appearance and sited in an unobtrusive location which is well screened by existing landscape features and/or where touring units can be readily assimilated into the landscape in a way which does

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not significantly harm the visual quality of the landscape; avoids excessive areas of hard standing; have limited physical connection to the ground and is capable of being removed off the site out of season; any ancillary facilities should, if possible, be located within an existing building or as an extension to existing facilities; that the site is close to the main highway network and that adequate access can be provided without significantly harming landscape characteristics and features; occupation is limited to holiday use only; that the site is used for touring purposes only and any units are removed from the site during periods when not in use.

- 5.2 The site is located on a flat parcel 1 of land on the slopes of a hill outside the development boundary as designated by the LDP, and approximately 50 metres from the Fron Deg property and 100 metres from nearby residential houses. The 10 units would be sited around the boundaries of the site. Criterion 1 of policy TWR 5 states that the design, layout and appearance of touring caravan sites should be of a high quality. The site is of a limited size with caravans sited around the boundaries. It should be noted from the plan that no amenity area has been shown as part of the proposal and it is likely that there would be insufficient space on the site for such provision bearing in mind the location of the units, parking spaces and the entrance.
- 5.3 The proposal includes the construction of a toilet block on the uppermost part of the site which is visible from local public areas. It is noted that NRW has expressed concern about the proposal as no confirmation has been received that the toilets will be connected to the public sewer. Although the applicant has not stated how sewerage will be disposed of, it is felt that this matter could be dealt with by imposing an appropriate condition on any permission should the committee wish to approve the application. The site is located on a slope, where hedgerows currently exist. Although a *clawdd*/hedge of varying height abuts the site, the existing landscaping is insufficient to hide or integrate the proposed units into the landscape and the application does not propose further landscaping. Whilst it is noted that the plan states the intention to plant a new hedge on the edges of part of the new track, it would not be sufficient to create an acceptable development.
- 5.4 In respect of proximity to the road network, the proposal would involve constructing a long track from the site to the class three county highway. The applicant states that the existing entrance is dangerous and inconvenient and, consequently, the proposal involves substantial work on the fields to create the new track along with parking spaces for visitors to the cemetery and chapel users, and it is considered that this element of the proposal would be likely to have a substantial detrimental impact on the landscape. The applicant also states that there are a lack of parking spaces by the chapel and the cemetery, which creates dangerous and inconvenience conditions during busy periods when cars try to park on the public road. It should be noted that there is parking space nearby for visitors to the cemetery and chapel users, and no evidence was received with the application to demonstrate the nature and scale of the problem.
- 5.5 A substantial number of caravan sites are situated within the area of the village and, although not visible from the site of the application, concern must be expressed in this case regarding the cumulative effect of existing sites.
- 5.6 The application involves establishing a new touring caravan site. The applicant states that the site has been used as a caravan site for years and presented evidence in the form of one statutory declaration, 2017 tax statement and photographs in support of this. However, the evidence submitted does not confirm legal caravan use and, should the applicant wish to protect such use, a formal application for a certificate of legal use would need to be submitted to the LPA. It is not considered that the information

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submitted can be depended upon unless it is evidenced and confirmed through an application for a Certificate of Legal use as has been done at other sites throughout the County in the past.

- 5.7 In terms of the aspect of the application that requests the siting of a static caravan for a warden, Policy TAI 14 relates to the residential use of caravans, mobile homes and other types of non-permanent accommodation for new temporary residential use. The policy explains what would be considered a temporary period for siting a unit or for using it temporarily and under which circumstances this could be acceptable. It requires demonstration of an essential need for the use. It is not considered that the circumstances described here - namely a warden for 10 touring units for a seasonal period - shows essential need for a static unit that would be located on the site throughout the year. Policy TAI 14 states the need to also consider policy TWR 3 that refuses applications to develop new static caravan sites within the AONB. The site is located within the AONB and, consequently, the proposal to site a warden's caravan is deemed contrary to policy TWR 3 of the LDP. The proposal to install a static unit for a warden is therefore not acceptable on the grounds of policy.
- 5.8 Based on the above, it is clear that the proposal is not acceptable in principle.

Visual amenities

- 5.9 The site is located within the Llanengan Conservation Area and Llŷn AONB. The site is located in open countryside and outside any village boundary as designated by the LDP. It is acknowledged that the caravans would not be visible from the parallel county road because of its location on higher ground and the existence of nearby farm buildings. However, the caravan site would be visible from some other locations locally in the east and also from the adjacent public footpath. The new track would result in substantial work being carried out on the fields and would be visible in the landscape. The AONB Unit has expressed concern with the proposal that the new caravan site, and associated developments, would affect the AONB and Conservation Area. It is felt that landscaping would not sufficiently reduce the impact of the proposal on the landscape and that it would not overcome concerns relating to the prominence of the site in the landscape within the AONB and the Conservation Area.
- 5.10 The beauty of the landscape is one of the area's main attractions for visitors and it is extremely important that these resources, which are vital to the prosperity of the tourism industry, be protected. Although policy TWR 5 of the LDP approves new touring caravan sites in unobtrusive locations which are hidden by the existing features of the landscape and / or where touring units can be easily assimilated into the landscape in a way that does not have an unacceptable impact on the visual quality and character of the landscape, the proposed site is situated in the countryside and, although the caravan site would not be visible from the nearby public road, the site is prominent from the higher ground to the east and visible from the county road. The proposed site is located in the countryside, and though the caravan park itself is not visible from the nearby public road, the site is prominent from higher grounds to the east and the track is visible from the county road. It is also noted that the part of the proposal that involves creating parking spaces would contribute an urban feature to a rural area, contrary to the aims and principles of planning policies that protect the landscape. It is considered, therefore, that the proposal does not meet policy AMG 1 of the LDP that relates to the protection of the AONB, and AT1 and PS 20 that relate to the protection of Conservation Areas.

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- 5.11 The current landform and landscaping are not sufficient to assimilate the proposal into the landscape and reduce the effect of the proposal. Landscaping details have not been included on their plans. Should the application be approved, there is no certainty that the proposed planting would establish itself to the extent that would be necessary to screen the development or that it would create an effective screen for the site. The proposal is not considered to be acceptable in principle from the perspective of the landscaping policy of PCYFF 4 of the LDP considering its sensitive location in open countryside within the AONB.

General and residential amenities

- 5.12 The proposal is located outside a development boundary with the caravan site and new entrance within a few metres from private housing. The proposal involves establishing a caravan site and creating a large, urban track from the caravan site to the county road. The proposed track will run past the back of a neighbour's house and, in order to reduce the impact on that house, the applicant offered to erect an acoustic fence at the end of the track at the rear of the house. The plan shows that the proposed fence would measure approximately 2.2 metres in height and, consequently, is likely to affect the light into windows at the rear of that house and is also likely to create an alien and inappropriate feature. A letter was received from the residents of the house expressing concern about this and suggesting a fence that was 1.1 metres high. The neighbours' observations have been noted; however, it is felt that a 1.1 metre high fence would not be sufficient to prevent the noise of activities and traffic to the site. It is felt that the proposal with a fence would prevent light from entering the rear of the house and the activities from the proposal would disturb the neighbour were there no fence or if there were a smaller fence.
- 5.13 It is also noted that the proposal would involve developing the existing entrance to the field in order to create a much larger new entrance and turning place by a property known as Wern. This work would likely increase activities by the house substantially and greatly disturb the residents of the house.
- 5.14 On the above grounds, it is considered that the proposal would have a substantial detrimental impact on nearby residents and, therefore, the proposal is considered to be contrary to Policy PCYFF 2 of the LDP.

Transport and access matters

- 5.12 The site is located outside the boundary of the village. The location of the site means that caravans would probably travel approximately 1 kilometre along the class three county road before joining the class one road in the village of Abersoch to the east. An entrance already exists and currently serves an agricultural field. Grave concern must be expressed about the standard of the proposed entrance in terms of visibility when accessing the parallel class three road, especially visibility toward the north east. The existing hedge along the neighbour's land impedes visibility from the site. As this hedge is outside the applicant's control it would not be possible to enforce any alterations to the hedge to improve the access.
- 5.16 It is also realised that the new entrance includes a turning space and the plan shows a vehicular road from the county road to the site. It appears from the plan that it is not possible to access the entrance and then the new track without using the whole width of the county road and that would affect the traffic on the county road. Note also that approving this application would create substantial vehicular activity around the entrance that would impact road safety. Observations were received from the

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Transportation Unit stating that the proposal would be likely to have a substantial impact on road safety. The proposal is contrary to policy TRA 4.

Biodiversity matters

- 5.17 Observations were received from the Council's Biodiversity Unit expressing concern about the impact of the proposal on trees and hedgerows along the boundary of the county road. The observations of the Biodiversity Unit were received on the amended plan confirming that there was no objection to the proposal as amended provided a condition is imposed on any permission to prevent any excavation work, laying a stone surface and using the 4 metre piece of land along the verge of the county road.

6. Conclusions:

- 6.1 Having considered the above and all the material planning matters including the local and national policies and guidances, as well as the observations received, it is not believed that the proposal is acceptable in principle and based on the matters noted in the report, namely that the proposed development would be likely to have a substantial detrimental impact on views of the Area of Outstanding Natural Beauty and the village's Conservation Area, and on road safety, and would likely impact the amenities of nearby residents.

7. Recommendation:

7.1 To Refuse – reasons

1. The proposal, because of its location, setting and appearance in the landscape, would stand out as a prominent and intrusive feature in the 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, PS 19 and TWR 5 of the LDP and Supplementary Planning Guidance: Holiday Accommodation Gwynedd Council.
2. The proposal, because of its location and setting, would stand out as a prominent and intrusive feature in the countryside and would have a detrimental impact on the Llanengan Conservation Area, contrary to policy AT 1 and PS 20 of the LDP.
3. The proposal is contrary to the requirements of Policy PCYFF 2 of the LDP, considering that it has a detrimental impact on the residential and general amenities of nearby residents on the grounds of noise and general increase in general activities.
4. The proposal would increase the use of an existing agricultural access which has sub-standard visibility splays and at a place where limited manoeuvres to enter and exit the main road would cause significant road risks, which is contrary to policy TRA 4 of the LDP. Policy TRA 4 of the LDP
5. The proposal involves siting a static warden caravan on a site located within an Area of Outstanding Natural Beauty contrary to policy TWR 3 of the Gwynedd and Anglesey Joint Local Development Plan.