

PLANNING COMMITTEE	DATE: 21/03/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

Number: 5

Application Number: C21/0573/33/LL

Date Registered: 12/07/2021

Application Type: Full

Community: Buan

Ward: Efailnewydd/Buan

Proposal: Siting of 5 seasonal wooden camping pods, erection of shower / toilet unit, installation of a domestic sewage treatment plant and landscaping works.

Location: Nant, Boduan, Pwllheli, Gwynedd, LL53 8YE

Summary of the Recommendation: TO REFUSE

PLANNING COMMITTEE	DATE: 21/03/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

1. Description:

1.1 This is an application to site 5 seasonal wooden camping pods on a plot of wooded land near Boduan. The work would include:

- Erecting a building for showers / toilets.
- Installation of sewage treatment works
- Landscaping work

1.2 All structures would have timber frames and they would be finished with larch cladding. It is proposed to move the pods from the site while the site is closed during the winter and store them in an unoccupied agricultural building nearby.

1.3 The site lies in open countryside approximately 1.7km to the south of the Nefyn development boundary as defined by the Anglesey and Gwynedd Joint Local Development Plan. It is located near the A497 highway leading from Pwllheli to Nefyn. The site is in a young forest near the Nant farm building, which is a Grade II Listed Building also located within the Special Landscape Area designated by the LDP and the Llŷn and Bardsey Landscape of Outstanding Historic Interest.

1.4 The following additional information was submitted in support of the application:

- Design and Access Statement
- Consideration of Conservation Areas
- Response to concerns regarding pollution prevention

1.5 The application is submitted to the Planning Committee as the site is more than 0.5 ha in size.

1.6 This application was reported to the Committee on 22 November, 2021, when a decision was made to defer the application to allow officers to consider additional information received and to discuss the development further. By now, the following information has been added to the application:

- Plans indicate an option to use an alternative access towards the east of the site, which would lead from the class 3 road that travels towards the south from the junction with the A497 using the existing agricultural track to take visitors directly to the site.
- Further information regarding visibility from the access with the A497
- Further information regarding the proposed private sewerage system
- Arboriculture impact assessment

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 (Wales) Act 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 Anglesey and Gwynedd Joint Local Development Plan. (July 2017)

PLANNING COMMITTEE	DATE: 21/03/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

TRA 2 – Parking standards

TRA 4 – Managing transport impacts

PCYFF 1 – Development Boundaries

PCYFF 2 – Development criteria

PCYFF 3 – Design and place shaping

PCYFF 4 - Design and landscaping

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

PS 19 - Conserving and where appropriate enhancing the natural environment

AT 1 - Conservation areas, World Heritage Sites and Landscapes, Parks and Registered Historic Gardens

Supplementary Planning Guidance – Tourist Facilities and Accommodation

Supplementary Planning Guidance - Maintaining and Creating Distinctive and Sustainable Communities

2.4 National Policies:

Planning Policy Wales (February 2021)

Technical Advice Note 13 – Tourism

Technical Advice Note 18 – Transport

3. Relevant Planning History:

None.

4. Consultations

Community/Town Council: No objection

Welsh Water No observations to offer

Biodiversity Unit A Habitats Regulations Assessment (HRA) is required for developments that are close to protected sites and the potential impacts on them; however, insufficient information has been submitted to enable such an assessment

Trees Officer The site is surrounded by ancient woodland and trees are located on the site where it is intended to install the pods and undertake the development work; therefore, an Arboriculture Impacts Assessment is required as per BS5837/2012 standard by a qualified specialist along with a plan to show the location of the development work in the context of the trees and their roots. An Arboriculture Impacts Assessment

PLANNING COMMITTEE	DATE: 21/03/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

was submitted but this trees report has not been carried out to an acceptable standard.

Licensing Officer:	Not received
Fire Service	Guidance for the applicant
CADW	No objection
Land Drainage Unit	A watercourse runs along the boundary of the site - standard advice for the applicant
Highways Unit	Significant concerns regarding the lack of visibility in the vehicular access to the A497
AONB Unit	The site is slightly outside the boundary of the Area of Outstanding Natural Beauty (AONB) and considering the wider landscape, the site is not prominent and, therefore, it does not appear that the proposal is contrary to the policies in the AONB Management Plan. Suggest a landscaping condition
Natural Resources Wales	After receiving further information regarding the sewerage system, NRW have no objection to the plan anymore. Propose guidelines for the applicants.
Public Consultation:	A notice was posted on the site and the advertising period has expired. No observations were received from the public during the consultation period.

5. Material Planning Considerations:

- 5.1 As this is a site for alternative camping accommodation, the application has to be considered under Policy TWR 5 of the LDP that sets out a series of criteria to approve such developments.
- 5.2 Criterion 1 in policy TWR 5 states that any proposed development should be of a high quality in terms of design, layout and appearance, and should also be well screened by existing landscape features and / or where the touring units can be readily assimilated into the landscape in a way that does not significantly harm the visual quality of the landscape.
- 5.3 The proposed development is located in a site that is hidden from most public vantage points. Approximately 1000 trees have already been planted on the site and it is intended to manage the trees by coppicing. The site is not within the AONB but it is located within the Special Landscape Area. Due to the formation of the land and the wooded nature of the site, it is not believed that the development would cause significant harm to the quality of the designated landscapes. Also, the site lies within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest. Again, due to its location and size, it is considered that the impact of the proposal would only be local and it would not have a broader impact on the historic landscape. It is therefore considered that the proposal is acceptable in terms of Policy AT 1 of the LDP.
- 5.4 Policy PCYFF 4 of the LDP requires that every proposal should assimilate with their surroundings and will refuse proposals that do not show how consideration has been given to landscaping matters from the outset as part of the design proposal. When considering the trees that are already planted

PLANNING COMMITTEE	DATE: 21/03/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

on the site and the possibility of adding to this landscape by means of a planning condition, it is believed that the proposal also meets the objectives of this policy.

- 5.5 The second criteria of Policy TWR 5 asks to avoid excessive areas of hard standing. In this case, it is intended to site the pods on grass and it is intended to move them around the copse to correspond with management of the trees. No additional hard standing would be created.
- 5.6 The third criterion asks for assurance that the site would only accommodate mobile units - this can be managed with a suitable planning condition.
- 5.7 The fourth criterion requires assurance that any ancillary facilities should be located in an existing building, or should this not be possible, that any new facility is commensurate to the scale of the development. There is no suitable building to convert for this use; however, it is proposed to erect a small building, 9.75m x 3.05m, in an unobtrusive location and it is believed that this would be commensurate to the scale of the development.
- 5.8 Under the fifth criterion, the policy requires the site to be located close to the main roads network and that adequate access can be provided without significantly harming landscape characteristics and features - highway matters are discussed below.
- 5.9 The sixth criterion requires assurance that occupancy is restricted to holiday use only - this can be ensured with a suitable planning condition.
- 5.10 The seventh, and the last of the criteria, requires assurance that the site is used for touring purposes only and that the units are removed from the site during periods when not in use - again, this is a matter of imposing a suitable planning condition.
- 5.11 Overall therefore, it is believed that this proposal meets the requirements of the criteria set by Policy TWR 5, however, it is believed that the main consideration in terms of how acceptable the application is, is the impact that the development would have on the local roads network and on the safety of highway users.

Transport and access matters

- 5.12 In response to the original observations of the Transportation Unit, a plan was submitted indicating the proposed visibility from the access of the property. In order to evaluate the stopping distance of the site, the Unit refers to the guidelines noted in Technical Advice Note 18, which notes that stopping distance should refer to the speed limit of the road, which is 50mph in this case. When observing vehicles travelling from Nefyn, according to the submitted plan, it would be possible to achieve an AGC of 120m, which is slightly lower than the recommended AGC of 160m. When considering vehicles that travel from the direction of Pwllheli, the distance would be much lower than 160m, even with the proposed improvements. In addition, the plan does not consider the turning angle of the access road or the vertical alignment of the road that could prevent visibility further. Following the assessment, the Transportation Unit confirmed it had serious road safety concerns in relation to increasing the use of this vehicular access. Additional proposals were received from the applicants suggesting the erection of safety signage and the felling of some trees in order to improve visibility; however, when taking the risk of encouraging more use of this access into account, it is not believed that it would be acceptable to approve this element of the plan.
- 5.13 By retaining the access towards the north with the A497 as part of the application, the applicants have also proposed to use an alternative access along an agricultural track that leads to the east from the site and links directly with a class 3 road near existing agricultural buildings. This access leads from a much quieter road than the main access and there is good visibility to both directions on the road. Having said that, insufficient information has been submitted regarding the nature of this route in terms of its structure, and regarding any potential impact on nearby trees and habitats. Therefore, it is not possible to assess the impacts of the proposed alternative access on the landscape and on biodiversity and, therefore, this aspect of the application, as it stands, is contrary to the

PLANNING COMMITTEE	DATE: 21/03/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

requirements of policies PCYFF 4 and PS 19 of the LDP. Therefore, the application does not meet with Criterion 5 of policy TWR 5 as it is unclear whether it would be practical to provide sufficient access to the site and it would also be contrary to policy TRA 4 as it would increase the use of the access to the north with the A497, causing unacceptable harm to the safe and efficient operation of the local highway network.

General and residential amenities

- 5.14 There are no residential homes near the application site and although there is some potential for activity to occasionally disrupt the general amenities of the area, there are doubts whether it would be to such an extent where it would have a significant detrimental impact, therefore, it is not considered that the proposal is contrary to policy PCYFF 2 in terms of safeguarding the amenities of neighbours and the area in general.

Biodiversity matters

- 5.15 The Biodiversity Unit and Natural Resources Wales had concerns regarding the potential impact of the development on the Llŷn Fens Special Area of Conservation / Cors Geirch Site of Special Scientific Interest, which are 80m to the west of the site. There is potential for the development to create pollution, and policies PCYFF 2 and PS 5 encourage the refusal of proposals that will have a significant detrimental impact due to pollution. As a result of the receipt of further information regarding the steps to prevent pollution, Natural Resources Wales found the proposal to be acceptable. However, in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), due to the proximity of the SSSI / SLA, Gwynedd Council as the Eligible Authority must undertake a Test of Likely Significant Effect on the protected habitats before determining the application. The Biodiversity Unit does not accept that the submitted information thus far is acceptable in order to enable such an assessment. Specifically, the following information is needed to complete this work:

- Preliminary Ecological Appraisal (or similar survey as appropriate) by a suitable, qualified ecologist;
- Any further surveys in relation to protected species that are likely to be present (likely to include, but not restricted to, bat surveys on the trees to be felled).
- Ecology Impact Assessment
- Step 1 Habitats Map;
- Biodiversity information to be provided by the Local Environmental Records Centre (Record)

- 5.16 In addition, an Arboriculture Impacts Assessment was received; however, the Trees Unit confirmed that this report has not been completed to the necessary standards.

- 5.17 When considering the clear shortcomings in the information submitted with the application and the available opportunities for applicants to submit information to the necessary standards, it is not believed that this plan satisfies the requirements of policy PS 19 as it aims to protect the natural environment or policies PCYFF 2 and PS 5 of the LDP as they specifically relate to pollution control.

PLANNING COMMITTEE	DATE: 21/03/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

The Welsh language

- 5.18 Supplementary Planning Guidance (SPG) 'Maintaining and Creating Unique and Sustainable Communities' (adopted July 2019), provides further guidance on how it is expected for Welsh language considerations to be incorporated in each relevant development. The proposal does not reach the thresholds to submit a Welsh Language Statement or a Report on a Welsh Language Impact Assessment; however, the guidance included within Appendix 5 notes that every retail, commercial or industrial development where there is no need to submit a Welsh Language Impact Statement/Assessment should show how consideration has been given to the language.
- 5.19 No information was received to show what consideration had been given to the Welsh language when drawing up this plan although the Design and Access Statement noted that it is proposed to create a sustainable business that will enable local people to continue to live in their community by supporting the rural economy. When considering the fundamental objection to the plan in terms of the safety of the access, no further information was sought regarding this matter; however, when considering the small nature of the development, it is unlikely that an additional significant impact on the linguistic character of the community would derive from it.

6. Conclusions:

- 6.1 Despite the fact that this proposal meets the majority of needs to develop a new temporary alternative camping site as noted in Policy TWR 5 of the LDP, it is likely that the development would cause unacceptable damage to the safe operation of the highway as the junction between the access road and the A497 is unsuitable for increased use by vehicular traffic. In addition, although use of the alternative access towards the east was proposed, no necessary information is available to enable the assessment of that element. Therefore, there is no option but to recommend refusing the application as it does not meet Criterion 5 of policy TWR 5 and it would also be contrary to the objectives of policy TRA 4 as it involves the protection of road safety. In addition, insufficient information has been submitted to enable an Assessment under the Habitats Regulations to ensure that there would be no harm to the SSSI / SAC or to assess the potential impact on protected species and trees.

7. Recommendation:

- 7.1 To refuse – reasons
1. The increase in traffic that would use the sub-standard vehicular access to the north from the site with the A497 would cause unacceptable harm to the safe and efficient operation of the highway. Therefore, the application is contrary to Criterion 5 of Policy TWR 5 and Policy TRA 4 of the Anglesey and Gwynedd Joint Local Development Plan.
 2. Insufficient information has been submitted regarding the proposed alternative access with the class 3 road towards the east in order to enable a full assessment of the impacts of this element in terms of its impact on the landscape and on biodiversity and, therefore, the application is contrary to policies PCYFF 4 and PS 19 of the Anglesey and Gwynedd Joint Local Development Plan.
 3. There is a possibility for the development to impact ancient trees, protected species and a nearby Special Conservation Area / Site of Special Scientific Interest and insufficient information was submitted to show that the development would not be detrimental to the

PLANNING COMMITTEE	DATE: 21/03/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

protected features. The application is therefore contrary to the requirements of policies PS 19, PCYFF 2 and PS 5 of the Anglesey and Gwynedd Joint Local Development Plan and Technical Advice Note 5 - Nature Conservation and Planning.