

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

Number: 7

Application Number: C21/0665/40/LL

Date Registered: 14/07/2021

Application Type: Full

Community: Llannor

Ward: Efailnewydd/Buan

Proposal: Application for the change the use of land into a touring caravan site for 18 units including the provision of a toilets and shower building, track and play area within the site.

Location: Gefail y Bont Lôn Boduan, Efailnewydd, Pwllheli, Gwynedd, LL53 6DN

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1 The application was originally submitted to the committee on 22/11/2021 with a recommendation to refuse. The committee deferred consideration in order to discuss the matter with the applicant. Following the decision, further details were received in the form of an amended site plan and a tree preservation report.
- 1.2 Full application to develop a new touring caravan site. The proposal involved using an agricultural field for the siting of 19 touring caravans, toilet building, improving the existing access and landscaping work along the existing clawdd/hedge. The field where it is proposed to locate the touring caravans is fairly flat and the units would be located along the north-eastern and south-western boundary of the site.
- 1.3 The applicant states that it is proposed for plants to be planted along the south eastern boundary. The toilet building would measure 11 metres long and 3.75 metres wide with a grey cladding finish to the walls and a grey sheeting roof and would be sited near the access. It is understood from the applicant that it is not proposed to construct a track as an internal access road or hard standings for the touring caravans and an amended plan was received together with a statement confirming this. It is also intended to install a sewage treatment system.
- 1.4 The site is located between a class 3 county highway and Rhyd Hir river that is at a lower level. The proposed site measures 0.75 hectares.
- 1.5 The application site is designated a Wildlife Site Area and lands to the south west have been designated as a Special Landscape Area. It is proposed to undertake improvements to the existing access to the adjoining class 3 county highway.
- 1.6 A Design and Access Statement was submitted with the application.
- 1.7 The application is submitted to committee as it involves siting touring units on land measuring in excess of 0.5 hectares.
- 1.8 An amended site plan dated 21/01/2022 was received showing landscaping details, 18 caravans and the relocation of a row of caravan along the north-eastern boundary. A tree preservation report was also received on 21/01/2022.

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

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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 2011-2026 adopted 31 July 2017 (LDP):-

PS 1: The Welsh Language and Culture
 ISA1: Infrastructure Provision
 TRA 4: Managing transport impacts
 PS5: Sustainable development
 PS6: Alleviating and adapting to the effects of climate change
 PCYFF2: Development Criteria
 PCYFF4: Design and Landscaping
 PS14: The Visitor Economy
 TWR 5: Touring caravan, camping and temporary alternative camping accommodation
 PS 19: Conserving and, where relevant, enhancing the natural environment
 AMG3: Protecting and improving features and qualities that are unique to the character of the local landscape
 AMG 5: Local biodiversity conservation
 AMG 6: Protection Sites of Local or Regional Significance

2.4 National Policies:

Future Wales: The National Plan 2040
 Planning Policy Wales - Edition 11 (2021).
 Technical Advice Note 13 – Tourism.
 Technical Advice Note 18 – Transport.

3. Relevant Planning History:

Application Number C20/0915/40/LL - Construction of agricultural building - Approved on 11/12/2020

Application Number C21/0113/40/DA - Application for a non-material amendment to the development approved by planning permission C20/0915/40/LL to move the location of the proposed agricultural building, change the external materials and move the location of the door - Refused on 25/02/2021

Application number - C21/0114/40/DT - Extension and adaptations including raising the roof and extending the garden. Approved on 24/05/2021.

Application Number - C21/0234/40/LL - Construction of agricultural building - Approved on 24/05/2021

Application number - C21/0664/40/AC - Application to remove condition 6 of planning application C21/0114/40/DT involving a permission for a permanent caravan in the back garden of the dwelling house. Refused on 28.09.2021

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4. Consultations:

Community/Town Council: To refuse. The property is located on a narrow junction, concerns have been noted regarding access and highways. Concerns about visual amenities.

Transportation Unit: I refer to the above application, and confirm that the Transportation Unit has no objection to the proposal. The field entrance is within 50 metres to the junction with the A497 and is therefore convenient for traffic. The design of the existing junction is not of the best quality, with visibility to the west (in the direction of Nefyn) partly limited by Gefail y Bont property and partly by a thick hedge, however, the temporary road diversion means that traffic control measures are in place, that improves movements through this junction. In addition to the above, it is proposed to erect a new bridge near Pont Bodfal, and to divert the A497 further from Gefail y Bont by standardising the junction's design and improve the visibility splays either side. As a result of this proposal, and the need to keep temporary traffic measures in place until the new bridge scheme is completed, there is no objection to the proposal. It is obvious that the applicant has undertaken recent work to widen the entrance site, and placing slate waste as a surface. If this application is approved I recommend that the entrance should be formalised by providing bull-nosed kerbs on the road verge and to have a surface along the entrance up to the access gate in a material such as tarmac or concrete rather than loose material that is likely to sink and wash away.

Natural Resources Wales (NRW) We have reviewed the planning application submitted to us, and from the information provided, we are not of the opinion that the proposed development impacts any matters listed on our Consultation Topics, *Advice Service on Development Plans: Consultation Topics* (September 2018).

We note that there is no information regarding protected species (bats, otters) in the application and therefore we take it that your Authority has screened the application and has concluded that there is no reasonable likelihood of protected species being present on the site.

Under the Environmental Licences Regulations 2016, the private foul drainage system associated with this development will require an Environmental Permit from Natural Resources Wales, unless an exemption applies.

The work of importing inert waste to the site to be stored or used in building, maintenance or improvements, for example core soils, must be registered with Natural Resources Wales under the Environmental

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Permitting (England and Wales) Regulations 2016 and comply with the conditions of the relevant permit.

The applicant must also reduce any discolouration to the water course from the construction work. Silty water should be treated, either through the use of settlement lagoons or tanks, or discharged over a grassed area.

Further observations regarding reducing environmental pollution.

Welsh Water:

Usual observations regarding using a suitable drainage system, and the developer should contact Welsh Water regarding the water supply.

Draw attention to the location of the mains water that crosses the site.

Biodiversity Unit:

The site of the proposed development is located within the Gefail y Bont Wildlife Site. As a result, the applicant will need to provide a Preliminary Ecological Assessment.

Further observations

The applicant has provided an ecological report by Cambrian Ecology. I can confirm that the survey and the report has been done to a good quality.

I agree with the mitigation measures and the measures to enhance biodiversity noted in the report. These measures will need to be included as planning conditions.

It must be noted that there are concerns about the cumulative impact of developing the site on the wider biodiversity of the site and the area. The applicant must thoroughly adhere to the planning conditions. If any further work is undertaken on the site, the Biodiversity Unit must be consulted again for observations.

Trees Unit

The site is surrounded by trees and the plan indicates that the caravan pitches are situated within where would count as a root protection zone (RPZ). It is also unclear whether it is proposed to have some sort of hard standings where the caravan pitches will be, therefore I ask for an explanation regarding this and a plan showing the tree RPZ and an assessment of their condition in accordance with standard BS5837/2012. Also, as the land is part of a wildlife site with very mature trees, the requirement for an ecological assessment has been made.

Further comments on the amended plan and trees report:

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The trees report has been carried out to a good standard and identifies the value of the trees and hedges to the site, and proposes mitigation measures to reduce impact on the trees.

The report identifies the need to impose tree preservation measures and, as a result, the site plan has been amended to mitigate the impact of the plan on the trees and their root zone. The solution of laying cell-web material near the root zone will mitigate some of the development's impact on the roots of the trees.

Should this development be approved, the details outlined in the trees report and the new site plan regarding the root zone and tree preservation measures need to be stipulated, and that a tree specialist is present to supervise this work.

Although the newly submitted information endeavours to reduce the impact on the site, the visual impact of the development in a wooded landscape needs to be examined. The site is part of land that links an area of ancient woodland to a further wooded habitat, and it would be a great loss should this link deteriorate as a result of the development's impact.

I also have concerns regarding the cumulative impact of the site's development on this link.

Gwynedd Archaeological
Planning Service

There is potential for unknown archaeological remains in this area, especially in relation to earthworks and features noted via LiDAR and aerial photography.

Due to the limited scale of the work and the limited foundations proposed, there is no recommendation for mitigation in this case - however, it is important for the developer to be aware of the potential should there be a need to undertake more comprehensive work in the future.

Further comments on the amended plan and trees report:

As per previous responses there is no recommendation for mitigation in this instance. However it is important to note the archaeological potential in the localised landscape, relating both to earthworks identified via LiDAR as well as nearby Geophysical results suggesting potential at roadside.

Owing to the limited scope of groundworks required by the scheme it is unlikely that there will be archaeological impact, however I would encourage the developer to minimise groundworks as much as possible – and if further expansion of the park is required in the future, GAPS is consulted as early as possible to ensure proposals can be adequately assessed.

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Caravans Officer: Usual licensing observations

Language and Scrutiny Unit The Language Unit has no observations on this application that would affect the determination, as the applicant has answered the Policy requirement in terms of giving consideration to the Welsh language. However, we believe that there are additional opportunities to show consideration of the language and to use the Welsh language when developing the site and establishing the business and we wish the applicant to consider the following:
Any holiday business offers opportunities to promote the Welsh language and to raise its profile as a living language within the community. It should also be borne in mind that there has been a recent increase in 'staycations' and this means that many of the visitors to the site may be local or hail from other parts of Wales. We therefore believe that the applicant should consider how the Welsh language can be used more extensively, and specifically when advertising the business (and the area), on social media and of course when offering services. They should also consider if there are other opportunities to use the Welsh language and to give bilingual information on the site itself - e.g. will there be information boards or signs around the site?

Drainage Unit The Unit has no observations to offer on this application in terms of land drainage or local flooding risk.

Public Consultation: A notice was posted on the site and nearby residents were notified and correspondence was received expressing concern regarding establishing a caravan site on this site together with the need to move the units from the site when they are empty.

5. Assessment of the material planning considerations:

The principle of the development

5.1 The principle of creating a touring caravan site is included in Policy TWR5 of the LDP. Such developments are approved if compliance with a number of criteria can be secured:-

- That the proposed development is of high quality in terms of design, layout and appearance, and is sited in an unobtrusive location which is well screened by existing landscape features in a way which does not significantly harm the visual quality of the landscape. The proposal involves creating a touring caravan site in an agricultural field to the north east of the residential property. The plan shows that it is intended to locate the touring units along the north eastern and south eastern boundaries of a field where trees and hedgerows currently exist; it is realised that this vegetation would create a screen to reduce the impact of the proposal on the landscape. however, such vegetation is not a permanent feature and the treatment, felling or cutting of which would create a very prominent site from the nearby county highway that would substantially affect the landscape. It was realised that the applicant had stated a willingness to thicken and strengthen the existing hedgerows through

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additional planting. However, it is not considered that this would create sufficient or permanent measures to meet with the aims of the policy. Given the above, it is considered that this proposal would be an obtrusive development in the landscape.

- The proposal avoids too many hard-standing areas the proposal entails siting 19 units on a field measuring 0.75 hectares. Please note that only low density is proposed for the site and it is understood that there is no intention to create hard standings or a track as an internal access road and a condition should be attached to any permission to enforce this. However, the plan shows a children's play area and no details have been received regarding this.
- Its physical connection with the ground is limited and can be moved from the site during the closed season; No details of the units were included with the application; however, it is understood that the units would include touring caravans only and there are no details on the plan to indicate that they would be connected to the ground.
- Any ancillary facility should be located in an existing building or, should this not be possible, that any new facility should be commensurate with the scale of the development. It is proposed to build a toilets building for the proposal near the access. The proposed building would create an additional structure in the landscape contrary to policy aims.
- That the site is close to the main highway network and adequate access can be provided. The site is served by an existing access to a parallel class 3 county highway, which is within 50 metres to an adjacent class 1 county junction to the south west. Visibility to the south west is fairly clear up to the county junction, however, it is likely that some of the existing hedge along the south-eastern boundary would need to be cut back to improve visibility along the county highway. This would be likely to create a more prominent site in the landscape and contrary to policy aims.
- The development's occupancy is restricted to holiday use only the application is to establish a touring caravan site and this may be controlled by imposing a condition to restrict occupancy to the holiday season on any planning permission.
- That the site is used for touring purposes only and that any units are removed from the site during periods when not in use - the application is to establish a touring caravan site and a holiday season condition will be imposed on any planning permission. From the application details, it is understood that it is not proposed to keep the caravans on the site and an appropriate condition would be imposed on any permission to enforce that situation.

5.2 As a result of the above assessment, it is not believed that the proposal is acceptable based on its location, setting, scale and its impact on visual amenities in the local area; to this end, therefore, it is believed that the proposal is not acceptable, and does not comply with all the requirements of Policy TWR5 of the LDP.

Visual amenities

5.3 The site is located in a fairly flat field adjacent to a class 3 county highway. It is proposed to site the touring caravans along the south-eastern and north-eastern boundaries with a toilet building near the access; the building measures 11 metres long and 3.75 metres wide and will be finished in

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a grey colour. The lie of the land is likely to create a site that would be prominent in the landscape despite the existence of existing vegetation along the boundaries. It is realised that the site has not been recognised or designated as a landscape of any special interest, however, it is felt that creating this caravan site would be likely to have a significant negative impact on the appearance and character of this rural area.

- 5.4 We realise that it is proposed to plant additional plants on the 'cloddiau' to thicken and strengthen the existing boundaries, however, this would not create a permanent situation and it is felt that it would not be sufficient to satisfy the aims of the Council's policy to control the impact of the proposal on the countryside. A hedge is not a permanent feature or significant in terms of construction and it could be accidentally felled or damaged. It is considered that the proposal would cause detrimental harm to the character and the rural sense of the local landscape. Therefore, the proposal is not acceptable based on the requirements of Policies PCYFF3, TWR5 and PS19 regarding its impact on the local natural environment. It is noted that an amended site plan was received showing planting details; however, it is considered that it would not resolve concerns regarding the impact of the proposal on the landscape, this opinion is reiterated in the observations of the Trees Officer. Any additional planting work would take considerable time to establish and there is no certainty that it would take root or how successful the planting work would screen the site. It is considered that the additional information has not convinced us that the proposal to establish a touring caravan park for 18 units is acceptable. It is considered that the proposal remains contrary to policy PCYFF3, TWR 5 and PS19 within the LDP.

General and residential amenities

- 5.5 The application was advertised at the site and nearby residents were notified. No response was received. The site is located in the countryside and is approximately 400 metres from the home of the nearest neighbour to the east and it is unlikely that the site would be visible from this house and it is not considered that activities on site would have a substantial additional detrimental impact on the amenities of the houses in the vicinity. It is therefore felt that the proposed use will not generate more significant noise than the current activities and use in the area. It is not considered that the proposal would have a significantly harmful impact on neighbouring residents and therefore the proposal is not considered to be contrary to Policy PCYFF 2 of the LDP.

Transport and access matters

- 5.6 The proposal involves establishing a new touring caravan site in the countryside. The site is served by an existing access and it should be noted that the applicant has already undertaken improvements to the entrance. Observations were received from the Transportation Unit stating that the entrance to a field is within 50 metres to the junction with the A497 and is therefore convenient for transport. The design of the existing junction is not of the best quality, with visibility to the west (in the direction of Nefyn) partly limited by Gefail y Bont property and partly by a thick hedge, however, the temporary road diversion means that traffic control measures are in place, that improves movements through this junction. In addition to the above, planning permission was recently given to erect a new bridge near Pont Bodfal, that would divert the A497 county highway further from Gefail y Bont by standardising the junction's design and improve the visibility splays either side. As a result of this work, and the need to keep temporary traffic measures in place until the new

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bridge scheme is completed, there is no objection to the proposed caravan site and it is considered that the proposal conforms to policy TRA4.

- 5.7 Noting the observations of the Transportation Unit, it should also be noted that the existing visibility of the access to the east is sub-standard and although it would be possible to improve this by cutting the hedge, it is likely that this would open the site out to the detriment of the area's character. It is therefore felt that it is not possible to satisfy the Transportation requirements without creating a more prominent development in the landscape, contrary to policies TWR5 and PCYFF3.

Biodiversity:

- 5.8 Observations were received from the Biodiversity Unit stating that the proposed site is within the Gefail y Bont Wildlife Site and therefore the applicant would need to provide a Preliminary Ecological Assessment to give full consideration to the impact of the proposal on the site's biodiversity. The application was submitted to the Council without an ecological assessment and the applicant was not asked to prepare and submit such a statement as it would not change the views of the Planning Service that the proposal is unacceptable in planning terms. Please note also, during the site inspection that ground levelling work was taking place at the property within the wildlife site and it appeared at the time that this did not impede on the proposal area, it appeared that the side effect of the work impacted on the application site. The observations of the Biodiversity Unit were received on the ecological report received by the applicant, which stated that they were satisfied with the report and did not recommend a further investigation.
- 5.9 Policy AMG 6 states that proposals that are likely to cause significant harm to wildlife sites will be refused, unless it can be proved that there is an overriding social, environmental and/or economic need for the development, and that there is no other suitable site that would avoid a detrimental impact on sites of nature conservation value. Based on the outcomes of the Ecological report and the positive observations of the Biodiversity Unit, it is now considered that the proposal is not contrary to policies PS19 and AMG 6 of the LDP.
- 5.10 Initial observations were received from the Trees Unit stating that the site was surrounded by trees and the plan indicated that it was proposed to install the caravan pitches within what would be considered as a Root Protection Zone. It was also unclear whether it was proposed to have some sort of hard standings where the caravan pitches will be, therefore an explanation regarding this is requested and a plan showing the tree RPZ and an assessment of their condition in accordance with standard BS5837/2012. ~~The applicant was not requested to prepare and submit such a statement as this would not change the views of the Planning Service that the proposal~~ An amended site plan was received showing the siting of caravans further away from the trees along with a detailed trees report. The Trees Officer was satisfied with the additional details and acknowledged that the new information submitted sought to reduce the impact on the site. Therefore, it is not considered that the proposal is contrary to AMG 5 or PCYFF 4.

Agricultural land

- 5.11 The Policy Unit states that an extensive section of the land has been recognised as grade 2 land in the Agricultural Land Classification (ALC). Paragraph 3.58 of Planning Policy Wales (Edition 11, February 2021) states:
- "Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification (ALC)16 is the best and most versatile, and should be conserved as a finite resource for the future."*

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5.12 Paragraph 3.59 of PPW adds:

"When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 and 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade."

5.13 The need to protect the best agricultural land is highlighted in strategic policy PS 6: Alleviating the effects of climate change, states that proposals will only be permitted where it is demonstrated with appropriate evidence that they have fully taken account of and responded to a series of points that include:

"Safeguarding the best and most versatile agricultural land, promoting allotments, support opportunities for local food production and farming in order to reduce the area's contribution to food miles (point 6)"

5.14 It is also noted that the proposal would involve developing the site as a touring caravan site. It is realised that the applicant has stated that it is not proposed to construct an access track for the units, however, it would not be unreasonable to consider that such a development would take place in the future. If approved, the use of the site as a caravan site is likely to be permanent and would therefore led to the loss of some agricultural land for alternative use. However, although the proposal does not meet with the requirements of the above Policies, it is felt that the loss of 0.75 ha of agricultural land as in this case, is not significant enough to refuse the application.

6. Conclusions:

6.1 Having considered the above and all the relevant planning matters including local and national policies and guidance, as well as the observations received, it is believed that the proposal would not be acceptable on the grounds of the matters noted in the report.

7. Recommendation: To refuse.

1. The proposal, due to 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 rural area. The proposal is therefore contrary to policy PS19, PCYFF1, PCYFF2, PCYFF3 and TWR5 in the Anglesey and Gwynedd Joint Local Development Plan, Supplementary Planning Guidance: Holiday Accommodation, Gwynedd Council.