

PLANNING COMMITTEE	DATE: 27/02/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 1

Application Number: C21/1038/41/LL

Date Registered: 23/03/2022

Math y Cais: Full

Community: Llanystumdwy

Ward: Llanystumdwy

Proposal: Establishing a new touring caravan site (19 units) with a toilet block and associated works

Location: Tŷ'n Lôn, Afonwen, Pwllheli, Gwynedd, LL53 6TX

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 The application was deferred at the Planning Committee on 16 January 2023 for the Members to undertake a site inspection visit.
- 1.2 This is an application for the change of use of agricultural land, to establish a touring caravan site for 19 units, extend the existing building to create a toilet block and associated work on land at Ty'n Lôn, Afonwen. The touring units would be placed around the boundaries of the field situated north west of the property, with the intention of planting a new hedge to create the western boundary of the caravan field and to separate this from the wider field. The toilet block would be located near the entrance with a gravel track set into the field. It is proposed to earmark a play area and also a recycling area.
- 1.3 This is a rural site situated parallel to the A497 class 1 highway, between the Afon Wen roundabout and Pandy junction that leads to Chwilog. There are mature trees along the existing field boundaries. Scattered houses and farms are in the vicinity. The field in question has been identified as a Local Wildlife Site.
- 1.4 A Planning Statement was submitted together with a short statement on how consideration has been given to the Welsh language with the original application. An Initial Ecological Impact Assessment, Botanical Survey and Badger Survey have been submitted with the application and later on a Wildlife Mitigation Measures Plan. The original plans were for a new toilet block, however, amended plans received on 12 December 2022 demonstrated a proposal to extend the existing garage building on the site to create a toilet/facilities block in its place.
- 1.5 The application is submitted to the Planning Committee as the application site is greater than 0.5 hectare.

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)

PS 1: The Welsh Language and Culture
 PS 4: Sustainable transport, development and accessibility
 TRA 2: Parking standards
 TRA 4: Managing transport impacts
 PS 5: Sustainable Development
 PCYFF 1: Development boundaries
 PCYFF 2: Development criteria
 PCYFF 3: Design and place shaping
 PCYFF 4: Design and landscaping
 PS 14: The Visitor Economy
 TWR 5: Touring caravan, camping and temporary alternative camping accommodation

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PS 19: Conserve and where appropriate enhance the natural environment
 AMG 6: Protecting Sites of Regional or Local Significance
 Supplementary Planning Guidance: Tourist Facilities and Accommodation (March 2021)
 Supplementary Planning Guidance (SPG): Maintaining and Creating Distinctive and Sustainable Communities

2.4 National Policies:

Future Wales: The National Plan 2040
 Planning Policy Wales (February 2021)
 Technical Advice Note: 12 Design: June (2016)
 Technical Advice Note: 18 Transport: March (2007)

3. Relevant Planning History:

None

4. Consultations

Community Council Object on the grounds of over development and there are many caravan sites already along the coast.

Highways Unit: Not received.

Biodiversity Unit: Observations 24.11.22

Desk based study

- SSSI Glanllynau is 450 metres to the south-east of the site. The Pen Llŷn a'r Sarnau SAC is 600 metres to the south of the site. The site is within LWS Bryntirion, broadleaved woodland, and there are 9 LWS within 1km of the site predominantly of marshy grassland and scrub.
- The nearest bat record was of lesser horseshoe and brown long-eared species, 650 metres to the north of the site. Soprano pipistrelle species were within 1km.
- Badgers were recorded on the site in 2002 and 2003.
- Otters were recorded within 800m to the south-east of the site.
- Japanese knotweed was 600m south-east of the site in 2018. Himalayan balsam and montbretia were also within 800m to the south-east.

Relevant documents already provided by the applicant (if any):

- Badger Survey and Wildlife Mitigation Measures Plan by Chris Hall, November 2022.
- Botanical Survey by Lucia Ruffino, September 2022.

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Comments on the documents provided (if any):

- Both surveys have been completed to a good standard.
- The Botanical Survey concludes that the site is species poor, the only important feature is the hedgerow running north to southwest - It is therefore recommended that the hedge be retained and fenced off, so that campers do not access it and cause damage to the trees and shrubs. This measure would also preserve its function as a wildlife corridor. The grassland habitat is very species-poor and of limited value to conservation.
- The badger survey identified the presence of the two single entrance setts just outside the development boundary which were located during the preliminary survey.
- A licence will be required from NRW to carry out the proposed development.

Further comment

- Mitigation measures in relation to the Bryn Tirion Wildlife Site, some of which were recommended in the botanical survey report have been included in Section 8.1.
- These are sensible and should be implemented, - the report and plan indicate that they will be, including the retention of hedgerows and trees as specified.
- This includes the bulleted points on protecting nesting birds and other protected species.
- Biodiversity enhancement recommendations have been made to improve the quality of the Bryn Tirion Wildlife Site in Section 9. These are sensible and if implemented would represent an improvement in the site for wildlife.
- The recommendations in the botanical survey are included in, and superseded by the badger survey report, therefore it is this document which should be followed.
- The site is within a LWS, so it is disappointing that the grassland was so poor, however it is of low value.

Outcome

- The mitigation and enhancement recommendations in sections 8 and 9 of the Badger survey must be implemented to enhance the site.
- A badgers' licence will also be required.

Caravan Licensing
Enforcement Unit:

This development will be subject to the Legislation stated below relating to Health and Safety, Fire Safety and Public Health provision as follows:-

1. The Health and Safety at Work etc. Act 1974
2. The Caravan Sites and Control of Development Act 1960
3. Model Standards 1983 - Touring Caravans / Tents The development must fully comply with licence conditions.
<https://www.gwynedd.llyw.cymru/cy/Busnesau/Dogfennau-Busnes/Trwyddedau/Carafannau/SafonauModel-1983-Teithiol-a->

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4. Application for a Site Licence Following any planning application that is approved in connection with a caravan or camping site, the applicant must contact the Licensing Enforcement Officer, Pollution Control and Licensing Service, Cyngor Gwynedd, on 01766 771000 or trwyddedu@gwynedd.llyw.cymru to discuss making an application for a site licence. The licence application must include completing an application form with a copy of the detailed plan 1:500 scale, which has been approved during the planning process.

Water and Environment Unit (Drainage): Thank you for the following consultation and apologies for the late reply. The unit has no observations to offer on this application in terms of land drainage, local flooding risk or coastal erosion.

Natural Resources Wales: Thank you for consulting with Natural Resources Wales regarding the above, received by us on 06/12/2021. We do not oppose the proposed development as submitted and we provide the following advice:

Foul Water Drainage Our understanding is that this is a proposal to discharge foul water into the main sewer. However, if it is proposed to use a private drainage solution, please re-consult with us.

Other matters The above comments only relate specifically to matters on our check-list, Advice Service on Development Plans: consultation topics (September 2018), which can be seen on our website. We have not considered the potential impacts on other matters and we cannot disregard the possibility that the proposed development can impact the interests of others.

The applicant is reminded of the fact that it is their responsibility to ensure that all other licences/permissions relevant to the development are acquired, as well as planning permission. Please refer to our website for further details. If you have any further enquiries about the above, you are more than welcome to contact us.

Welsh Water: Suggest standard conditions that surface water deriving from the development should not connect to the public sewer with standard notes regarding Sustainable Drainage.

Fire and Rescue Service: In connection with your consultation dated 6.12.2021, regarding application C21/1038/41/LL.

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

Should you need further information, please contact the Compliance Officer.

Public Consultation: A notice was posted on the site and nearby residents were informed. The advertisement period has expired and no response was received. Following the previous Committee one objection was received from

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local residents objecting on the grounds of:

- Impact on wildlife, birds, rabbits and badgers.
- Wetland.
- Impairing their view.

5. Assessment of the material planning considerations:

The Principle of the Development

- 5.1 As this is a site for touring caravans, the application has to be considered under Policy TWR 5 of the Anglesey and Gwynedd Joint Local Development Plan (LDP) that sets out a series of criteria to approve such developments.
- 5.2 Criterion 1 in policy TWR 5 states that any new touring caravan development should be of a high quality in terms of design, layout and appearance, and is sited in an unobtrusive location which is well screened by existing landscape features and / or where the units can be readily assimilated into the landscape in a way which does not significantly harm the visual quality of the landscape.
- 5.3 The proposed development is located on a level field with mature trees along the boundaries and is therefore hidden from most public vantage points. It is also proposed to reinforce the screening of the site by planting a new hedge of native trees as the new western boundary to separate the caravan field from the wider field. This site is not within the Area of Outstanding Natural Beauty (AONB) or a Special Landscape Area and it is not believed that the development would cause significant harm to the quality of the landscape. The proposal is designed to meet the requirements of the licence in terms of space and facilities and therefore it is accepted that the development is up to standard.
- 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. It is believed that the choice of location and additional landscaping proposed also meet with the objectives of this policy.
- 5.5 The second criteria of Policy TWR 5 requires that excessive areas of hard standing are avoided. In this case, no hard standings are shown for the caravans. The only hard standing shown is the gravel rack leading up to the field from the entrance. It is considered that a gravel track can easily assimilate into the landscape. As no hard standings are shown, it is considered that it would be suitable to impose a condition that any hard standings are restricted to the caravan pitches only.
- 5.6 The third criterion requires assurance that the site would only accommodate touring units - this can be controlled 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. The original plans were for a new toilet block, however, amended plans received on 12 December 2022 indicated a proposal to use an existing outbuilding within the current curtilage and to extend this to provide the required facilities. It is considered that the amended plans for the toilet block is an improvement and makes use of a building in the present curtilage. The extension to this building is commensurate to the size of the development, with a close relationship with the house and avoiding a new jointed building by its side. It is considered that the facilities are appropriate for the development in question and respect the context of the site and its position in the landscape. The proposal therefore satisfies criterion 4 of TWR 5 as well as policy PCYFF 3 of the LDP.

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- 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 and the policy requirements of PCYFF 3 in the LDP.
- 5.12 It was noted that concerns regarding the cumulative impact were raised at the previous Committee in terms of the proximity of the site to static caravan sites such as Hafan y Môr and Ocean Heights and the Afon Wen touring site with Sŵn y Môr to the rear. Although there are several static and touring sites in the vicinity, the area in question was not considered to be an example of a location that is under extreme pressure in terms of such tourist developments. Unlike Policy TWR 3, which concerns touring caravan and chalet sites and permanent alternative camping accommodation, the cumulative impact in the criteria of policy TWR 5 is not a consideration as touring use is temporary with less impact than static structures. However, the criteria themselves respond to the cumulative impact in the sense that sites in intrusive places that are not close to the main highway network should not be approved. Even during the winter months, it is considered that the site is well screened by the existing landscape features and should the application be approved it is proposed to add more screening. In paragraph 6.3.81 of the policy it states that caravans should not be permitted in open countryside or in Areas of Outstanding Natural Beauty. The site is located away from an open coastal location and there is no landscape designation in the vicinity. Fferm Afon Wen touring site opposite is comparatively well hidden, and although it may share the same visual context from the county highway, due to the nature of the vegetation it is not considered that the development would appear excessive or harmful to the landscape at this site.

General and residential amenities

- 5.13 The property of Tŷ'n Lôn stands alone parallel to the county highway. The nearest property is over the A497 road and a field's width of approximately 135 metres to the south west, namely Fferm Afon Wen. Hen Efail is more than two fields away, approximately 270 metres to the north east, and Sŵn y Môr property over two fields away, approximately 250 metres to the north west. Based on the distance and the hidden nature of the field, it is not considered that the proposal would have a substantial detrimental impact or cause disruption to any nearby residents. It is considered that the proposal is acceptable in terms of Policy PCYFF 2 of the LDP that deals with protecting the amenities of nearby land users.

Transport and access matters

- 5.14 The site has direct access to a class 1 road, the A497 with an area of wide pavement between the road and the entrance to the property. The road is straight at this location and visibility is clear in both directions for a distance. There will be no need to make any changes to the access in order to serve the proposal. No response to the application was received from the Transportation Unit. There are plenty of parking spaces available within the site. It is therefore considered that the proposal is acceptable in terms of Policies TRA 2 and TRA 4 of the LDP. The proposal also satisfies the requirements of criterion 5 of policy TWR 5 as it is close to the main highway network and adequate access can be provided without significantly harming landscape characteristics and features.

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Sustainability

- 5.15 Policy PS 5 (Sustainable Developments) supports developments which are consistent with sustainable development principles, and where appropriate, developments should:

"Reduce the need to travel by private transport and encourage the opportunities for all users to travel when required as often as possible by means of alternative modes, placing particular emphasis on walking, cycling and using public transport, in accordance with Strategic Policy 4" (Bullet point 12, Policy PS 5)."

This is supported by bullet point 4 of Policy PS 14 (The Visitor Economy).

- 5.16 It is considered that the policies of the LDP are consistent with local and national planning policies in terms of how it deals with sustainable development principles.
- 5.17 Although it is accepted that users of the touring units would use private vehicles to reach the site (due to the need to tow a caravan) there are various alternative transport options available once they reach the site, including cycling, public transport and on foot.
- 5.18 It is noted that a bus stop is located close to Afon Wen roundabout and not far from the site's main access on the A497. In addition, there is a pavement all the way along the road from the site's access to Cricieth or paths to Pwllheli where a number of facilities and attractions are available. The pavement also links to a number of the area's public footpaths, such as y Lôn Goed. In the context of all the relevant material planning considerations, it is considered that the location of the development is a sustainable site and is acceptable in relation to the requirements of policies PS4, PS5 and PS14 of the LDP, and complies with the advice included in TAN 18 and PPW.

Biodiversity matters

- 5.19 The field in question together with the land to the north and west of the site has been identified as a Local Wildlife Site, therefore we consulted the Biodiversity Unit on the application. As a result of their observations the developer was asked to submit an Initial Ecological Assessment. As a consequence of the survey's results, further assessments were requested and a Botanical Survey and Badger Survey were submitted for the application with a Wildlife Mitigation Measures Plan later on. Although the field itself is improved grassland with low conservation value, it was noted that the boundary hedges surrounding the site are important. The presence of Badgers were found in the vicinity and mitigation measures with biodiversity enhancements were proposed as part of the recommendations of the reports. The Biodiversity Unit has confirmed that the reports are of a good standard advising that the proposal should follow the mitigation measures and enhancements proposed in part 8 and 9 of the report. It is also noted that a badger licence is required to undertake the work. It is considered appropriate to impose a condition that the trees and hedge boundaries are retained and that planting of a new hedge occurs in the first planting season following any approval. Based on the favourable observations of the Biodiversity Unit, it is considered that the proposal can be accepted as appropriate mitigation measures and recommendations have been proposed to satisfy the requirements of policy AMG 6 of the LDP.

The Welsh Language

- 5.20 In accordance with the Planning (Wales) Act 2015, it is a duty when making a decision on a planning application to consider the Welsh language, where it is relevant to that application. This is reiterated further in para 3.28 of Planning Policy Wales (Edition 11, 2019), along with Technical Advice Note 20.
- 5.21 The Supplementary Planning Guidance (SPG) 'Maintaining and Creating Distinctive 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

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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.

5.22 A document was submitted to support the application explaining how the Welsh language was considered when formulating this plan, noting the following points:

- Retain the Welsh name Tŷ'n Lôn and bilingual signage
- Bilingual branding and website
- Bilingual printed material
- The development will be an investment of £100,000 with local contractors and suppliers being used.
- Employ one full-time and two part-time members of staff who are Welsh speakers.
- A central location for local villages.
- Visitors contribute directly and indirectly to the local rural economy by spending in public houses, restaurants and local shops.

5.23 It is deemed that sufficient information has been submitted to satisfy the requirements of policy PS 1 and the SPG in terms of demonstrating that the Welsh language has received appropriate consideration in creating this proposal.

6. Conclusions:

6.1 Members will have had an opportunity to familiarise themselves with the site during their site visit prior to determining the application. Having considered the above assessment and all the relevant planning matters including the local and national policies and guidance, as well as the observations received, it is now believed that the proposal is acceptable based on the matters noted in the report and that it would not have a substantial impact on the special landscape area, amenities of the neighbourhood or road safety.

7. Recommendation:

7.1 To delegate powers to the Planning Manager to approve the application, subject to the following conditions:

- Time
- In accordance with the amended plans.
- Restrict the number of touring units to 19 caravans only.
- Holiday use only and maintain a register.
- Holiday season - 1 March to 31 October
- No storing of touring caravans on the site.
- Plant the boundary hedge during the first planting season following any approval.
- Trees and hedges along the site's boundaries must be retained.
- Any hard standings are limited to caravan pitches only.
- Agree on the colour of facilities building.
- Follow the measures of the recommendations in the Badger Survey and the Wildlife Mitigation Measures Plan.

Notes:

Badgers Licence required

Caravans licence required

Draw attention to Dŵr Cymru comments