

PLANNING COMMITTEE	DATE: 22/05/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 3

Application Number: C23/0089/39/AM

Date Registered: 16/02/2023

Application Type: Outline

Community: Llanengan

Ward: Llanbedrog and Mynytho

Proposal: Outline application with some matters reserved to demolish an existing residential dwelling and former commercial garage with associated buildings and construction of five two-storey local market housing, install 16 self-serviced holiday accommodation units, construction of a pub/restaurant, landscaping, creation of parking areas and modification works to an existing vehicular access.

Location: Mynytho Garage, Garej Mynytho, Mynytho, Pwllheli, Gwynedd, LL53 7RH

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1 Outline application with some matters reserved to re-develop a former commercial garage and residential site, along with green lands to create a mixed development to include a pub/restaurant, five two-storey local market residential dwellings and 16 self-serviced holiday accommodation units.
- 1.2 For clarity, further details regarding the application as submitted are as follows:
- Demolition of former garage building and associated structures and demolition of a single-storey residential dwelling
 - Creation of vehicular access with an access road through the site and separate parking spaces for the restaurant/pub and holiday units.
 - Construction of five two-storey dwellings in terrace form with rear gardens and parking spaces at the front on existing green land between the garage and the nearby Memorial Hall.
 - Construction of pub/restaurant building in the location of the dwelling and main building of the existing garage in the front part of the site.
 - Installation of 16 holiday units within their own plots in the northern part of the proposed site.
- 1.3 This application has been submitted in an outline application form and, therefore, not all development details have been included as would be the norm with a full application. That is, apart from the principle of the proposal itself, details about the access that permission is sought for are only included as part of this outline application and permission is not sought for appearance, landscaping, layout and scale of the proposed development. These details would be the subject of a further application should the current application be successful. Nevertheless, as required with outline applications by now, the minimum and maximum height of buildings to be constructed on the site have been recorded and it can be seen that a draft plan has also been submitted illustrating the potential layout of the proposed site.
- 1.4 The site of the proposed development currently includes approximately 0.16h of brownfield land (previously developed land) which includes garage buildings, a residential dwelling, the existing access and hard standings. The remaining area of the proposed development, namely 0.59h, is greenfield land and is located at the rear, namely to the north of the garage site and the residential dwelling and to the eastern side between the existing site and Mynytho memorial hall.
- 1.5 The whole site is located outside the current development boundary of the village of Mynytho and is, therefore, in open countryside. The busy B4413 road is located parallel to the front of the site with a public footpath also leading off the public highway along a part in front of the site and then on to the west and north. The whole site is within the designations of the Western Llŷn Special Landscape Area and the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest. The nearest boundary of the Llŷn Area of Outstanding Natural Beauty designation is approximately 138m to the west of the site. The greenfield land that is part of the proposed development is located within the Caeau Mynydd Mynytho wildlife site, which is currently rough grazing land.
- 1.6 In terms of the details that have been submitted as part of the application, the following is noted:
- Pub/restaurant building - the ground floor area is indicated as approximately 480m² and it is assumed that the second floor, as indicated, would also include a floor area of approximately 480m². It is noted that the height of the building to the ridge would be

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9.3m and 6m to the eaves. Although the application form notes that there is no second floor, the submitted plans suggest otherwise.

- Five open market dwellings - it is indicated that a terrace of five three-bedroom dwellings are proposed with a total floor area of approximately 96.2m² each and a height of 7.5m to the ridge and 5.2m to the eaves.
- 16 holiday units - it is indicated that the size of the units would be 72m² each and 4.2m high to the ridge and 3.3m high to the eaves. Confirmation was received from the agent that the structures would be constructed off-site and they would be delivered to the site in one piece on appropriate lorries.

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 2011-2026, adopted 31 July 2017

PS 1: The Welsh Language and Culture

ISA 2: Community facilities

TRA 2: Parking standards

TRA 4: Managing transport impacts

PS 5: Sustainable development

PS 6: Alleviating and adapting to the effects of climate change

PCYFF 1: Development Boundaries

PCYFF 2: Development Criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

PS 13: Providing opportunities for a prosperous economy

PS 14: The visitors' economy

TWR 3: Static caravan and chalet sites and permanent alternative camping

PS 15: Town centre and retail developments

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MAN 6: Retailing in the countryside

PS 17: Settlement strategy

PS 19: Conserving and where appropriate enhancing the natural environment

AMG 2: Special landscape areas

AMG 5: Local biodiversity conservation

AMG 6: Protection sites of local or regional significance

PS 20: Preserving and where appropriate enhancing heritage assets

AT 1: Conservation areas, world heritage sites and registered historic landscapes, parks and gardens

Supplementary Planning Guidance (SPG): Local Market Housing

SPG: Maintaining and creating distinctive and sustainable communities

SPG: Tourist facilities and accommodation

SPG: Character of the landscape

SPG: Building new dwellings in the countryside

SPG: Wildlife sites

2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Technical Advice Note (TAN) 4: Retail and Commercial Developments

TAN 5: Planning and nature conservation

TAN 6: Planning for sustainable rural communities

TAN 13: Tourism

TAN 18: Transport

TAN 20: Planning and the Welsh Language

TAN 23: Economic development

TAN 24: The historic environment

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3. Relevant Planning History:

3.1 C05D/0453/39/LL - Construction of a single-storey dwelling with an integrated garage - refused 21/10/05. An appeal was lodged against the Council's decision to refuse, and the appeal was also refused.

C09D/0409/39/LL - Construction of furniture shed - refused - 15/12/99

C00D/0115/39/LL - Construction of shed to store tractors and agricultural machinery - approved 21/06/00

3/4/360D – Installation of petrol tank - approved 01/11/73

3/4/360C – New garage frontage and re-installation of petrol pumps - approved 01/06/73

34/64/360B - Full details of residential dwelling and garage - approved 07/12/72

34/64/360A - Construction of dwelling - approved 19/07/72

3/4/360 - Outline application for the proposed use of a caravan as an office and seasonal accommodation - approved 30/06/64

4559B - Improvements to the access - approved 11/11/61

4559A - Additional petrol pumps - approved 29/03/61

4559 - Installation of additional petrol pump - approved 03/05/56

4. Consultations:

Community/
Town Council: Object due to substantial and unnecessary over-development, certainly from a new pub/restaurant. Concerned about the number of holiday units bearing in mind that so many caravan sites already exist in the area, along with the proximity of the site to the Village Green and Wild Meadow on the lower side of the Play Area.

Transportation
Unit: The parking levels associated with the housing and holiday units are sufficient. While it is accepted that some users of the pub/restaurant would be parked at their holiday accommodation, these units are described as self-serviced, therefore, it cannot be assumed that all users of the holiday units would be using the facility. The parking provision associated with the pub/restaurant appears to be insufficient. The parking guidelines requirements for such a development are as follows:

- Public House: 1 commercial space / 1 space per 3 non-resident staff and 1 space per 5m² of public area including servery.
- Restaurant: 1 commercial space / 1 space per 3 non-resident staff and 1 space per 7m² of dining area.

I would ask the applicant to define the areas within the building, consider the staffing levels, and apply the above guidelines to estimate the parking demand associated with the pub/restaurant. The application makes no reference as to how

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surface water would be dealt with. Due to the size of the development, one would ask the applicant to produce a Transport Statement to evaluate the potential impact of the development upon the highway.

Natural
Resources
Wales:

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding Protected Landscape and Foul Drainage. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding Land Contamination should be attached to any planning permission granted. Without the inclusion of these conditions we would object to this planning application.

Protected Landscape

Our advice relates to the potential impacts on the landscape character and visual amenity of the Llŷn Area of Outstanding Natural Beauty (AONB).

The site is located adjacent to the village hall on the northern outskirts of the scattered settlement of Mynytho. This is 130m from the AONB boundary which follows the minor road running due north from Mynytho.

The landscape of the site and its environs is gently undulating, rising gradually westwards and northwards towards the AONB boundary. There are regular-shaped small fields bounded with low informal hedges. The nearest part of the AONB is similar with the addition of small craggy hills at intervals, rising up some 50m or so above the plateau level. The dispersed buildings in these northern outskirts of Mynytho are generally individual single, or two-storey residential properties. A few public footpaths cross the AONB but do not provide access to local hill tops where wider views may be available. From the edge of the AONB there are views towards the site, with fine more distant views of the coast. The current buildings do not impede upon this view.

The site and the nearest parts of the AONB lie within Gwynedd's Landscape Character Area (LCA) 07 - Western Llŷn. Tourist developments are one of the key design issues in this LCA. Any proposed new tourism development should review the potential for less intrusive and less intense land use to reduce the impact of development, and seek to ensure that the built elements reflect scale, form, pattern and use of local materials. They also should ensure that visual impacts from wider areas are fully taken into account.

Therefore, the proposed development needs to ensure that it fits with the existing landscape character, including retaining field boundaries, and the scale of local built development and the grain of the landscape. This is to ensure that it is not too intrusive, especially as it is within the setting of the AONB.

There are currently two single-storey buildings (to be demolished) on the southern part of the site, adjacent to the public road. To the north of these the site extends to encompass a field bounded by gappy hedges. The proposed development occupies the whole site, with a large two-storey building facing the road, with a terrace of five houses adjacent and sixteen regularly-set-out chalets behind, in what is

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currently an open field. The proposed development as shown is out of scale with the locale. It would be in full view of the AONB, and the roofline of the pub/restaurant would intrude into the coastal views. The layout allows insufficient space for any screen planting to reduce these impacts.

We have concerns with the outline proposals as submitted. We advise that, in order for development on this site to fit in to its location and reduce visual impact on the AONB, the following would be required:

- A robust screen/shelterbelt of native and locally frequent trees and shrubs (able to withstand salt-laden winds) utilising the existing hedgerows along the western and northern boundaries of the site.
- The number of self-serviced accommodation units may need to be reduced or re-configured to achieve this.
- A reduction in the height and scale of the pub/restaurant.

If this information is not provided, we would object to this planning application.

Land Contamination

Potential for land contamination

We note the site is currently a vehicle servicing and repair garage. However, the details submitted to support the planning application indicate the presence of a tank, which will likely be associated with a petrol filling station. Given the uncertainty of the site previous land use, we request the following suite of land contamination conditions are imposed on any planning permission to confirm the status of the site with respect to potential contamination and the risk to controlled waters.

In addition to the planning conditions, Environmental Permits from NRW may be required (during construction and operation) and we recommend early consultation with the relevant permitting teams to ensure all permits are in place prior to commencement of development.

We note on the planning application form that disposal of surface water runoff will employ SUDs. More details will be required during the reserved matters application.

Condition 1: No development, of land known to be / suspected of contamination, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:
 - a. all previous uses
 - b. potential contaminants associated with those uses
 - c. a conceptual model of the site indicating sources, pathways and receptors
 - d. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how

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they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

Condition 2: Prior to the occupation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 3: Prior to the occupation development, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken
- Timescales for the long-term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required (for x years)
- Timescales for submission of monitoring reports to the LPA e.g. annually
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Reason: A long-term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on controlled waters.

Condition 4: If, during development, contamination not previously identified is

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found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

Informative/ advice to LPA

These conditions have been recommended as Natural Resources Wales is satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.

In line with the advice given in Planning Policy Wales we understand that the Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the LPA decide to obtain the necessary information under condition we would request that this condition is applied.

Informative/ advice to applicant

Natural Resources Wales recommends that developers should:

1. Follow the risk management framework provided in Land contamination risk management (LCRM)
2. Refer to 'Land Contamination: a guide for developers (WLGA, 2017) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our groundwater protection advice on www.gov.uk

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the *CL:AIRE Definition of Waste: Development Industry Code of Practice*. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Foul Drainage

Further information should be submitted to demonstrate that either the foul drainage will be discharged to the main sewerage system or that it is not reasonable to

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connect to the mains.

We note the application form has indicated that the method of disposal of foul waters is 'unknown'. We refer you to Welsh Government Circular 008/2018 on the use of private sewerage in new development, specifically paragraphs 2.3-2.5 which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered. We note the proposed development is in a publicly sewered area and as such, we would expect the site to connect to the mains sewerage system.

We therefore advise that if they haven't already done so, the Applicant should thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

- Approach the sewerage undertaker to reach an agreement for a connection to the foul sewer.
- If the sewerage undertaker refuses connection to the public sewer, request that they adopt the proposed treatment system.
- If the sewerage undertaker refuses both of the above, you must appeal the refusal with Ofwat.

For further details please see Natural Resources Wales / Private sewage treatment in an area with a public sewer

The Applicant should be aware that should a connection to the mains sewer not be feasible, they will also need to demonstrate that the proposal would not pose an unacceptable risk to the water environment. Welsh Government Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private sewerage.

As stated above, we expect developers discharging domestic sewage to connect to the public foul sewer where it is reasonable to do so. We will not normally grant a discharge permit for a private sewage treatment system where it is reasonable to connect to the public foul sewer. We also expect discharges of trade effluent to connect to the public foul sewer where it is reasonable to do so and subject to the sewerage undertaker granting a trade effluent consent or entering into a trade effluent agreement.

Applicants wishing to operate a private sewerage system will need *either* to apply to us for an environmental permit *or* register with us for an exemption from the permit requirement. Septic tanks and small sewage treatment works that meet certain criteria may be registered as exempt.

A step-by-step guide to registering an exemption can be found on our website.

If the septic tank or private sewage treatment system is not eligible for an exemption, the Applicant will need to apply for an environmental permit, further details can be found here. Should a permit be required further information may be needed as part of that application process. The Applicant is therefore advised to contact us for pre-application advice at the earliest opportunity to try to ensure that there is no conflict between any planning permission granted and the permit requirements. Further details on how to access our pre-application advice service can be found here.

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It is important to note that a grant of planning permission does not guarantee that a permit will be granted. A proposal may be deemed unacceptable either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible. Applicants are encouraged to ensure they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

Please note, lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and we may refuse to issue an environmental permit for private treatment facilities in such circumstances.

Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

Protected Sites

The development site is located within 195m of the Foel Gron a Thir Comin Mynytho Site of Special Scientific Interest (SSSI). Providing the information requested above for Land Contamination are adequately addressed, and that the developer adheres to general pollution prevention guidelines, NRW consider the features of the SSSI will be adequately safeguarded.

Protected Species

We note that there is no information about protected species with the application and, therefore, are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Welsh Water:

In respect of the aforementioned, we acknowledge that the application relates to a major development and therefore, in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016, there is a statutory requirement to undertake pre-application consultation with any 'Specialist Consultees' including the water and sewerage undertaker concerned.

In this case, Dŵr Cymru Welsh Water have not been informed of the proposed development and therefore the application should technically be deemed invalid as

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it fails to comply with statutory requirements. Notwithstanding the opportunity to comment at pre-application consultation stage, having reviewed this planning application submission, we have concluded it is unlikely that sufficient capacity exists to accommodate your development within the local downstream sewerage pumping station without causing detriment to the existing services we provide to our customers, or in regard to the protection of the environment.

Accordingly, if you are minded to grant planning consent for the above development, we would request that the following **Conditions and Advisory Notes** are included within the consent to ensure no detriment to existing residents or the environment and to Dŵr Cymru Welsh Water's assets:

Conditions

No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

No development, other than demolition and remediation works, shall commence until a hydraulic assessment of the downstream sewerage pumping station has been undertaken to confirm it can satisfactorily accommodate the site and which has been submitted to and approved in writing by the local planning authority. If necessary, a reinforcement scheme the existing sewerage pumping station in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Public Protection Unit: Due to the historic use of the site it is likely that the land is contaminated and, therefore, a desktop assessment would need to be undertaken to assess the potential pollution risk on the site for the proposed development.

Rights of Way Unit: It does not appear that there are any Rights of Way recorded that will be affected by this proposal.

AONB Service: The former garage is located in the village of Mynytho and a slight distance from the boundary of the Area of Outstanding Natural Beauty (AONB). The garage, the other buildings and the field nearby are prominent from the roads that lead through

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the village and other public spaces such as Y Foel Gron, which is a popular site in the AONB. Mynytho Memorial Hall is located nearby which is an important historical building. Currently, there is a single-storey dwelling, a former garage and two outbuildings on the site. These buildings are not historical, and they do not make an important contribution to the area's environment. The agricultural field, located between existing buildings, and the hall are also part of the proposed development, it is currently rough grazing land.

The proposal would involve demolishing all the existing buildings on the site and creating a new development of substantial scale. This would include permanent living units and 16 permanent self-serviced holiday units. The submitted draft plans of the pub/restaurant indicate a relatively substantial two-storey building with a broad glazed surface area. It is noted that it is intended to present five local market dwellings and this may respond to the need for affordable housing. There is also an intention to introduce an element of landscaping - however, this would be limited according to the plans.

In its entirety, considering the site and the information submitted, it appears that the development would be likely to affect the AONB by: Presenting a substantial new development that would be prominent in the landscape and be visible from public viewpoints in the AONB, increase movement and traffic in a rural area near the AONB, present a number of additional lights that may affect the darkness of the night in the Mynytho area and have an impact on the nearby historic Mynytho Memorial Hall.

Land Drainage Unit:

The maps show that a watercourse runs adjacent to the eastern boundary of the development site, but it does not appear that the scheme would disrupt the flow of the watercourse in any way. Nevertheless, the developer is advised to avoid installing / constructing any structures within 3m to the watercourse as this could impede maintenance in future. Additionally, an Ordinary Watercourse Consent will be required for any work that could affect the flow of the watercourse and include a surface water treatment system or SUDS.

Language Unit:

It is not possible for the Language and Scrutiny Unit to currently offer full observations on this application as no relevant documents have been submitted with the application. Without a Language Assessment or Statement (or material information within the access plans), that includes information regarding the nature of the development, and information about housing mix, affordability, and how this adds to the local market and affects the community and its residents, it is not possible for us to comment in terms of the possible impact of the development on the Welsh language. We would expect to see more detailed information when the full application is submitted.

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Gwynedd Archaeological Planning Service: There is potential for the proposal to have an archaeological impact and, therefore, it is suggested to include conditions to agree on a suitable inspection programme prior to commencing any element of development on the site.

Fire Service: The information is not sufficient in relation to access and water supply for the development. There is a need to address sections 16 and 17 in the Guidelines on building regulations: section B document. The developer should consider the need to provide sufficient water supplies and access to vehicles on the site for fire extinguishing purposes.

Biodiversity Unit: We object the proposal due to the loss of a wildlife site and habitats. Part of the proposal lies within wildlife site 318: Caeau Mynydd Mynytho which has been designated due to its habitats: grassland, *cloddiau*/hedges. It is likely to be able to sustain species such as the viper, lizard, slow-worm, owls. Such a site is likely to support the nearby Site of Special Scientific Interest.

Wildlife sites are protected by policy AMG 6 of the LDP, which states:

"Proposals that are likely to cause direct or indirect significant harm to Local Nature Reserves (LNR), Wildlife Sites (WS) or regionally important geological/geomorphological sites (RIGS) 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 and local geological importance."

This proposed development would involve losing 4550m² of the wildlife site and its habitats: no proposal was submitted to mitigate the impact as part of the proposal.

There is a record of Japanese Knotweed near the site.

An environmental impact assessment would be required with the application to include:

Botanical survey and habitats map

Reptile survey

Clawdd/hedges survey

Impact assessment

Species of interest survey

Mitigation plan for a wildlife site

Biodiversity improvement plan

A bats and birds survey would also be required.

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Public Consultation: Notices were posted on the site and within the nearby area and nearby residents were notified. The advertisement period has expired and several letters/correspondences were received objecting on the following grounds:

- Over-development of the site and scale of the proposal too big for a village of Mynytho's size
- Location outside the boundary/lack of justification/loss of greenfield land
- Harmful impact on the AONB and the area's visual character and the local landscape due to its prominent location
- Similar resources already available locally/detrimental impact on established businesses/lack of impact assessment
- Harmful impact on traffic movements/increase in the level of movements/lack of impact assessment/concern about the safety of children walking to school
- Harmful impact on the Welsh Language and local culture/no linguistic assessment
- Buildings and scale of the proposal out of character
- Detrimental effect on the residential amenities of local residents
- Contaminated land
- Added pressures on local services
- Lack of compliance with local and national policies
- No ecological assessment
- An excess of holiday units already
- A harmful effect on the Memorial Hall

5. Assessment of the material planning considerations:

The principle of the development

5.1 Policy PCYFF 1 of the Anglesey and Gwynedd Joint Local Development Plan (LDP) notes that the plan itself identifies development boundaries for a range of settlements within the county and that proposals within development boundaries will be approved in accordance with the requirements of other relevant policies in the Plan. It also notes *"outside the development boundaries, proposals will be refused unless they are in accordance with specific policies in this Plan or national planning policies or that the proposal shows that its location in the countryside is essential"*.

5.2 In this case, no detailed information or justification has been submitted to develop this site outside the development boundary and, therefore, the proposal fails to satisfy the basic requirements of policy PCYFF 1.

Residential Units

5.3 As an element of the proposal involves providing new housing in a location defined as open countryside, Strategic Policy PS 17, along with paragraph 6.4.36 of the LDP, notes that

"developments in the open countryside will have to satisfy national policy and TAN 6 in relation to new rural enterprise dwellings or one planet development."

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No evidence or justification indicating that it was possible to meet the needs of PS 17 or TAN 6 has been received. The Housing Mix SPG also requires a housing statement to support the application, but no such evidence or justification has been submitted.

- 5.4 Although the applicant's intention to provide local market housing is acknowledged, due to the location of the site, outside the boundary, it is not relevant to consider policy TAI 5 as the main thrust of this policy is consideration to sites within the development boundary and not sites outside the boundary.
- 5.5 The proposal involves demolishing an existing dwelling. While Policy TAI 13 refers to the demolition and reconstruction of housing, which includes locations in the countryside, the policy does not allow an increase in the number of living units on the site and, therefore, it is not entirely relevant to give consideration to this building in this case either. The policy also requires justification for the need to demolish an existing dwelling and constructing a new dwelling, but no assessment or evidence of need was received.
- 5.6 Therefore, the proposal in terms of the residential element is contrary to the requirements of policies PCYFF 1, PS17, TAI 5 and TAI 13 of the LDP and Technical Advice Note 6.

Restaurant / Pub

- 5.7 It is intended to develop a restaurant/pub as part of the proposed development and, therefore, when considering the propriety of the principle of the development, the requirements of policies ISA 2 and MAN 6 are addressed. Policy ISA 2 is relevant to the provision of new community facilities and paragraph 6.1.19 of the policy defines public houses as community facilities. The proposal fails to meet the criteria of the policy as the site is not located within or adjoining a development boundary and it does not form part of a cluster. No information was received to indicate that the needs of the local community cannot be satisfied by making dual use of existing facilities or converting existing buildings.
- 5.8 Although policy MAN 6 mainly refers to shops, the principle included within it is also relevant in this case. Nevertheless, the proposal cannot be supported under policy MAN 6 as no assessment of potential impact on other local businesses has been submitted. No evidence was received to show that priority had been given to using an appropriate existing building and that no established business already existed on the site.

Holiday Units

- 5.9 Policy TWR 3 relates to developments of permanent static caravan and chalet and alternative camping sites.
- 5.10 Confirmation was received from the agent that the proposed holiday units would be constructed off-site and delivered for installation on the site and stored on the site on a permanent basis. No separate washing facility will be provided on the site and, therefore, it is believed that there would be washing facilities within the individual units, which mean that permanent services would be installed to serve the 16 units. It can also be seen that a permanent access road and parking spaces would be provided to serve the holiday units and, therefore, on the grounds that these elements are all permanent, the units themselves would also be equivalent to permanent units.
- 5.11 As a result, it is deemed appropriate to consider the principle of the holiday units element of the proposal against the requirements of policy TWR 3. Criterion 1 of Policy TWR 3 clearly notes

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that proposals to develop new static holiday sites within a Special Landscape Area will be refused. The site in its entirety is located within the Western Llŷn Special Landscape Area and is therefore contrary to the basic requirements of policy TWR 3.

Language Matters

- 5.12 In terms of the planning system in relation to land use, Section 31 of the Planning (Wales) Act 2015 notes that it is a duty when determining a planning application to include considerations in relation to the Welsh language, where it is relevant to that application.
- 5.13 Policy PS1 and the associated Supplementary Planning Guidance (Maintaining and Creating Distinctive and Sustainable Communities) confirm, if the proposal is an unexpected windfall site for five or more dwellings in a coastal village, that a Welsh Language Impact Assessment should be submitted with the application to support the proposal. Also, in the case of this specific application it can be argued that due to the scale of the holiday and pub/restaurant element, it is also necessary to submit a Welsh Language Statement with this element of the proposal.
- 5.14 Due to the lack of provision of any type of linguistic assessments, the proposal cannot be assessed in terms of its impact on the Welsh Language and no conclusion can be reached regarding the compliance of the proposal with Policies PS 5 and PS1 of the Joint LDP. Consequently, the proposal as submitted does not comply with Policies PS 1 and PS 5 or with the relevant advice provided in SPG: Maintaining and creating distinctive and sustainable communities, paragraphs 3.25 - 3.29 of Planning Policy Wales (edition 11, 2021) and the relevant advice noted in paragraph 3 (Development Management) from TAN 20: Planning and the Welsh Language.

Visual amenities

- 5.15 In this case, as it is an outline application with matters relating to appearance, landscaping, layout and scale reserved, all of the information is unavailable. However, the minimum size provided suggests that the scale of the proposal combined would be substantial within an open area of this type in the countryside. It is acknowledged that the existing ridge height of the nearby Memorial Hall appears to correspond to the proposed ridge height of the pub/restaurant. It must also be acknowledged that existing buildings are within part of the site. Despite this, the size of these buildings is relatively small and the pub/restaurant itself would be substantially larger in terms of bulk and scale, substantially changing the visual appearance of the site. Criterion 1 (ii) of policy TWR 3 notes that proposals will only be granted if they are *"of high quality in terms of design, layout and appearance, and are sited in an unobtrusive location which is well screened by existing landscape features, and/or where units can be readily assimilated into the landscape in a way that does not significantly harm the visual quality of the landscape"*. Most of the development area would be located on existing undeveloped greenfield land and, therefore, by introducing permanent features as proposed, this impact would be substantial.
- 5.16 Although not within the AONB itself, the site is completely visible from the nearest parts of the AONB as the nature of the land elevates from the application site towards spaces such as Foel Gron, Foel Fawr and beyond. This does not necessarily mean that the proposal would have a completely detrimental impact on the AONB or on the Special Landscape Area either but, due to a lack of evidence or consideration to the impact by means of a landscape and visual impact assessment, the impact of a development of this size on these designated areas cannot be fully considered. It can be seen from NRW observations above that a new tourist development should review the potential for less dense and obtrusive land use in order to reduce the impact of the development and it should be ensured that built elements should convey the scale, form, pattern and use of local materials. It should also be noted that consideration should be given to the visual impact from broader areas that surround the site. It is suggested that improvements may be proposed to reduce the impact such as a substantial landscape/screening plan, reducing the

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number of holiday units and reducing the height and scale of the pub/restaurant; however, based on the proposal as submitted, there are clear concerns that the development would not be in keeping with its location and that there would be a visual impact on the AONB.

- 5.17 Considering the lack of evidence to assess the impact of the development in full (although it is an outline application), it is believed that the proposal is unacceptable based on lack of compliance with the relevant requirements of policies PCYFF 3, PCYFF 4, TWR 3 and AMG 2. It is neither believed that it is totally acceptable on the grounds of the requirements of policy AMG 1, which notes that proposals within or affecting the setting and/or significant views into and out of the AONB must have regard to the relevant area management plan. It can be seen from the Llŷn AONB management plan that policy TP 2 *"Resists developments that would be prominent in the landscape and impair views including developments near the boundary, which would impact views into and out of the AONB"*. Therefore, it is not considered that the application as submitted includes sufficient information to be fully assessed and, therefore, as a result it fails to meet the requirements of this policy.

General and residential amenities

- 5.18 It is unavoidable that there would be an increased impact on the general amenities of the local area and neighbouring residents compared to what is currently experienced as the site currently appears to be unoccupied in terms of any intense use. However, it can be seen that an element of local intervention has existed in the past as a result of the historical use of part of the site as a garage. Clearly, the scale and nature of what is proposed is greater than the historical use of course. Despite this, it must be acknowledged that part of the site had not been entirely empty and unused and that the nature of the use and work had seen more movements than what would be the norm from a residential site only. It is also likely that re-establishing a garage would be possible without planning permission as a result of its historical use. Despite this, it can be seen that a separate residential dwelling known as 'Foelas' is located adjacent to the western part of the site. Currently, greenfield land abuts this property but it can be seen that two of the proposed holiday units would be located fairly close to Foelas and, although some landscaping is shown which would be maintained between the units and the boundary with Foelas, some impact as a result of activities and movements would be inevitable, as well as a visual impact due to the scale and location of the pub/restaurant lower down to the south.
- 5.19 However, it must be considered that this is an outline application where all of the proposal's final details are currently unknown. For example, agreeing on the details of suitable boundary treatment and landscaping for the site would be able to protect some of the general amenities of the local area. Although a site plan has been submitted, the scale and layout are also reserved matters and, therefore, there would be an opportunity to consider the real impact of any proposal when discussing further details. Therefore, although it is acknowledged that the impact of the proposal is likely to have an additional effect compared to the current situation, one cannot be certain of the extent of this impact and, therefore, it is not believed that the proposal is entirely unacceptable based on all the relevant requirements of policy PCYFF 2.

Transport and access matters

- 5.20 In response to a consultation on the application, the Transportation Unit confirms that the parking levels associated with the housing and holiday units are sufficient. However, concerns are highlighted regarding the pub/restaurant element and the impact of the size of such a development will have on the existing highway.
- 5.21 Despite this, it must be acknowledged that such an application may change the situation locally in terms of the density of movements and the nature of the current use along with historical use of the site as a garage and, therefore, sufficient information should be submitted for a full

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assessment. The details of the access are the only element that is not reserved as part of the outline application and, therefore, one should be able to fully assess the proposal. Also, not only to assess the proposal in terms of movements in and out, parking provision etc. but also the impact on road users, including the local pavements that are usually used by several local residents, including pupils of the nearby primary school.

- 5.22 Therefore, concern must again be stated about the lack of information to undertake a full assessment of the proposal in terms of this consideration as well. Although the site plan indicates parking provision, the Transportation Unit has stated its concern about the element associated with the pub/restaurant. Nevertheless, layout is a reserved matter and, therefore, there would be an opportunity to consider the real impact of any proposal when discussing further details in terms of detailed parking arrangements. However, as a result of a lack of evidence to assess the impact of the proposed development on the highway, it is not believed that the proposal is entirely acceptable based on the relevant requirements of policy TRA 4, which notes that proposals that would cause unacceptable harm to the safe and efficient operation of the highway and other transportation networks, including pedestrian routes, will be refused.

Biodiversity Matters

- 5.23 The majority of the site, which is part of the proposal, is greenfield land that is located within the Caeau Mynydd Mynytho wildlife site. Within the existing greenfield land, it is proposed to create the access road and parking spaces, construct five residential dwellings and install 16 holiday units. No ecological assessment of the value of the existing land was submitted. It is not known whether there are established rare species in terms of plants or creatures on the land, or using the land, but without any assessment as a starting point for a baseline of the land's value, the real value of the land in question cannot be considered.
- 5.24 Despite this, policy AMG 6 only allows a loss of wildlife sites when 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 local nature conservation value and/or local geological importance. As the principle of the proposal is contrary to the fundamental policies of the LDP, as discussed above, there is no justification for the loss of a wildlife site.
- 5.25 No information has been provided regarding the buildings for demolition, including the residential dwelling that includes a slate roof. To be able to assess the proposal, there is a need to provide an initial assessment at least of the presence of protected species within buildings to be demolished and, therefore, without this information to hand, it cannot be ensured that the proposal will not have a detrimental effect on protected species. As the impact cannot be fully assessed in terms of developing the greenfield land that is part of the wildlife site or demolishing existing buildings, therefore, it is not believed that the proposal is acceptable in terms of the relevant requirements of policies AMG 5, AMG 6 and PS 19, along with the relevant advice provided in TAN 5.

Archaeological Matters

- 5.26 The Archaeological Service confirmed that there is potential that the proposal could have an archaeological impact considering its location within a historical landscape area on the outskirts of the village of Mynytho. As usual in such cases, it is believed that it would be reasonable to include standard conditions to agree on a suitable inspection programme prior to commencing any element of development on the site should the application be approved. In doing so, it is believed that the proposal can be acceptable on the grounds of the requirements of relevant policies, i.e. AT 1 and PS 20.

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Infrastructure Matters

- 5.27 Welsh Water have stated that it is unlikely that sufficient capacity exists to include the proposed development within the local public sewer system without affecting the current services offered to customers or in relation to protecting the environment. Should the Local Planning Authority approve the application, a condition would need to be imposed to submit a full drainage plan for the development, along with a condition to submit a capacity assessment with confirmation of these details to be agreed in writing with the Local Planning Authority. The reason for these two conditions would be to avoid any hydraulic overload of the public sewer system and to protect the amenities of current residents and to avoid any damage to the environment. Therefore, bearing in mind that appropriate conditions can be included, it is deemed that the proposal can be acceptable on the grounds of the requirements of policy ISA 1 of the LDP.

Any other considerations

- 5.28 No rationale or explanation was submitted as to why this proposal was selected for the site, it is not known whether other options had been considered before reaching this final plan and no evidence has been submitted to prove the need for housing, the impact of the pub/restaurant on established businesses or the demand for the holiday units.
- 5.29 Although it is not a statutory requirement, no pre-application enquiry was submitted to ascertain the opinion of the Planning Authority about the proposal; there would have been an opportunity to discuss concerns before submitting an application if an enquiry had been made. TAN 12 notes that *"a multi-disciplined collaborative approach and a shared ambition for quality are important in delivering good design and should be evident at each stage of the design process. This is best achieved by ensuring the continuous involvement of professionals providing expert advice such as: planners; architects.....and others. Engaging those who procure, promote and finance development early on in the process is essential to assist a shared commitment to design quality....Local planning authorities should also help applicants and potential applicants to respond effectively to the planning and design process, through an advisory as well as regulatory role....."*
- 5.30 A proposal of this size would have benefited from a discussion in order to ascertain what would be needed to facilitate the decision-making process. Although this would not necessarily have made the application acceptable, it would have at least provided an opportunity to voice opinions and provide advice before the applicant decided to proceed to submit an application.
- 5.31 It is noted that the report refers to a lack of information in relation to several material planning considerations. Usually, it would be possible to ask for additional information in order to undertake a full assessment. However, this in itself would not make the application acceptable due to fundamental policy concerns about the proposal and, therefore, it may be argued that it would be unreasonable for the applicant to incur additional costs of providing this information as this would not make the application acceptable.

Response to the public consultation

- 5.32 It is acknowledged that several objections have been received to this proposal and it is considered that all relevant planning matters have been given appropriate consideration as part of the above assessment. A decision is made based on a full consideration of all the relevant planning considerations and all the comments received during the public consultation and that no one was let down when considering this application.

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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 this proposal is unacceptable in the form submitted, as it fails to satisfy the requirements of the relevant policies and guidance as noted above.

7. Recommendation:

7.1 To refuse – reasons

1. Due to the lack of relevant information with the planning application, the Local Planning Authority has not been persuaded that there will not be a negative effect on the Welsh language in accordance with criteria 4 of Policy PS5 and the requirements of Policy PS1 of the Anglesey and Gwynedd Joint Local Development Plan (2017), Supplementary Planning Guidance: Maintaining and Creating Distinctive and Sustainable Communities (2019) and national guidance contained in paragraph 3 of Technical Advice Note 20: Planning and the Welsh Language (2017) and paragraphs 3.25 to 3.29 of Planning Policy Wales, 11th Edition (2021).
2. The proposal is considered to be contrary to the requirements of Policy PS 17 of the Anglesey and Gwynedd Joint Local Development Plan (2017) and relevant guidance within Technical Advice Note 6 as the applicant has not submitted any evidence with the application to convince the Local Planning Authority that there is an identified need for 5 new residential dwellings within an area of open countryside.
3. It is not considered that the proposal would be a high quality development nor integrate with its surroundings as a result of the site's prominent location when viewed from the adjoining public highway and adjacent land. Consequently, it is not considered that the proposal would add to maintaining, enhancing or restoring the recognized character of the Western Llŷn Special Landscape or views in and out of the Llŷn Area of Outstanding Natural Beauty and that the proposal is therefore contrary to the requirements of policies PS 19, PCYFF 3, PCYFF 4, MAN 6, ISA 2, AMG 1 and AMG 2 of the Gwynedd and Anglesey Joint Local Development Plan (2011-2026) and policy TP2 of the Llŷn AONB Management Plan.
4. No Protected Species Survey was submitted in relation to the buildings to be demolished on site and no ecological assessment was carried out in relation to the area of land to be developed which is currently located within the designated Caeau Mynydd Mynytho wildlife site. As a result, the true impact of the development cannot be assessed and the protection and enhancement of local biodiversity cannot be assured. In addition, there is no justification for the loss of land within the wildlife site. The proposal is therefore unacceptable in terms of the requirements of relevant criteria within policies AMG 5, AMG 6 and PS 19 and advice as contained within TAN 5.
5. The proposal would create a new permanent holiday accommodation site within the Western Llŷn Special Landscape Area and is therefore contrary to point 1 of policy TWR 3 as well as PCYFF 1 of the Gwynedd and Anglesey Joint Local Development Plan (2011-2026) which protects Special Landscape Areas and areas of open countryside from this type of development.
6. No information has been provided to fully assess the impact of the proposed development on matters relating to movements in and out of the site, the local highway network, pedestrian routes and parking provision within the site, it is therefore considered, that the application does not comply with the requirements of Policy TRA 4 of the Anglesey and Gwynedd Joint Local Development Plan (2017) which states that proposals that cause unacceptable harm to the safe and efficient operation of the highway will be refused.

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7. No evidence has been submitted with the application to indicate that there is an identified proven need for a new commercial unit at this location and no evidence has been submitted using a sequential test to demonstrate that there is no alternative site within the development boundary of the village or other local settlements. Furthermore, although public houses are defined as community facilities in paragraph 6.1.19 of policy ISA 2, no information has been received to demonstrate why the needs of the local community cannot be satisfied through the dual use of existing facilities, conversion of an existing building or locating the proposed development within or adjoining development boundaries. As a result, it is considered that the development, due to its location, is likely to harm the vitality and viability of local settlements and therefore the proposal is contrary to the aims of policies MAN 6 and ISA 2 of the Gwynedd and Anglesey Joint Local Development Plan.