

PLANNING COMMITTEE	DATE: 26/02/2024
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Number: 7

Application No: C23/0981/39/AM

**Date of
Registration: 11/12/2023**

**Application
Type: Outline**

Community: Llanengan

Ward: Llanbedrog with Mynytho

Proposal: Outline application with some reserved matters to demolish existing dwelling house and commercial garage together with associated buildings and re-develop brownfield to create new hotel, community pub and parking area to share with village hall (second submission from application C23/0089/39/AM which was withdrawn)

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

**Summary of the
Recommendation:
n: TO REFUSE**

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1. Description:

- 1.1 Outline application with some matters reserved to re-develop a former commercial garage site and residential site as well as greenfield land to create a mixed development to include a community pub, hotel and community parking area to share with the village Memorial Hall.
- 1.2 For clarity, further details of the application as submitted are as follows:
- Demolition of former garage building and associated structures and demolition of single storey residential house
 - Create vehicular access with an access road through the site and parking spaces for the pub and hotel, staff parking and community parking. There is also a cycle storage area on part of the site.
 - Create a communal car park to share with the memorial hall
 - Construction of a building described as a community pub comprising an internal floor area of approximately 323m²
 - Construction of a building to be used as a hotel with floor space of approximately 836m²
- 1.3 It is noted that a previous application for this site has been withdrawn. The most obvious changes between the two proposals are that the residential houses and holiday units included as part of the first application have now been removed from the current proposal with a hotel and community car park now forming part of the current proposal as well as the community pub. This application has been submitted as an outline application and therefore the detail of the development in terms of detailed plans, design issues, finishes, layout etc has not been included as would normally be the case with a full application. That is, apart from the principle of the proposal itself, within this outline application consent is only sought for details of the access and consent will not be sought in respect of the appearance, landscaping, layout and scale of the proposed development. Should the current application be successful, these details would be subject to a further application. However, as is now required with outline applications, the minimum and maximum height of buildings to be erected on the site has been recorded and it is seen that an outline plan has also been submitted showing the likely layout of the proposed site.
- 1.4 The proposed development site currently comprises approximately 1,553m² of brownfield land (previously developed land) which includes a range of buildings associated with the garage, a residential house, existing access and hard standing. The remainder of the proposed development area of approximately 929m² is greenfield land and is situated between the existing garage site and Mynytho Memorial Hall.
- 1.5 The whole site lies outside the existing development boundary of Mynytho village and therefore in open countryside. The busy B4413 road is located parallel with the front of the site with a public footpath also leading off the public road along part of the front of the site and then onwards in a westerly and northerly direction. The entire site lies within the West Llŷn Special Landscape Area and the Llŷn and Ynys Enlli Landscape of Outstanding Historic Interest designations. The nearest boundary of the Llŷn AONB designation is approximately 138m west of the site. The green land forming part of the proposed development is located within the Caeau Mynydd Mynytho wildlife site which is currently rough grazing.
- 1.6 In terms of the details that have been submitted as part of the application, the following are set out:

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- Community pub building – a single storey building with an internal area of approximately 323m². It is noted that the maximum height of the building would be 5.81m and the minimum would be 2.22m.
- Hotel – a two storey building with 25 individual bedrooms together with a reception area and stores. It would include 836m² of internal floor space over two storeys with a height of 8.32m at its highest and 4.42m for the lower part.
- Community car park - the car park between the Memorial Hall and the pub contains 27 individual parking spaces but there does not appear to be a formal arrangement separating the car park from the parking area for the entire site which also includes parking spaces to the front of the hotel and the pub and staff parking spaces to the rear. The whole site is served by the same access which would serve the hotel, pub and the car park.

1.7 Due to the indicative proposed floor space of the buildings, this application is defined as a major development. As part of the application, in accordance with the requirements of the Town and Country Planning (General Development Procedure) (Wales) Order, a pre-application consultation report was received. The report shows that the developer has informed the public and statutory consultees of the proposal before submitting a formal planning application. Note that the Local Planning Authority was not part of this consultation process.

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 applications should be determined in accordance with the Development Plan, unless a material consideration in respect of planning indicates 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 undertake reasonable steps in exercising its functions to meet the 7 well-being objectives within the Act. This report has been prepared, taking into consideration the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In formulating 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 needs.

2.3 Gwynedd and Anglesey Joint Local Development Plan 2011-2026 adopted 31 July 2017

PS 1: 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

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PCYFF 4: Design and landscaping

PS 13: Providing opportunity for a flourishing economy

PS 14: Visitor economy

TWR 2: Holiday accommodation

PS 15: Town centre developments and retail

MAN 6: Retailing in the countryside

PS 19: Conserving and where appropriate enhancing the natural environment

AMG 2: Areas of special landscape

AMG 5: Local Biodiversity Conservation

AMG 6: Protection of sites of regional or local 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):

SPG: Maintaining and creating distinctive and sustainable communities

SPG: Tourism facilities and accommodation

SPG: Landscape character

SPG: Wildlife sites

2.4 National Policies:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 12 – February 2024).

Technical Advice Note (TAN) 4: Retail and commercial development

TAN 5: Nature conservation and planning

TAN 6: Planning for sustainable rural communities

TAN 13: Tourism

TAN 18: Transport

TAN 20: Planning and the Welsh Language

TAN 23: Economic development

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TAN 24: Historic Environment

3. Relevant planning history:

3.1 C23/0089/39/AM - Outline application with some reserved matters to re-develop a former commercial garage site and residential site as well as an area of greenfield to create a mixed development to include public house/restaurant, 5 local market two storey residential dwellings and 16 self service holiday units - Withdrawn 17/05/23

C05D/0453/39/LL – Construction of single storey house with integrated garage – refused 21/10/05. An appeal was lodged against the Council’s decision to refuse, and the appeal was also dismissed.

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

C00D/0115/39/LL – Construction of shed for storage of tractors and agricultural machinery – granted 21/06/00

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

3/4/360C – New garage frontage and petrol pumps re-fitted – granted 01/06/73

34/64/360B – Full details of residential house and garage – granted 07/12/72

34/64/360A – Construction of house – granted 19/07/72

3/4/360 - Outline application for intended use of caravan as office and seasonal accommodation - granted 30/06/64

4559B – Access improvements – granted 11/11/61

4559A – Additional petrol pumps – granted 29/03/61

4559 – Installation of additional petrol pump – granted 03/05/56

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4. Consultations

Community/Town Council: It is opposed because of substantial and unnecessary overdevelopment, certainly as regards a new hotel and community pub outside the development boundary which would be highly visible and prominent in the Llŷn AONB from all directions. Concern is expressed at their proximity to the Village Green and the Wild Meadow on the lower side of the Playing Field.

Transport Unit: I refer to the above application and wish to declare that I object to the proposal on the basis that the proposed parking area is not adequate for the size of the development which could lead to an increase in parking problems within the highway.

The planned number of parking spaces is approximately half the requirement as outlined in the SSC Wales Parking Standards 2014. The application has not provided any details of the type of commercial vehicles likely to attend the site and therefore it has not been possible to ascertain whether the commercial space provided would be sufficient.

I am concerned that the lack of parking spaces could lead to an increase in on-street parking in the vicinity of the site, which is on a corner. The combination of more parked vehicles and the alignment of the highway could lead to hazardous situations developing.

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 designated landscape. 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.

Designated Landscape

Our landscape planning advice relates to the development's potential landscape and visual impact on the Llŷn Area of Outstanding Natural Beauty (AONB). The site lies approximately 130m east of the AONB at its closest point.

We have previously provided advice to the applicant with respect to the Llŷn AONB in our statutory pre-application response (dated 19/10/2023, our reference CAS-237560-D2N1) however we note that no information has been provided as part of this application to address our concerns. We therefore reiterate our advice below.

The site lies within the Gwynedd Landscape Character Area LCA 7 'Western Llŷn' and LANDMAP Visual and Sensory layer 'Boduan-central plateau of Lley'n' GWNDDVS044 'mosaic rolling lowland'. Locally, field boundaries are gorse or

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simply fenced where the original hedge is in a poor condition, there is very little tree cover and as a consequence any elevated locations currently have a view down to the sea.

Impacts on the AONB special qualities may arise from the building massing and the introduction of a large two storey building potentially affecting views of the coast in particular from higher ground. The proposals will also affect views from the AONB of the wider settlement roofline of mainly (but not entirely) single storey buildings. We note that the adjacent village hall is a substantial stone two storey building.

We advise that the impacts on each of the relevant AONB special qualities should be reviewed by a suitably qualified landscape professional, set out in a proportionate Landscape and Visual Appraisal (LVA). The LVA should review impacts on published and site landscape character appraisals, and review visual amenity impacts to include the following viewpoints in the AONB: the public amenity area near the B4413 (which provides picnic tables, parking, toilets and access into the AONB footpath network); higher open access land with footpaths at Foel Fawr (National Trust) to the north and Foel Gron to the west; views from different locations along the AONB road boundary heading north for 1km which should include the footpath intersections.

The red line boundary is tightly drawn resulting in very small areas of soft landscape which will be insufficient to provide mitigation of the elevations from the AONB. Mitigation options may be limited but could potentially be achieved through: adjustment to the layout to release more soft landscape opportunities where needed; planting within the wider land ownership line which extends to include the paddock to the north; careful building elevation and roof detailing; boundary treatment for example use of stone walling.

In summary, we advise that a proportionate Landscape Visual Assessment (LVA) is undertaken to clearly demonstrate the impacts of the proposal on the AONB. The LVA should also incorporate a landscape mitigation and enhancement strategy plan. The LVA should be used to inform the overall proposals, including building massing, detailing, wider site layout, soft and hard landscape proposals which should reflect the close proximity to the AONB boundary and the strong landscape character of the area.

Land Contamination

Potential for land contamination

From the previous outline application, we noted that the site was a vehicle servicing and repair garage. However, the details submitted at that time to support the previous planning application indicated the presence of a tank, which will likely be associated with a petrol filling station. Given the ongoing uncertainty of the site and previous land use, we advise the following suit 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. These conditions would address the concerns we have identified, please note without the inclusion of these conditions, we would object to any future planning application.

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.

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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:
 - i. all previous uses
 - ii. potential contaminants associated with those uses
 - iii. a conceptual model of the site indicating sources, pathways and receptors
 - iv. 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 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 or operation of the development , a long term monitoring plan for land contamination shall be submitted and approved in writing

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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 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 the above conditions are 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

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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

No information has been provided regarding the disposal of foul waters from the proposed development. We refer you to Welsh Government Circular 008/2018 on the use of private sewerage in new developments, and 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. We advise you that the proposed development is in a publicly sewered area.

Please consult us again if foul sewage from the proposed development is to be disposed of by a private sewerage system.

Protected Sites

The development site is located within 194m 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.

North Wales
Police: Not received

Welsh Water: The site is crossed by a water main and public sewerage pipe and it appears that the proposed development would be located within the easement zone of these public pipes.

Advice was given during the pre-application consultation that the water main and easement zone should be located within a public and accessible area. It is strongly advised that the site layout should be amended given the location of the assets crossing the site. Alternatively, consideration should be given to diverting the assets

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through a formal application under relevant legislation and that options should be discussed with Welsh Water.

Considering the above, it is therefore suggested that conditions and advice notes be included if a decision is made to grant the application to ensure that there would be no harm to existing residents, the Environment and the assets of Welsh Water.

Public Protection Unit: Polluted Land Conditions

1. Due to the historical use of the site the land may be contaminated. A desk inspection will therefore be undertaken to assess the potential on-site pollution risk for the proposed development.

2. Should the recommendations of the desk inspection indicate a need for further action, an adequate intrusive investigation will be required to assess the risk of potential pollution on the site. If necessary, a Recovery Strategy will be incorporated.

3. The desk inspection, site investigation, risk assessment and any precautionary and/or remedial measures will need to be approved in writing by the Public Protection Service prior to the commencement of the development.

4. Once the development has been completed, a Completion Report should be provided on the site and will need to be reviewed and approved by the Public Protection Service.

- The Public Protection Service has made every reasonable effort to recommend the most appropriate measures regarding potential pollution risks. However, this recommendation should not be taken as an indication that the land is safe or otherwise suitable for this or any other development.

- The responsibility for assessing whether land is suitable for specific use fundamentally rests with the developer.

- Should any contaminated land problems emerge during the development which could disrupt the proposed development, e.g. if an unusual ground condition occurs, then correspondence should be entered into immediately with the Public Protection Service.

- All actions should be recorded, and the information disseminated to the Public Protection Service on site investigations, assessments and remedial work carried out, where relevant, and included in the site's Completion Report.

- Any inspection should follow the document order below: - BS 10175:2011 Investigation of potentially contaminated sites – Code of Practice (British Standards Institution 2011.) - Planning Policy Statement (PPS) 23: Planning and Pollution Control, Annex 2: Development on Land Affected by Contamination (Office of the Deputy Prime Minister 2004, Published by The Stationary Office). - Contaminated Land Report (CLR) 11 Model Procedures for the Management of Land Contamination (Environment Agency 2004). - Land Contamination: A Guide for

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Developers (Welsh Local Government Association, Welsh Assembly Government & Environment Agency Wales 2006)

Reasons for conditions

The measures are considered necessary to protect the occupiers of the site and surroundings.

Rights of Way Unit: Llanengan No 62 public right of way (footpath) crosses close to the front of the development site; it must be ensured that this right of way is unobstructed and accessible to users during and after the completion of this development.

AONB Unit: The former garage is situated in the village of Mynytho and a short distance from the boundary of the Area of Outstanding Natural Beauty (AONB). The garage, other buildings and the nearby field are prominent from the lane that passes through the village and other public spaces such as Y Foel Gron, which is a popular site in the AONB. Mynytho Memorial Hall, which is a historically important building, is situated nearby.

There is currently a single storey house, a former garage and two outbuildings on site. These buildings are not historic and do not make an important contribution to the environment of the area. The field between the house/garage and hall is rough grazing.

The proposal would involve demolishing all existing buildings on site and creating a relatively substantial new development to include the construction of a single storey public house and a 25 bedroom two storey hotel. A car park for the development and hall would be located on the field near the hall. The sketches of the pub show a long one-storey building with lots of glass in the front elevation. The hotel would be a substantial two storey building with its gable end towards the lane, again with a lot of glass in the front elevation. Also, as part of the development, an access, new road and hard standing would need to be created to park approximately 40 vehicles.

A Landscape and Visual Impact Assessment could be useful to undertake a detailed assessment of the development but with the information to hand it appears that the development would affect the AONB by:

- Introducing a significant new development of unfamiliar design that would be visible from public spaces within the AONB (see Policy TP2 of the AONB Management Plan)
- Increasing movement and traffic in a rural area near the AONB
- Introducing additional lighting which may prejudice night darkness (see Policy PP3 of the AONB Management Plan).
- Loss of a site of natural green land between existing buildings which may be of nature conservation value.

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Land Drainage Unit: Standard response on need to include surface water treatment system or SUDS

Language Unit: It is not possible for the Language and Scrutiny Unit to comment fully on this application at this stage as no relevant documents have been submitted with the application. Without a Language Statement document (or relevant information within access plans), which includes information on the nature of the development with regard to the hotel and community pub and how they affect the community and the language, it is not possible for us to comment on the potential impact of the development on the Welsh language. We would expect to see more detailed information as the full application is submitted.

Gwynedd Archaeological Planning Service: There is potential for the proposal to have an archaeological impact and therefore it is suggested that conditions be included to agree a programme of suitable investigation prior to the commencement of any element of development on site.

Fire Service: Not received

Biodiversity Unit: Ecological reports have not been submitted. Part of the development falls within a wildlife site and in parallel with a Site of Special Scientific Interest. The ecological value of the site to be developed is considered to be high.

Part of the development falls within a wildlife site which is likely to have a high value for biodiversity. Ecological surveys should be undertaken including, but not specifically, a grassland survey. They must be carried out by a qualified ecologist who knows the local area and they must comply with Planning Policy Wales.

The impact of the development must be limited in accordance with relevant guidance within Planning Policy Wales (PPW) – the developer must provide evidence of how the appropriate steps have been taken within a green infrastructure statement together with evidence of how Biodiversity can be improved.

Benefits must be framed in accordance with PPW guidance including DECCA and relevant standards. Mitigation and enhancement measures must be included within green infrastructure/landscape design.

Scottish Power: Not received

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Public Consultation: Notices were displayed on site and in prominent places within the surrounding area and nearby residents were informed. The notice period ended and a considerable number of representations were received opposing on the basis of:

- Prominent location outside the development boundary close to the AONB and within the West Llŷn Special Landscape Area.
- The scale of the buildings and site having a significant adverse effect on the visual amenity of the local area and the open nature of the land; a visual impact assessment must be undertaken.
- There is no evidence of a need for the pub, there may be a need for a hotel but no assessment of the commercial viability of such a resource has been submitted/concern for its long term use.
- The pub is described as a community resource but it is not clear if this means genuine community ownership/no benefit to the local community.
- Out of character and not needed/urban appearance/lack of landscape plans/overdevelopment/prominent raised location
- Inadequate parking provision which would create tension between site users and the hall
- Lack of demand/significant impact locally
- Adverse effect on the Welsh language/lack of quality jobs for local residents
- Non-compliance with adopted policies
- More need of housing for local people
- Pubs lead to anti-social behaviour/noise
- Increasing traffic flow/harmful to the safety of nearby pavement users including children walking to school/dangerous location on the corner/harmful impact on movements and functioning of the local public road network
- Lack of information/disinformation
- Concern over application registration/description/payment of fees
- Detrimental effect on the residential amenities of local residents/significant disruption to the life of the countryside and spoil the character of the area
- Harmful to other established businesses in nearby villages/pressure on local neighbourhood
- Environmental/ecological/biodiversity harm
- Wet land/developing the site will create surface water problems for others
- Overlooking/detrimental to the privacy of neighbouring housing
- Unsuitable design and finishes/building scale unacceptable and detrimental
- Loss of residential home
- Demolition works create waste
- Lack of information on sewage disposal arrangements
- A number of objections as submitted with the previous application remain relevant to this application
- Concern about the impact on the adjacent playing field
- Lack of meaningful consultation
- Harm to the dark sky nature of the local area
- Concern about the viability of such a development given the current economic climate

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5. Assessment of the relevant planning considerations:

The principle of the development

5.1 Policy PCYFF 1 of the Gwynedd and Anglesey Joint Local Development Plan (JLDP) states that the plan itself identifies development boundaries for the range of settlements within the county and that proposals are permitted within the development boundaries in accordance with the requirements of other relevant policies in the Plan. It also states that *“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.

Pub

5.3 It is intended to develop a 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.

5.4 Although policy MAN 6 refers mainly to shops, the principle contained in it is also relevant in this case. However, the proposal cannot be supported under policy MAN 6 as no assessment of impact or potential impact on other local businesses has been presented. No evidence was received indicating that priority has been given to the use of an appropriate existing building and there is no existing established business on site.

Hotel

5.5 The policy that applies in this case in considering the principle of developing a hotel on the site would be policy TWR 2: Holiday Accommodation. This policy sets out that proposals for the development of new permanent serviced holiday accommodation will be granted subject to high quality design, layout and appearance, and if all of the following criteria can be met:

- i. In the case of new build accommodation, that the development is located within a development boundary, or makes use of a suitable previously developed site;
- ii. That the proposed development is appropriate in scale considering the site, location and/or settlement in question;
- iii. That the proposal will not result in a loss of permanent housing stock;
- iv. That the development is not sited within a primarily residential area or does not significantly harm the residential character of an area;
- v. That the development does not lead to an over-concentration of such accommodation in the area.

5.6 In terms of criterion (i) the development is not located within the development boundary of Mynytho so consideration will need to be given to whether the development is located on suitable previously developed land. Guidance on the suitability of previously developed land can be found

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in paragraph 4.42 of the Supplementary Planning Guidance: Tourism facilities and accommodation (March 2021): 4.4.2 In accordance with this definition, it must be established whether the development is located on previously developed land and an assessment of its suitability must be carried out. Factors that define the suitability of the previously developed land include:

- Location – as the plan promotes sustainable development, proposals involving the development of a poorly located development are not compliant with the principle of the policy. In line with national planning policy, new development is expected to be located within or close to existing settlements, with existing infrastructure to serve the development and accessible by sustainable modes of transport.
- The nature of land previously developed – urban development (its nature and appearance) in the open countryside can often be viewed as being alien to its natural environment and therefore careful consideration should be given to the visual/landscape impact of such development, i.e. new buildings located above the ridge line or on top of a cliff/location of the ridge or which would otherwise be an unacceptable feature in the landscape. It should be ensured that no proposed development will have a significantly greater effect on the character and openness of the surrounding area compared to the previously developed land.

5.7 The proposal includes demolishing the existing garage and residential house buildings and replacing them with the hotel and pub. The structural state of the existing buildings is not known although it is believed that the residential unit is in use and that its condition therefore enables it at least to be occupied. The site is mixed in terms of land use with the garage and residential house part being previously developed land (brownfield) and part being greenfield land believed to be grazing land. In this case, part of the proposed development site is existing greenfield land and an essential element of the development would be located here, namely the access and the proposed road along with the main car park. Agricultural grazing land such as this is not previously developed land and therefore as it is a necessary element of the development and it would not be possible to complete the proposal without this element, it cannot be considered that the proposal is fully compliant with the requirements of criterion (i). In terms of criterion (ii), the scale of the new development is much greater than the residential unit and buildings attached to the existing on-site garage in terms of footprint and height. It is acknowledged that the hotel ridge would appear to be slightly lower than the Memorial Hall and if it were adjacent to this building it could at least be demonstrated that it would not be the highest structure comparatively. But as there is some distance between the buildings the location of the hotel would be by itself without any similar structure directly adjacent and it would therefore stand out prominently in the landscape and is consequently unacceptable. In terms of criterion (iii), in demolishing the house currently on site the proposal leads to the loss of permanent housing stock. Criterion (iv) refers to ensuring that development is not located within a predominantly residential area. Although residential properties are prominent nearby, the location stands by itself and therefore is not considered to be a wholly residential site. No information has been submitted in support of the application in relation to over-concentration issues as set out in criterion (v) and therefore there is insufficient information to ensure it would not cause over-concentration. Due to the matters raised above it is considered that the proposal is contrary to the relevant requirements of policy TWR 2.

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Language Matters

- 5.8 In terms of the planning system in relation to land use, Section 31 of the Planning (Wales) Act 2015 notes that there is a duty when determining a planning application to include considerations in relation to the Welsh language, where it is relevant to that application.
- 5.9 Policy PS1 and the associated Supplementary Planning Guidance (Maintaining and Creating Distinctive and Sustainable Communities) confirm, if any retail, industrial or commercial proposal has a floor area of 1,000², then it is necessary to submit a Welsh Language Statement.
- 5.10 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 Policy PS1 and Policy PS 5 nor with the relevant Advice given in the SPG: Maintaining and creating distinctive and sustainable communities, paragraphs 3.25 - 3.29 of Planning Policy Wales (edition 11 2021) and the relevant advice set out in paragraph 3 (Development Management) of TAN 20: Planning and the Welsh Language.

Visual amenities

- 5.11 In this case, as the application is in outline form with matters relating to appearance, landscaping, installation and scale reserved, not all information is available. 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 be higher than the proposed ridge height of the pub/restaurant. It must also be acknowledged that there are existing buildings within part of the site. However, the size of these buildings is relatively small and the hotel and pub would be significantly larger in bulk and scale, substantially changing the visual appearance of the site. Criterion 3(ii) of Policy TWR 2 states that proposals will only be permitted if *"...the proposed development is appropriate in scale considering the site, location and/or settlement in question"*.
- 5.12 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. You will see from Natural Resources Wales' comments noted above *"We have previously provided advice to the applicant with respect to the Llŷn AONB in our statutory pre-application response however we note that no information has been provided as part of this application to address our concern...we advise that a proportionate Landscape Visual Assessment (LVA) is undertaken to clearly demonstrate the impacts of the proposal on the AONB. The LVA should also incorporate a landscape mitigation and enhancement strategy plan. The LVA should be used to inform the overall proposals, including building massing, detailing, wider site layout, soft and hard landscape proposals which should reflect the close relevance to the AONB boundary and the strong landscape character of the area"*. There are therefore clear concerns that the development would not be suitable for its location as there would be an adverse visual impact on the AONB.
- 5.13 Given the lack of evidence to fully assess the impact of the development (although the proposal is in outline form), it is not considered acceptable on the basis of non-compliance with the relevant requirements of policy PCYFF 3, PCYFF 4, TWR 2 and AMG 2. Neither is it considered to be

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wholly acceptable based on the requirements of policy AMG 1 which states that proposals that are within or affecting the setting and/or significant views in and out of the AONB must have regard to the relevant area management plan. It is 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 contains sufficient information to be fully assessed and it fails to meet the requirements of this policy as a result.

General and residential amenities

- 5.14 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 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.
- 5.15 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 could protect some of the general amenities of the local area while it would be customary to include conditions to agree suitable measures to manage any extraction systems or other similar equipment that could affect the amenities of an area. Although a site plan has been submitted, scale and layout are reserved matters and therefore there would be an opportunity to consider the true impact of any proposal when discussing further details. Therefore, although it is acknowledged that the effect of the proposal is likely to be an additional adverse impact 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

- 5.16 The Transport Unit's comments on this proposal confirm their objection on the basis that the proposed parking area is not adequate for the size of the development which could lead to an increase in parking problems within the highway. The Transport Unit notes that the planned number of parking spaces is approximately half the requirement as outlined in the SSC Wales Parking Standards 2014. The application has not provided any details of the type of commercial vehicles likely to attend the site and therefore it has not been possible to ascertain whether the commercial space provided would be sufficient. It is acknowledged that layout is a reserved matter and therefore the final layout of the site may be subject to change and consequently the parking provision requirement as well. Despite this, details of the likely size of the buildings have been presented and based on what is shown, it is very unlikely that it would be possible to either increase the parking provision to meet the requirements based on the indicative size of the pub and hotel, or reduce the proposal in terms of the number of bedrooms and floor space to such an extent that would result in a need for fewer parking spaces without requiring a new application as these changes would not accord with the boundaries shown on the application.
- 5.17 It must be acknowledged that such an application could change the situation locally in terms of the current density of movement and nature of use as well as the historic use of the site as a garage and therefore adequate information should be submitted to enable a full assessment. Access details are the only element not reserved as part of the outline application and it should therefore be possible to assess the proposal fully. As well as assessing the proposal in terms of

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movements in and out, parking provision etc, the impact on other road users must also be assessed including the local pavements typically used by a number of local residents including pupils from the nearby primary school.

- 5.18 Again, therefore, concern must be expressed at the lack of information to conduct a full assessment of the proposal in terms of this consideration as well. Note that the site plan shows parking provision and that the Transport Unit has objected on the basis of the number of parking spaces proposed, however, layout is a reserved matter and therefore the parking provision layout may change. However, as a result of the Transport Unit's opposition to the indicative layout and lack of evidence to assess the impact of the proposed development on the highway, the proposal is not considered entirely acceptable based on the relevant requirements of policy TRA 2 and 4 which ensures adequate parking standards and notes that proposals that would cause unacceptable detriment to the safe and efficient operation of the highway and other transport networks including pedestrian routes will be refused.

Biodiversity Matters

- 5.19 Part of the proposal would involve development on greenfield land located within the designated Caeau Mynydd Mynytho wildlife site. Within the existing greenfield land, the intention would be to create the community car park. No ecological assessment of the value of the existing land has been 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.
- 5.20 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.
- 5.21 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, 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 given within TAN 5 together with the revised Chapter 6 of PPW published on 7th February 2024 relating to green infrastructure and the phased approach.

Archaeological Matters

- 5.22 The Archaeological Service confirmed that there was potential that the proposal could have an archaeological impact given its location within an area of historic landscape on the outskirts of Mynytho village. As is usual in such cases it is considered 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 based on the relevant requirements of policies AT 1 and PS 20.

Any other considerations

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- 5.23 No justification or explanation was presented as to why this proposal was selected for the site in particular due to the marked change between the previous application and the current one. It is not known if other options had been considered before arriving at this final plan and no evidence has been presented to test the need for the hotel and pub or the impact of the hotel and pub on local established businesses.
- 5.24 Although not a statutory requirement, no pre-application enquiry was submitted to ascertain the Planning Authority's view of 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....."*
- 5.25 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. It is noted that the applicant has undertaken the process of completing a pre-application consultation report, but that the Local Planning Authority was not involved in that process.
- 5.26 It is noted that the report refers to a lack of information in relation to several relevant planning considerations. Usually, it would be possible to ask for additional information in order to carry out 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.
- 5.27 Welsh Water has stated that it appears that there are public pipes crossing the site and that it would be necessary to either alter the plan to avoid development over them or to arrange for the pipes to be diverted at the developer's cost. Should the application be granted by the Local Planning Authority, a condition would be required to introduce a complete drainage plan for the development with confirmation of these details to be agreed in writing with the Local Planning Authority. Given therefore that appropriate conditions may be included, it is considered that the application may be acceptable based on the requirements of ISA 1 of the LDP.

Response to the public consultation

- 5.28 It is acknowledged that a substantial number of objections have been received to this proposal and it is considered that all relevant planning matters have received appropriate attention as part of the above assessment. The decision will be made on the basis of full consideration of all relevant planning issues and all representations received during the public consultation and on the basis that no one suffers an injustice in considering this 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 representations received, it is believed that this proposal is

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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 Refusal – 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, 12th Edition (2024).
2. 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, TWR 2, 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.
3. 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 together with Chapter 6 Planning Policy Wales Version 12 relating to green infrastructure and the phased approach.
4. The indicative site plan does not indicate enough parking spaces in relation to the proposal and 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 2 and 4 of the Anglesey and Gwynedd Joint Local Development Plan (2017) which ensures adequate parking standards and states that proposals that cause unacceptable harm to the safe and efficient operation of the highway will be refused.
5. No evidence has been submitted with the application to indicate that there is an identified proven need for new commercial units 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 for a hotel and public house. Furthermore, although public

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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.

6. It is considered that the proposal is contrary to the requirements of criteria 3(i), 3(ii), 3(iii) and 3(v) of Policy TWR 2 and criteria 2 of Policy PS5 of the Anglesey and Gwynedd Joint Local Development Plan, 2017 as the site is located in open countryside and it does not make use of suitable previously developed land, that the scale of the development is not appropriate considering the site, that the proposal will result in the loss of permanent housing stock and no robust evidence has been submitted to confirm that the development would not lead to an over-concentration of such accommodation within the area.