

PLANNING COMMITTEE	DATE: 29/07/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 7

Application Number: C23/0618/39/LL

Date Registered: 11/08/2023

Application Type: Full

Community: Llanengan

Ward: Abersoch with Llanengan

Proposal: Full application for the demolition of three existing open market dwellings and erection of three replacement dwellings (to be used as holiday units), demolition of existing storage buildings, erection of 4 new build holiday units, relocation and replacement of existing static caravan (for holiday purposes) together with associated works and landscaping.

Location: Fferm Cim, Bwlchtocyn, Gwynedd,

Summary of the Recommendation: TO REFUSE

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1. **Description:**

- 1.1 Full planning application for the demolition of three dwellings described as existing open market houses and erection of three replacement dwellings (to be used as holiday units), demolition of existing storage buildings, erection of 4 new build holiday units, relocation and replacement of existing static caravan (for holiday purposes) together with associated works and landscaping. The whole site is 1.97ha in size and situated outside any current development boundary within the rural area of Bwlchtocyn and within the Llŷn AONB and the Llŷn and Bardsey Landscape of Outstanding Historic Interest designations.
- 1.2 Specifically, the main element of the proposal would provide:
- 3 new four-bedroom houses to replace the existing 3 houses providing a total of 8 bed spaces each.
 - 4 new holiday units to replace the existing storage sheds providing 3 bedrooms each creating 6 bed spaces each.
 - Relocate an existing holiday caravan to a new location.
- 1.3 In relation to the appearance of the dwellings and holiday units, the materials intended to be used on the external elevations of the buildings include:
- Roofs: Natural slate
 - Walls: Render/timber/stone cladding
- 1.4 The application site currently includes a mix in terms of building type as well as use. As has already been noted, there are three existing houses known as Cim, Cim Canol and Cim Bach on part of the site. In Planning terms, these three properties are open market residential housing with no restriction of use as proved by granting an application for a lawful use certificate under reference C21/0631/39/TC. The current use of all three as confirmed in the application documents is as holiday units.
- 1.5 The buildings/sheds to be demolished to construct the 4 new holiday units are within part of a site that has been granted permission for a lawful use certificate under reference C17/0595/39/TC for the use of land for the storage of touring caravans.
- 1.6 Finally, an existing caravan is located on a site close to the buildings/sheds, this structure has also received a lawful use certificate under reference C21/0632/39/TC for the use of land to locate a static caravan for holiday use.
- 1.7 The following information was submitted in support of the application:
- Planning, Design and Access Statement
 - Protected Species Survey
 - Drainage Statement
 - Structural Report
 - A Pre-application Consultation Report (PAC Report)
 - Design Document
 - Visual and Landscape Impact Assessment (an update to this document was received as a result of comments received)

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1.8 In accordance with the requirements of the Town and Country Planning (Development Control Procedure) (Wales) Order 2012 (as amended), the development that is the subject of this application is defined as a "major development" due to the size of the area of the proposed development. In line with the appropriate procedure, a Pre-application Consultation Report was received as a part of the application. The report shows that the developer advertised the proposal to the public and statutory consultee before submitting a formal planning application. The report contains copies of responses received at the time.

1.9 For clarity, there are existing traditional-looking detached outbuildings abutting the south of the existing buildings/sheds for demolition; these buildings are not part of the current application. In respect of these buildings, it is seen that permission was granted on 21/07/09 under reference C04D/0621/39/LL to be converted into 3 holiday units. Evidence was received in the form of a Building Control invoice and work details from a contractor to confirm that work had commenced on these buildings and thereby, protecting the permit itself and keeping it 'live'.

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 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 7 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 2011-26, adopted 31 July 2017

PCYFF 1: Development boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

PS 5: Sustainable development

PS 6: Alleviating and adapting to climate impacts

PS 17: Settlement Strategy

PS 14: The visitor economy

TWR 2: Holiday accommodation

PS 14: Sustainable transport, development and accessibility

TRA 2: Parking standards

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TRA 4: Managing transport impacts

PS 1: The Welsh Language and Culture

PS 19: Conserve and where appropriate enhance the natural environment

AMG 1: Areas of Outstanding Natural Beauty Management Plans

AMG 5: Local biodiversity conservation

PS 20: Preserving and where appropriate enhancing heritage assets

AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens.

AT 4: Protection of undesignated archaeological sites and installations

Also relevant in this case are the following:

Supplementary Planning Guide (SPG): Replacement Dwellings and Conversions in the Countryside

SPG: Maintaining and Creating Distinctive and Sustainable Communities

SPG: Tourist Facilities and Accommodation

2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 – February 2021)

Technical Advice Note 5: Planning and Nature Conservation

Technical Advice Note 6: Planning for sustainable rural communities

Technical Advice Note 12: Design

Technical Advice Note 13: Tourism

Technical Advice Note 20: Planning and the Welsh Language

3. **Relevant Planning History:**

3.1 Application C21/0631/39/TC – Use of Cim, Cim Canol and Cim Bach as three separate dwelling houses – Approved 04/03/22.

Application C21/0632/39/TC – Use of land to locate static caravan for holiday use – Approved 03/03/22.

Application C17/0595/39/TC – Application for existing fixed use certificate of land as caravan storage site – Approved 31/08/17.

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Application C04D/0621/39/LL – conversion of buildings into 3 holiday units – Approved 21/07/09

4. Consultations:

Community/Town Council:

It was stated that it was felt necessary to treat this application as two separate applications due to the Lawful Use Certificate granted in 2021 under which Cim, Cim Canol and Cim Bach were used as three separate dwelling houses and the outbuildings converted into three holiday units in 2004. As a result, the proposed demolition of the three houses and the erection of three replacement holiday units will be supported. However, there is objection to the proposal to create five new holiday units in the countryside due to significant over-development. Cim is located in a secluded area at the far end of Bwlchtocyn at the end of a rural and narrow road in the Llŷn AONB. A huge increase in traffic and congestion is seen on the road during the holiday season and approving this scheme would drastically add to this, along with polluting more of the environment. There is a high percentage of holiday homes in the area as it is, without adding to it by over-developing Cim. There is a greater need to prioritise housing for local people.

Transportation Unit:

The road currently serves a holiday park and a number of houses. I do not believe that traffic generated by a net increase of four units is likely to have a notable impact on the local highway network, on this basis I confirm that the transport unit has no objection to the proposal.

Natural Resources Wales:

We have concerns regarding 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.

Re-consultation

We continue to 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

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application.

Welsh Water:

In our response to the pre-application enquiry, it was noted that it was unlikely that sufficient capacity exists within the public sewerage system to accommodate additional discharges from the proposed development. As such, it has been suggested that either a sewerage pumping station assessment would be required or the developer could consider other options.

Since then, discussions have been held with the developer and although no specific drainage strategy has been submitted, it is deemed reasonable to include a standard condition to agree on an appropriate drainage plan for the site.

Public Protection Unit:

I note that the site will connect to the Welsh Water sewerage system, the applicant will have to ensure that permission is received before development starts.

Demolition work may cause noise and dust problems for nearby residents. It will be necessary to ensure that dust is controlled during demolition and that the applicant has measures in place to control dust if it arises, such as a water bowser.

The applicant should undertake an assessment on the buildings that are going to be demolished to ensure Asbestos is not present. If Asbestos is present, an asbestos assessment will have to be carried out prior to demolition work.

In order to safeguard the area's residents, any demolition and construction work should be undertaken between the hours of 09.00 and 18.00 Monday to Friday, 09.00 and 13.00 on Saturday and not at all on Sunday or Bank Holidays.

Due to the proximity of a historic weapons production and storage site, contamination may affect the land. It is suggested to include a standard condition in order to carry out a desktop investigation to assess the feasible pollution risk on 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 Unit:

Fferm Cim is located in the rural, coastal area of Bwlchtocyn and in the Area of Outstanding Natural Beauty (AONB). The area is also part of the Llŷn and Bardsey Island Landscape of Outstanding

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Historic Interest. The houses, storage buildings and caravan that are the subject of the application are fairly prominent on the landscape. Right of way number 23 Llanengan is nearby and the site is visible from parts of the National Coast Path.

The three houses in question – namely Cim, Cim Canol and Cim Bach – are attached together. It was probably originally one farmhouse but was extended, converted and divided into three living units. The house(s) is now quite a large building that is lacking in character and it does not contribute much to the local environment. It is also noted that the structural condition of the building is quite poor. Demolition of the existing building would not disrupt the AONB but any new building (buildings) would need to be of a size, layout, design and materials that are in keeping with the area and location. The plans submitted for 3 buildings are of a contemporary appearance with a lot of glazing on the front and rear elevations. Although the uses are potentially suitable it does not appear that the buildings would blend in well with the location in question due to the design (see Policy TP6 of the AONB Management Plan).

Those referred to as "storage buildings" are old agricultural buildings. Many of the buildings are unkempt and demolishing them would be a visual improvement to the area. Again, any buildings that would be constructed to replace these buildings would need to blend into the area and location.

There are some aspects of the development that would benefit the environment such as the *cloddiau*, hedges and trees that are intended to be planted. However, priority should be given to native trees, shrubs and plants.

Biodiversity Unit:

Survey findings: There was no trace of bats roosting in any of the buildings and no bats were seen leaving during the survey. Protected species or other protected or distinct habitats were not recorded at the site. Although there was no evidence of bats roosting, there is potential for buildings to contain external roosting features in addition to the roof and they may occasionally be used by bats.

It is therefore advised, as noted in the report, that mitigation measures be taken during demolition works.

There is no potential for roosting bats in the storage buildings and there was no evidence of presence in any of these buildings while investigating. They host nesting birds.

The survey concerned protected species only and no other ecological features such as habitats, reptiles etc. were highlighted. No data research or overall Biodiversity improvements were shown. The

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development is substantial and involves an area measuring 1.7ha.

There is objection to the proposal until a Biodiversity plan is submitted with appropriate features to be included such as the provision of bird nesting habitats.

Land Drainage Unit: Standard response and advice regarding sustainable drainage systems matters.

Licensing Unit: Standard response and advice relating to the need for a separate licence and to ensure that the development is in line with the requirements of legislation relating to caravans.

Archaeological Service: There is a possibility of impact on archaeological remains and an agreement should be reached, through a condition, on an appropriate mitigation programme to ensure that archaeological remains are not lost or destroyed.

Public Consultation: Notices were dispersedly posted on site and nearby sites, an advertisement was placed in the press and nearby residents were informed. The advertising period expired and letters / correspondence were received objecting on the following grounds:

- Inadequate local roads network
- Excess holiday accommodation
- Scale of development/over-development
- Setting a precedent
- Design not fitting with local character/urban design/too modern
- Landscape assessment recognises there would be a significant visual impact from the north
- Will existing caravan storage areas be affected?
- Current use of the site including caravan/storage numbers etc, not in accordance with permissions/breach of planning regulation
- Permission to convert obsolete traditional buildings
- Lack of local infrastructure
- Lack of justification for demolition
- Prominent and sensitive location/harmful visual impact
- An open and elevated location within the AONB and fully visible from the adjacent public footpath

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5. Assessment of the material planning considerations:

The principle of the development

- 5.1 In this case, because there are three elements to the application, it is thought reasonable to consider all three separately to avoid any doubt as to the relevant considerations.
- 5.2 **Cim, Cim Canol, Cim Bach** – these three properties are two-storey buildings located in the western part of the site. As has been proven by granting an application for a lawful use certificate, they are three separate residential houses with no restriction as to their use. The application form identifies them as open market housing and as the use rights of such buildings currently stand, there is no restriction on the right to use them as permanent residential dwellings, second homes or holiday homes to be let within the relevant use class. It is stated that they are intended to be used as holiday units and information has been submitted and evidence is available, that this is the current use. In addition, it will be seen from the planning history, and specifically application C21/0631/39/TC, that comprehensive evidence had been submitted as part of that application including letters from visitors stating that they had used the units since 1991, extensive records showing that the units had been installed as separate holiday units, together with the Community Council's response at the time that the houses were being let to visitors for more than 4 years. The Legal Unit confirmed that the information submitted confirmed that there was sufficient evidence that these buildings had been let to visitors for more than 4 years and based on this, the application was granted.
- 5.3 Therefore, it is reasonable to consider this current application on the basis that the proposal is for a 'like-for-like' development, which is to demolish 3 existing houses and replace them with 3 new houses without any change in the use class of the buildings in question, in accordance with the current situation from the perspective of rights to change within the same use class. Due to the location of these houses in the open countryside, the relevant policy to consider would therefore be policy TAI 13.
- 5.4 Policy TAI 13 of the LDP specifically relates to the reconstruction of housing and sets out a series of criteria that must be complied with (where appropriate) to approve such schemes. The current proposal will be discussed in the context of criteria attached to the policy:
1. Outside development boundaries...,the existing house has a lawful residential use;
- There is no doubt that lawful residential use of the houses remains valid and, therefore, there is no concern in terms of this criterion.
2. The building is not a listed building;
- These existing buildings are not listed buildings.
3. The existing building is of no architectural and/or historical and/or visual special value that would mean it should be retained;
- There are no truly special or unique features to the buildings, they are last century buildings that have been modified over time and are simple in design and scale and convey these type of buildings from the period.
4. Outside development boundaries, it is not possible to retain the existing building through renovation or extension and/or it can be demonstrated that repairing the existing building is not economically feasible;

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A structural survey was submitted by a qualified company as part of the application which confirms that the condition of the buildings is poor. It appears from afar that the buildings appear structurally sound without obvious and significant defects to the condition of the structure and of course, given that the lettings are currently used as holiday units, the current condition is not so defective that no use can be made of them. However, it is quite clear on closer inspection that there are significant defects. It must be recognised that the existing buildings are defective in terms of insulation to current standards and that reconstructing to higher energy efficient standards, would ultimately be better. It is therefore not believed that there is value in preserving the existing building and that sufficient evidence has been submitted to confirm that it would not be economically feasible to renovate or extend it. The proposal therefore meets the requirements of criterion 4.

5. Outside development boundaries, the proposed house does not replace a caravan or a holiday chalet which has lawful residential use;

This part of the proposal does not involve replacing a caravan with a permanent house.

6. Outside the Coastal Change Management Area, a house to be reconstructed should be located within the same footprint as the existing building unless it can be shown that relocating within the curtilage reduces its visual impact and its impact on local amenities;

The new housing would be located over the footprint of the existing buildings.

7. Outside development boundaries, the layout and design of the whole new development should be of a similar scale and size and should not create a visual impact that is significantly greater than the existing dwelling, so that it can be satisfactorily absorbed or integrated into the landscape. In exceptional circumstances, a larger dwelling of good design that does not lead to a substantially greater visual impact than the existing building could be supported;

There would be an increase in the area size of the new houses compared to the existing buildings but, due to the form and layout of the three proposed houses compared to the current layout, in terms of form and appearance they would lead to a significantly larger appearance than the current situation. The proposal, which would be situated in a high and prominent location within the AONB, would affect the local landscape due to its location on its own. In some circumstances, larger dwellings of good design could be supported which does not result in a significantly greater visual impact than the existing building. It is clear that there would be a significant change from the current situation and it cannot be accepted that the proposed design and scale is sufficiently mindful of its location and the context of the site. As a result, it is believed that the proposal as submitted fails to meet the requirements of criterion 7 of the policy (the visual impact is further elaborated in the report).

8. Areas at risk of flooding – Not applicable

9. Building destroyed by accident – Not applicable

10. The new buildings would be built over the footprint of the existing buildings and, therefore, it is inevitable that the existing buildings would need to be demolished to realise the proposal.

11. Due to the site's prominent location and setting within the AONB, it is believed that if the application was acceptable it would be justified to restrict permitted development rights and therefore meet this criterion.

5.5 Therefore, given the above, the Local Planning Authority is satisfied that the principle of the proposal is acceptable in terms of demolishing the existing houses and erecting new houses in their place. However, because of the form and design of the proposed buildings, it fails to meet all

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the criteria of policy TAI 13, specifically criterion 7, the proposal is therefore unacceptable on the basis of policy TAI 13 of the LDP.

- 5.6 **Demolition of existing storage sheds and construction of 4 new holiday units** – the second element to the application is the proposal to demolish existing storage sheds and replace them with 4 new detached two-storey holiday units. It can be seen that there are 4 existing sheds on the site which are approximately 45m away from Cim, Cim Canol and Cim Bach dwellings to the north-east. They are standard buildings for the type of original use they were intended for, namely agricultural and storage use. Although they are relatively large in surface area combined, due to their form and size they are relatively insignificant and are the type of buildings that would be expected to be seen in a rural setting such as this location.
- 5.7 The agent argues that due to the current size and bedspace available in Cim, Cim Canol and Cim Bach, there would be no change in the provision of beds offered on site by combining the number of beds of the three new buildings to replace the three existing houses as well as the 4 new holiday units, which is 48. We do not agree with this argument, as 4 completely new holiday units would change the situation on the site and because the number of beds is not a matter that can be given much weight. The current arrangements of the three houses mean that there is room for 48 at present; this number could reduce or increase if internal re-organisation of the buildings is carried out and there is no guarantee that the 48 are filled with every single booking. Therefore, the element to build 4 new holiday units must be considered as it stands and, therefore, consideration will be given to the requirements of the relevant policy which is policy TWR 2.
- 5.8 Policy TWR 2 permits the development of new permanent serviced or self-serviced holiday accommodation, or the conversion of existing buildings into such accommodation provided the development complies with a series of specific criteria.
- 3i. In the case of accommodation, which is a new build, that the development is located within a development boundary, or makes use of a suitable previously developed site; - the site is located outside any current development boundary but is a previously developed site. The use of this part of the site has been confirmed through permission granted for a lawful certificate (C17/0595/39/TC) to be used as part of a caravan storage site. The buildings were originally for agricultural use and over time they have changed to storage use linked to the caravan storage element. Although it does not appear there is a specific reference to the building in the certificate application, they have been included within the red line of the area permitted for *"the use of land for storing touring caravans, boats and tractors"* and it can therefore be considered as previously developed land.
- 3ii. The scale of the proposed development is appropriate given the site, location and/or dwelling in question; - It is not believed that the difference between the scale of the site, i.e. the existing buildings and the proposed is insignificant given the form and appearance of the existing and the proposed. There would be an obvious difference between the scale and form of what exists now and what is being proposed. The proposal, therefore, fails to meet the requirements of this criterion. (the visual impact is discussed further on in the report)
- 3.iii. That the proposal will not result in a loss of permanent housing stock; - The proposal will not result in a loss of permanent housing stock.
3. iv. It is not believed that the proposal could cause significant harm to the residential character of the area as there are no residential houses directly adjacent to the site, the existing houses are

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dispersed and some distance from the location of the proposed development, and therefore the proposal is not considered contrary to the requirements of criterion iv.

3.v. The development does not lead to an over-concentration of such accommodation in the area; - Paragraph 6.3.67 of the LDP expands on criterion 'v' of the policy and confirms that there are concerns about over-provision of self-serviced accommodation in parts of the Plan area, and this may mean that providers and operators may not receive the income anticipated from what could be presumed to be a significant investment. Obviously, neither national policy nor this policy intends for this policy to lead to an excessive concentration of this type of holiday accommodation in a specific location which could result in businesses failing.

To this end, paragraph 6.3.67 confirms that applicants will need to submit a detailed business plan to show the robustness of the proposed plan, and this would be a means for the Council to assess whether the proposal had a realistic hope of being viable. A Business Plan was not submitted in this case as it is deemed there will be no difference in the number of beds provided. As already noted, we do not agree with this argument and it should also be recognised that the number of units is changing and the type of provision is changing, therefore; this type of information is necessary to explain the background and vision of the proposal and to ensure there is a market for this type of use (paragraph 6.3.67 of the JLDP). No reference is made to specific figures or evidence regarding the established business and what is anticipated and there is no comparison with other established businesses within the area. Consequently, it is not considered that the proposed development meets with the needs of criterion 'v' of policy TWR2 as there are no details regarding the current provision in the local area, analysis and examples of the competition, and an explanation of how the business would compete with them and be able to respond to a demand that cannot currently be satisfied. Therefore, it is not believed that sufficient evidence has been submitted, and on this basis, it is not considered that the proposed development meets with the needs of criterion 'v' of policy TWR 2.

Furthermore, the Supplementary Planning Guidance: Tourist Facilities and Holiday Accommodation (March 2021) notes that favourable consideration should not be given to applications for holiday accommodation when 15% or more of the housing stock is in holiday use (including second homes and dedicated holiday accommodation). In accordance with Council Tax figures (01/07/24), the figure of second homes and holiday accommodation in the Llanengan Community Council is 48.1%, therefore the numbers within the Community Council area are substantially higher than the 15% threshold noted in the SPG.

5.9 In accordance with the guidance included in the SPG, as there are 48.1% second homes/holiday accommodation in the Llanengan Community Council area the threshold in terms of numbers of second homes has been significantly surpassed. Therefore, it is considered that the proposal does not comply with this element of the relevant SPG or criterion v of policy TWR 2.

5.10 **Relocating a holiday caravan** - Policy TWR 3 approves proposals to improve existing static and chalet sites within the AONB by relocating units from prominent settings to less prominent locations. The caravan is currently located between existing buildings and although visible from some directions, the buildings that surround it reduce its visual impact. The proposal involves relocating the caravan to the eastern side of the site above the row of proposed new holiday units. The caravan is on a smaller scale than the holiday units and will be screened from the west, however it is considered that the site is much more open than the current situation and it will not be in a less prominent location. Therefore it is considered that the proposal is contrary to criterion 3 of policy TWR 3. Policy TWR 3 also asks for the proposal to be suitable in the context of other policies in the plan. Given that redeveloping the entire site is not supported, this element is not approved under policy TWR 3 either.

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Visual amenities

- 5.11 The location of the site is prominent within a relatively open area and is entirely visible from the public footpath which is also part of the nearby Wales Coast Path. The existing buildings of Cim, Cim Canol and Cim Bach are houses, although now 3 separate units in terms of use and despite the changes made over the years, which appear as a single farmhouse, especially from a distance, which can be expected in the countryside. It seems that this was the original use, namely a single farmhouse. It now gives the impression of a rather large building with no character that does not contribute to the local environment to any specific extent. Demolishing the existing building would not be a loss in appearance however, any new building or buildings must be of a size, layout, design and materials that are in keeping with the area and location.
- 5.12 The submitted plans show 3 buildings of a contemporary and urban appearance with stand-out elements of mainly glazing on the front and rear elevations. Although the uses are potentially suitable it does not appear that the buildings would blend in well with the location due to the layout, form and design which appear as three new detached houses. It is considered that this visual impact is significantly different to the existing situation that would cause a harmful visual impact on the local landscape.
- 5.13 Similarly, the storage buildings that are to be demolished are considered to be practical and up to standard for what is deemed to be their original use, namely agriculture. Nevertheless, they do not make a contribution of significant value to the appearance of the local area and therefore losing them would be of no concern. However, the proposal for their replacement would change the appearance significantly and introduce an urban and alien appearance to the site. The 4 holiday units are detached two-storey buildings that are not in keeping and do not reflect elevations that would be more suitable for a site like this in the countryside, namely a design that would blend in with what is considered a traditional outbuilding appearance. There is an example of this nearby with a series of stone buildings that have been granted permission to be converted to holiday units.
- 5.14 From the observations received, we see that the AONB unit has some concern about aspects of the proposal. Nevertheless more comprehensive observations were received from NRW in its role as a statutory consultee which provides advice on applications that are likely to affect the purposes of National Parks or Areas of Outstanding Natural Beauty.
- 5.15 Despite the information submitted in the form of a Landscape Visual Impact Assessment, it is apparent that the situation would change when comparing the existing situation with the proposal. In response to concerns highlighted by NRW, an update and/or additions have been included in the landscape assessment and it is argued that the impact especially from broader locations is likely to be an improvement given the site's existing elevations and the proposed landscape would be an improvement to the nearby area also. What is also striking from the assessment is that it recognises that the development would be prominent from the public footpath and by implementing the development there would be a significant visual change in the landscape especially when viewing it from the north.
- 5.16 Due to concerns highlighted in NRW's original observations, additions were made to the visual assessment. In their response to the latest changes, NRW continues with its concerns due to the lack of information to support the proposal and therefore has stated that unless it receives further information it will object to the Planning application. It highlights the defects in the latest

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assessment and suggests where the information could be improved or at least elaborated especially the sections that are defective in NRW's opinion.

- 5.17 However, it is obvious there are fundamental concerns about the proposal in its submitted form as it does not convey the general agricultural character of the site and its context. NRW goes on to note that the new buildings would have an urban form and character that would not blend into the rural character and would be visible against the skyline when looking at the site from the nearby public footpath/coastal path. There would not be a realistic option of reducing or mitigating the impact by including landscaping measures and this is confirmed within a photomontage that has been submitted.
- 5.18 The Local Planning Authority reiterates this opinion and notes that the proposal as submitted is not considerate enough of the site and the context of its location. The advice in TAN 12 refers to matters such as external appearance and design noting *"this means the aspects of a building or place within the development which determine the visual impression of the building or place makes, including external built form of the development, its architecture, materials, decoration, lighting, colour and texture."* It must be borne in mind that the main objective of the AONB designation is to protect and enhance the natural beauty of the landscape. It is crucial that any development schemes that affect the AONB or its setting favours safeguarding the area's natural beauty.
- 5.19 It is not believed that the proposal can be approved without entirely reconsidering the layout, form and design of the buildings and therefore it is not believed that the proposal as submitted is acceptable and is therefore contrary to the relevant requirements of criterion 7 of policy TAI 13, criterion 3ii of policy TWR 2, criteria 1, 2 and 3 of policy PCYFF 3 along with section 2.6 of Technical Advice Note 12: Design which notes that design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities. Nor is it considered that the scheme would protect or enhance the AONB and it is not considered that any economic benefit resulting from the scheme (which has not been established in the absence of a business plan) would outweigh the harm to the landscape and is therefore contrary to policy PS19.

General and residential amenities

- 5.20 As already noted, the site is not within an established residential area and therefore it is not believed there would be an apparent harmful impact on local residential amenities. It is acknowledged that the current use of the main buildings is for holiday units and that the use of an extensive part of the site is linked to storing caravans and therefore it is believed there is already an element of disruption in relation to these uses. The proposed application would not change the situation to a significantly detrimental extent and therefore it is not believed that it would be contrary to the relevant requirements of PCYFF 2 which relates to this specific consideration.

Transport and access matters

- 5.21 In their response to the public consultation, the Transportation Unit confirms that it is not of the opinion that the traffic generated by a net increase of four units is likely to have a notable impact on the local roads network. That is, the current use is established on the site and there would be a relatively small increase as a result of the proposal given the proposed use and the existing use.
- 5.22 It is acknowledged that the area's public roads are narrow and there is pressure in terms of use during busy times. However, having considered the proposed change in numbers along with the

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observations and the guidance of the Transport Unit, it is not believed that the proposal is entirely unacceptable on the basis of this element and that it is in accordance with the relevant requirements of policies PS 14, TRA 2 and TRA 4.

Language Matters

- 5.23 In accordance with the Planning (Wales) Act 2015, it is a duty when making a decision on a planning application to consider the Welsh language, where it is relevant to that application. This is reiterated further in para 3.28 of Planning Policy Wales along with Technical Advice Note 20. The Supplementary Planning Guidance (SPG) 'Maintaining and Creating Distinctive and Sustainable Communities' (adopted July 2019), provides further guidance on how it is expected for Welsh language considerations to be incorporated in each relevant development. It is noted that there are some specific types of development where it will be required for the proposal to submit a Welsh Language Statement or a Welsh Language Impact Assessment. The thresholds in terms of when it is expected to submit a Statement/Report have been highlighted in policy PS1 of the LDP and Diagram 5 of the SPG.
- 5.24 It does not appear that the proposal reaches the threshold where it is mandatory to submit a Welsh Language Statement, however consideration has been given to the Welsh language when drawing up the proposal as can be seen in the Planning Statement submitted with the application. It notes that the development would be run by a local family business which already operates a number of sites across the area and employs local Welsh speakers. They use local contractors and it is intended to continue with this in order to protect local jobs and to enable these workers to remain in their own area.

Biodiversity matters

- 5.25 No evidence was found of bats roosting in any of the building and no bats were seen leaving the buildings during the dusk survey. No protected species or notable habitats were seen on the site. Nevertheless, there is potential for such buildings to be used and therefore should the application be acceptable in all other aspects, it would be reasonable to include a condition to ensure that the recommendations of the ecological report are followed and that suitable improvements are submitted and agreed.
- 5.26 As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), Cyngor Gwynedd, before deciding to give consent for a project which is likely to have a significant effect on a Special Area of Conservation (SAC), either alone or in combination with other plans or projects, make an appropriate assessment of the implications of the project for that site in view of its conservation objectives and that those proposals will not lead to a detrimental impact on the SAC.
- 5.27 The Biodiversity Unit confirms that the development would not lead to the loss of habitats related to the Special Area of Conservations (SAC) or other protected areas nor would it affect the species related to these sites. It is therefore accepted that the proposal is acceptable and in accordance with the relevant requirements of Policies PS 19 and AMG 5.

Archaeological Matters

- 5.28 It can be seen from the Archaeology Service's response there is potential for archaeological features on the land. The Archaeological Service suggests including standard conditions to carry

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out a further inspection of the site. It is believed that including standard conditions to ensure that the appropriate inspection is held is entirely reasonable in this case, and therefore, it is believed that the relevant requirements of policies PS 20 and AT 4 are met.

Response to the public consultation

- 5.29 It is acknowledged that 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 material planning considerations including the relevant observations received during the public consultation and that no one was let down when considering this application.

Any other considerations

- 5.30 It is believed that the site's specific form and layout must be considered in the context of development and seek a proposal that is uniquely tailored to the site rather than a standard proposal. No rationale has been submitted to sufficiently discuss why this proposal is the best for the site, for instance, it is not known whether any other options were considered before arriving at this final plan.
- 5.31 Also, although it is not a statutory requirement, no pre-application enquiry was submitted to obtain 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 a regulatory role....."*

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 and the additional information submitted by the agent, 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 the application for the following reasons:
1. It is not considered that the design of the proposal, in terms of layout, scale and appearance adds to enhancing the character and appearance of the site context neither does it fully integrate within the context of the adjacent rural area nor its prominent location in the landscape. It also fails to protect and improve the natural beauty of the landscape of outstanding natural beauty. The proposal is, therefore, contrary to the requirements of criterion 7 of policy TAI 13, criterion 3ii of policy TWR 2, criteria 1, 2 and 3 of policy PCYFF 3 and policy PS 19 of the Anglesey and Gwynedd Local Development Plan, 2018 along with relevant advice provided in section 2.6 of Technical Advice Note 12: Design, which notes that design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.

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2. The element of the proposal to construct 4 new holiday units on this site as part of this proposal is considered unacceptable as there is an excess of this type of accommodation in the local area and no Business Plan was submitted to support the proposal. Specifically, no information/evidence was provided regarding the current provision of this type of accommodation within the local area, no detailed analysis of the local market is given nor a strategy showing how the development would compete with established enterprises. A high number of holiday accommodation or a concentration of holiday accommodation in a specific area can have a detrimental impact on the social fabric of those communities with the Supplementary Planning Guidance: Tourism accommodation and facilities clearly stating that favourable consideration should not be given to applications for holiday accommodation if 15% or more of the housing stock is in use for holiday purposes. Current figures note that there are 48.1% of second homes and Holiday units within the Llanengan Community Council area (01/07/24), it is therefore considered that the proposal is contrary to the requirements of criteria 3v of Policy TWR 2 of the Gwynedd and Anglesey Joint Local Development Plan 2011-2026 and the requirements of the Supplementary Planning Guidance: Tourism Accommodation and Facilities (2021).
3. It is considered that the proposal to relocate the static holiday caravan is contrary to policy TWR 3 as it will not be located in a less prominent location.