

PLANNING COMMITTEE	DATE: 21/10/2019
REPORT OF THE SENIOR PLANNING SERVICE AND PUBLIC PROTECTION MANAGER	CAERNARFON

Number: 1

Application Number: C19/0556/21/LL

Date Registered: 12/06/2019

Application Type: Full - Planning

Community: Llanllechid

Ward: Arllechwedd

Proposal: Change of use of agricultural building into a boat engine mechanic workshop (Use Class B1)

Location: Fferm Talybont Uchaf, Tal y Bont, Bangor, Gwynedd, LL573YW

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is an application to convert the existing agricultural building into a boat engine mechanic workshop. The proposal involves using the building mainly to repair and service boat engines, together with storing maritime equipment mainly for on-line sales. The business will employ nine full-time members of staff with the intention to serve up to five customers a day (who will attend the site via appointment only). There would be five parking spaces for customers on the site, five specifically for staff and seven separate spaces for general parking. There would also be a specific space to store up to four boats on the site. The Planning Statement submitted states that up to five goods / boat deliveries will be expected to the site every week during the summer, with less in the winter.
- 1.2 The site stands near the buildings of the former Tal y Bont Uchaf farm, these comprise a substantial house, annexe and outbuildings and a (Grade II) listed building dating from the 19th century. Access from the public road is along a private track with approximately 120m of this being a public footpath. The building is in a rural area approximately 1.2km east of the development boundary of the Local Village of Llandygai, as defined by the Anglesey and Gwynedd Joint Local Development Plan.
- 1.3 This is a retrospective application as the use of the building has already commenced.
- 1.4 The following information was submitted in support of the application:
 - Planning statement
 - Initial Bat Report
 - Noise Assessment
- 1.5 This application was discussed at the Planning Committee on 23/09/19 when a decision on the application was deferred in order to undertake further assessment on the impact on amenities of the local area from traffic using the site. Further discussions regarding transportation matters are on-going with the applicants and this will be reported to the Committee.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act, and in making 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. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

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2.3 Anglesey and Gwynedd Joint Local Development Plan. (July 2017)

PCYFF 2: DEVELOPMENT CRITERIA
PCYFF 3: DESIGN AND PLACE SHAPING
TRA 2: PARKING STANDARDS
TRA 4: MANAGING TRANSPORT IMPACTS
CYF 6 :RE-USE AND ADAPT RURAL BUILDINGS OR A RESIDENTIAL UNIT FOR BUSINESS USE OR CONSTRUCT NEW UNITS FOR BUSINESS / INDUSTRY
PS 13 : PROVIDING OPPORTUNITY FOR A FLOURISHING ECONOMY
PS 20 : SAFEGUARDING AND ENHANCING HERITAGE ASSETS

2.4 National Policies:

Planning Policy Wales, Edition 10, December 2018
TAN6 - Planning for Sustainable Rural Communities
TAN 24 - The Historic Environment

3. Relevant Planning History:

None

4. Consultations

Community/Town Council:

Object:

- Concern that the development had occurred without applying for planning permission beforehand
- Concern that local residents were not notified of the proposal beforehand
- The increase in traffic is much more than what has been noted as the traffic level in the planning application.
- The nature of the traffic is a matter of concern with delivery vans speeding on the road and heavy lorries finding it very difficult to turn into the farm and to drive along the track.
- There is doubt about the suitability of the site for this type of substantial business.
- The track that leads from the road to the farm is part of a public footpath. There is not enough room on this track for a pedestrian and a van/lorry to pass each other.
- The road where the access to the farm exists is part of National Cycle Path No. 5, and is one of the most popular cycle paths in north Wales.
- There is no limit on how this business may grow in the future.
- It is considered that the site does not offer itself to retail.
- There are several vacant industrial units within four miles of the site.
- According to the experience of local residents the development causes significant negative impact.

Transportation Unit:

No objection

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Welsh Water: No observations to offer

Natural Resources
Wales: State concern about the disposal method for foul water from the site and request further information regarding the drainage scheme.
(A request was made to the applicant for the required information and we will report further on this at the Committee).

Biodiversity Unit: No biodiversity concerns.

Cadw: No observations to offer

Public Protection: Not received

Public Consultation: A notice was posted on the site and the neighbours were consulted. The advertising period has expired and the following observations were received objecting to the proposal on the grounds of material planning matters:

- Concern regarding lorries transporting boats / large loads to / from the site
- The access road is unsuitable for heavy vehicles and causes a danger to footpath users
- The public road, that is part of the National Cycle Network, is not wide enough to cope with heavy traffic.
- The retail element causes concern in terms of attracting additional traffic
- That there is already a significant increase in traffic as a result of additional staff journeys and goods/boats transported to the site
- The development is detrimental to the amenities of nearby residents.
- The development is detrimental to the viability of other uses nearby and is therefore contrary to policy CYF 6 of the LDP.

The following observations were also received; these are not material planning considerations:

- That vans and lorries speed on the public road
- No transport assessment was presented
- There is concern that the business will grow and expand on the site
- No consultation was undertaken with the community prior to submitting the application
- That the increase in traffic was damaging to the condition of the public highway
- A claim that a goods vehicle had already caused an accident on the nearby road

The suppliers / customers do not follow the owner's directions on how to get to the site in the safest way

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5. Material Planning Considerations:

The principle of the development

- 5.1 It is a requirement that planning applications be determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case.
- 5.2 Strategic Policy PS 13 of the LDP aims to facilitate economic growth by supporting many aspects of the local economy including supporting the economic prosperity of rural communities by facilitating growth on an appropriate scale by re-using existing buildings. This proposal would re-use a rural building in order to establish a business venture and, as discussed below, it is deemed that the scale of the development as proposed in the planning application is appropriate for the site, therefore, the proposal meets with the principle of this policy.
- 5.3 Another fundamental policy consideration is Policy CYF 6, which encourages the approval of proposals to re-use and convert rural buildings for business use provided they conform to criteria. These include:
1. *The building is structurally sound;*
No structural report was submitted with the application, however, it is obvious from the site visit that the building is in a good condition and is suitable for conversion for another use.
 2. *The scale of any extension is necessary and of reasonable size;*
No extension is part of this application.
 3. *The building is suitable for the specific use*
This is a building that was used in the past for agricultural purposes, and its size and design are completely suitable for a new use in Class Use B1 (light industry) that include elements such as repairing boat engines.

Visual, general and residential amenities

- 5.4 Generally, policies PCYFF 2 and PCYFF 3 of the Joint Local Development Plan approve proposals for new developments provided they do not have a detrimental impact on health, safety or the amenities of the residents of local properties or on the overall area.
- 5.5 The two main elements of the development that could have an impact on the amenities of neighbours are noise and transportation and these are discussed below:

Noise

- 5.6 A noise report was submitted with this application and concludes that the workshop does not cause significant harm to neighbours' amenities in terms of noise. However, the report mainly focuses on private property beyond Tal y Bont Uchaf farm land, but at the time of submission the boat business operator did not own the farmhouse and the outbuildings at Tal y Bont Uchaf farm (that have planning permission for conversion into holiday units) and, in considering the proximity of the workshop to these buildings

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there is a strong potential of detrimental impact on that property from this development. Having said that, the applicant is in the process of buying Fferm Tal y Bont Uchaf and the associated buildings and if this went through, it would be a matter for the owner to control the noise in order that it does not have an impact on his own property. Therefore, it is deemed that if planning permission is approved then a condition should be imposed to tie the planning permission to the owner/ occupier of Fferm Tal y Bont Uchaf only. In doing this, it is accepted that there would be no danger of harm to neighbours due to noise.

Transportation

- 5.7 The Transportation Unit had no objection to the proposal and stated that it was not assumed that the development would not have a detrimental impact on any road. However, it is noted that considerable objection has been received from the local community claiming that the increase that has already occurred with traffic is already harmful to road safety and local amenities.
- 5.8 In considering the previous use of the building for agricultural purposes, there is nothing to prevent substantial vehicles/machinery from coming and going to the site for that purpose. In addition, when considering the limited nature of the site, it is not believed that there is sufficient space to expand the business beyond its existing boundaries and therefore the size of the site itself will limit the amount of traffic. It is accepted that there is potential for the operator to ask for an extension to the business site in the future, especially when he becomes the owner of the adjacent buildings, however, any extension would require planning permission and the implications of this can be considered if, or when this occurs.
- 5.9 It is however, accepted that there is potential for some increase in the use made of the public road and it is not unreasonable to expect an increase or change in traffic due to new developments and, in considering that the Transportation Unit is not concerned about the impact of traffic and the likely movements from this development on highway safety, it is considered that there is no justification to refuse the application for this reason.
- 5.10 It is considered that the application meets with the requirements of policies TRA 2 and TRA 4 of the LDP that deal with parking arrangements and vehicular access, and it is not considered that the detrimental impact from transportation on the amenities of nearby residents would not be so bad as to justify refusing the application for a development of this scale.
- 5.11 In considering the above discussion, it is deemed that the nature and scale of the development as described in the planning application is acceptable under the requirements of policies PCYFF 2 and PCYFF 3 of the LDP in terms of its impact on the amenities of the neighbourhood.

Other Planning Matters

- 5.12 Natural Resources Wales raised concerns regarding the proposed arrangements to dispose of foul water, as shown in the application. A response is awaited to the issues raised by the applicant and the matter will be further reported upon to the Committee. Having said that, this is a matter of ensuring an acceptable private arrangement for the development and it is unlikely that no acceptable technical solution can be reached in the end.

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- 5.13 In addition, the site is near a Listed Building and Policy PS 20 of the LDP requires that consideration is given to the setting of such heritage assets. In this case, the building already exists, outside the farmyard and is hidden from the main house by other outbuildings. Therefore, it is not believed that there would be any harm to the listed building setting if the development is kept at the current scale.

6. Conclusions:

- 6.1 Having weighed-up the proposed development and considered all the material planning issues, including observations received during the consultation process, it is considered that the plans submitted can be approved as there would be no unacceptable harm deriving from the development to the neighbours' amenities or to the wider area.

7. Recommendation:

- 7.1 To approve the application subject to the following conditions:

Five years

Development to comply with the approved plans.

Restrict the use to Class Use B1 (light industry) only

The business to be managed by the owner / occupier of Fferm Tal y Bont Uchaf only

Not open to the public or to receive supplies outside the hours of 08:00 - 16:30 (Monday to Saturday only)

Natural Resources Wales condition(s) as required

Note - Natural Resources Wales (as required)