

PLANNING COMMITTEE	DATE: 15/01/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION UNIT MANAGER	CAERNARFON

Number: 5

Application Number: C17/1090/45/LL

Date Registered: 20/11/2017

Application Type: Full - Planning

Community: Pwllheli

Ward: Pwllheli South

Proposal: Demolish existing covered boat storage area and workshop following storm damage and construct a new workshop and boat storage area

Location: Partington Marine Boatyard, Yr Harbwr, Pwllheli, LL535AY

Summary of the Recommendation: TO APPROVE SUBJECT TO CONDITIONS

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1. Description:

- 1.1 This is an application to construct a new workshop and boat storage area following storm damage. Because the previous building on site was in a dangerous structural condition, that IT has since been demolished. The building would measure 46.2 metres in length and 16.5 metres in width. One end of the building would measure approximately 8.3 metres to the ridge and the other end would measure approximately 5.3 metres to the ridge. It is intended to finish the building with profile sheets of grey steel and the external walls would be a combination of blue coloured steel profile sheets and timber boards.
- 1.2 The site lies within the Pwllheli development boundary and within the Landscape of Outstanding Historic Interest. The site is located in the Pwllheli outer harbour area, an area in which a number of boat yards and workshops are to be found. To the east is a static caravan site. An unclassified road serves the site. Pen Llŷn a'r Sarnau Special Area of Conservation and Mynydd Tir y Cwmwd and the Shores toward Gimblet Rock Site of Special Scientific Interest are located approximately 54 metres away from the site to the south.
- 1.3 The application is submitted to Committee as it falls within the category of a commercial, industrial or retail development over 500m².

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 2.3 **Gwynedd and Anglesey Joint Local Development Plan 2011-26 adopted 31 July 2017**

TRA 2 - Parking Standards

TRA 4 - Managing transport impacts

PCYFF 1 - Development boundaries

PCYFF 2 - Development Criteria

PCYFF 3 - Design and Place Shaping

PS 13 - Providing opportunities for a prosperous economy

CYF 6 - Re-use and adapt rural buildings or a residential unit for business use or construct new units for business/industry.

PS 19 - Conserving and enhancing the natural environment

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

2.4 National Policies:

Planning Policy Wales, Edition 9, November 2016.

Technical Advice Note 23: Economic Development (2014)

3. Relevant Planning History:

3.1 2/25/56 – Extending the quay to create and an additional hard floor - Approved 26 March 1975.

3.2 2/25/56A - Extension to a storage area - Approved 25 March 1975.

3.3 2/25/56B - Mast and general store - Approved 4 March 1977.

3.4 2/25/56C - Extension to a riggers' shop - Approved 1 June 1979.

3.5 2/25/56D - Paint shop within an existing boat shed - Approved 30 March 1981.

3.6 C98D/0384/25/R3 - Erect a fence - Approved 21 December 1998.

3.7 C99D/0367/45/LL - Revised application to erect a fence - Approved 19 November 1999.

4. Consultations:

Community/Town Council: A unanimous decision was made that there was no objection to this application.

Transportation Unit: No recommendation as it is deemed that the proposed development would not have a detrimental impact on any road or proposed road.

Natural Resources Wales: No objection to the application but observations were submitted regarding the following:

Protected sites

The site is close to the following protected sites:

- Pen Llŷn a'r Sarnau Special Area of Conservation
- Mynydd Tir y Cwmwd Site of Special Scientific Interest and the Shores towards Gimblet Rock.

We declare that Regulation 63 of the Habitats and Species Conservation Regulations 2017 (as amended) is relevant to this proposal and you should conduct a test of likely significant impacts on the Special Areas of Conservation listed above. We can help you come to a

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conclusion about the likely significant impacts. If that assessment concludes that a significant impact is likely, we can also advise on the appropriate further assessment that will be required under the regulations.

The Wildlife and Countryside Act 1981 (as amended) places a duty on public authorities when carrying out their duties, as far as it is likely to affect features of flora, fauna, geological or physiographical of Sites of Special Scientific Interest, to take reasonable steps which are in keeping with appropriately conducting their duties, to develop conservation and the improvement of those features.

In satisfying the requirements in terms of Special Areas of Conservation as stated above, it is likely that the requirements for the Site of Special Scientific Interest will also be satisfied.

Protected species

It is recommended that the Council's ecologist be contacted to decide whether there is a need to carry out a protected species survey.

Managing the Environment

Advice when building close to a watercourse and when excavating waste or building waste.

Welsh Water:

Note that a sewage pipe is located close to the site. Recommend a condition regarding surface water / land drainage. Provide standard advice regarding contact with the public sewer and that not all sewage pipes / drains are shown on their records.

Public Protection Unit:

Not received.

Biodiversity Unit:

The site is already industrial; therefore, there is no wildlife interest on the site itself. The intention is to continue an activity that already takes place on the site once the development has been completed, thus, activity will not intensify.

Natural Resources Wales has requested that we carry out a Habitat Management Assessment to ensure that there is no substantially negative impact on the Pen Llŷn a'r Sarnau Special Area of Conservation.

The only possible source of impact is if materials are released into the estuary during the process of demolition and construction. In fact, Natural

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Resources Wales is concerned that the activities could cause suspended solids to flow into the river and onward to the European site. The developer is advised to follow the directions within Advice Note Pollution Prevention 5 "Maintenance work in water or close to water". Through agreeing to follow the above directions in the planning permission, the risk to the European Site will be substantially reduced, and we can be confident that the development will not have a negative impact on the features or the processes of the Special Area of Conservation.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period has expired and no response was received.

5. Assessment of the material planning considerations:

Principle

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 adopted 'Development Plan' is the Gwynedd and Anglesey Joint Local Development Plan (LDP) and in this case the main relevant policy relating to the principle of this plan is Policy CYF 6, which encourages proposals for building new units for business / industry as far as a series of criteria can be met. These include:

1. *That the scale and nature of the development is acceptable given its location and size of the building in question:*

In this case, given that this is a site within an existing industrial estate which includes a number of buildings of a similar size, it is considered that this development is completely suitable for the location.

2. *That the development would not lead to a use that conflicts with nearby uses or has an impact on the viability of similar uses nearby*

There would be no significant change in the nature of the use of the site, and there is no likely impact on other nearby land uses.

5.2 Another fundamental policy consideration is Strategic Policy PS 13 of the LDP which aims to facilitate economic growth by supporting various aspects of the local economy, which includes supporting the economic prosperity and sustainability of rural communities by facilitating appropriately scaled growth. This is a plan to construct a new building on a site where a similar building stood until very recently. That building had to be demolished because of its dangerous condition following the storms in October this year. The proposal is considered to be of an appropriate scale for its site within an existing development boundary; the proposal is, therefore, considered to be in accordance with policy PS 13 of the LDP.

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- 5.3 When considering the above, it is considered that the principle of this development is consistent with the Joint Local Development Plan's strategy.

Location, Design and Visual Effect

- 5.4 Generally, policies PCYFF 2 and PCYFF 3 of the Joint Local Development Plan approve proposals for new developments provided that they do not have a detrimental impact on health, safety or the amenities of the residents of local properties or on the overall area. In addition, developments are required to:

- Contribute to, and improve, the character and appearance of the site
- Respect the site and surroundings in terms of their location in the local landscape.
- Use appropriate materials

- 5.5 Because of its location at an existing industrial location it is not considered that the building will harm the appearance of the site or disrupt the visual amenities of the area in general. It is also considered that the design of the proposed development will be in keeping with the location. It is also considered that the materials to be used on the exterior and roof of the building are suitable for such a building as this. It is not considered that the building would cause significant harm to the built quality of the local neighbourhood and, consequently, it is considered that the development is acceptable under Policies PCYFF 2 and PCYFF 3 of the LDP as they relate to these matters.

- 5.6 The site lies within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest. The proposal involves constructing a building in stead of a building that has previously been demolished and, in terms of its location and size, it is considered that the impact of the proposal would be local and that it would not have a broader impact on the historical landscape. It is therefore considered that the proposal is acceptable in terms of Policy AT 1 LDP.

Visual, general and residential amenities

- 5.7 Because of the location, design and size of the building, it is not considered that there would be any significant harmful impact to private amenities or the amenities of the neighbourhood in general arising from the development and therefore it would be acceptable under Policies PCYFF 2 and PCYFF 3 in relation to amenities.

Transport and access matters

- 5.8 The transportation unit had no objection to the proposal. The proposal involves erecting a workshop and storage area instead of a building that previously stood on the site and, in fact, there is no real difference in the use of the site or the traffic that will flow in and out of the site. Given the above, it is considered that the proposal complies with policies TRA2 and TRA 4 of the LDP.

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Biodiversity Matters

- 5.9 Pen Llŷn a'r Sarnau Special Area of Conservation and Mynydd Tir y Cwmwd and the Shoreline up to Gimblet Rock Site of Special Scientific Interest are not far from the site. Natural Resources Wales stated that they had no objection to the application but recommended that likely significant impact be tested. The Biodiversity Unit also presented observations and these observations state that there is no wildlife interest on the site itself and that the proposal would continue with the current activity. Observations by the Biodiversity Unit also state that the only possible impact on the designated areas is if materials are released into the estuary during the demolition and construction process and the Unit recommends that a condition be imposed on the consent to complete the work in accordance with the Council Pollution Prevention Advice 5 guidances - Maintenance work in water or close to water. This cannot be included as a condition but a note can be put on the consent to follow these guidances. In so doing, it is believed that the proposal will not have a negative impact on the features or the process of the Special Area of Conservation. It is, therefore, considered that the proposal is not likely to have an impact on the designated sites and that the proposal is acceptable in respect of Policy PS 19 of the LDP.

6. Conclusions:

- 6.1 It is considered that the use, design and proposed materials are acceptable and that they will not impact the amenities, character or appearance of the site, or the surrounding area. All material considerations have been addressed when determining this application; however, this has not changed the recommendation.

7. Recommendation:

- 7.1 To approve – conditions:
1. Commencement within five years.
 2. Development to comply with the submitted plans.
 3. Agree to the exact colours of the exterior materials.
 4. No surface water and/or land drainage to connect with the public sewer.

Notes

1. Welsh Water
2. Natural Resources Wales
3. Carry out the work in accordance with the Advice Note Pollution Prevention 5 "Maintenance work in water or close to water".