

PLANNING COMMITTEE	DATE: 19/03/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

Number: 6

Application Number: C17/1143/18/LL

Date Registered: 22/11/2017

Application Type: Full - Planning

Community: Llanddeiniolen

Ward: Bethel

Proposal: Change of use of forestry shed and compound into a storage and maintenance unit for portable site offices and toilet units together with creating a new access (part-retrospective application).

Location: Parc Nant y Garth, Seion, Llanddeiniolen, Gwynedd, LL564QU

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

PLANNING COMMITTEE	DATE: 19/03/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

1. Description:

- 1.1 This is a part-retrospective application to use the site and existing structures to keep and repair mobile site offices along with toilet units in the form of *portaloos* and *portacabins*. This latest application involves closing up the existing access/driveway to vehicles with a 1.5m high fence along with landscaping, although pedestrian access will be required in order to undertake maintenance work to the existing electrical equipment. The existing access is located off a class III county road and adjacent to A residential property known as Rhos y Wylfa. The existing building (with a floor surface area of 615 metres square with a height of 6.4m to the ridge) would be used for an office, storage area and open space to undertake maintenance work to the mobile structures. The open area to the north of the building would be used for staff parking requirements (x4), a turning space for heavy vehicles and for keeping the structures outdoors. A part of the site is already being used for outdoor storage purposes.
- 1.2 The new access will be created off the class II county road (B.4547 Ffordd Nant y Garth) with a 6m wide driveway and crushed slate surface connecting the site to the county road. This work will involve felling some broadleaved mature trees with the intention of re-planting trees along the existing driveway that serves the site.
- 1.3 The proposal will involve using the site as an overflow site for the applicant's existing site which has been located to the north of the application site on a holding known as Fferm Garth Fawr. Heavy vehicles/lorries used to carry structures are parked on this site and no foul water will be stored there either. The heavy vehicles will continue to park in Garth Fawr and foul water will continue to be transferred from Garth Fawr by tankers.
- 1.4 The site was originally developed as a barn for agricultural and forestry use back in the early 90s without any restrictions on working times, movements in and out of the site, as well as noise levels. The site is located to the north-west of the settlement of Seion and within a clearing in a forest known as Parc Nant y Garth. The site is located in open countryside although it is screened from nearby public rights of way. The forest surrounding the application site has been included on the List of Wildlife Sites as a Coniferous Forest.

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 2011-2026 adopted 31 July 2017 (LDP):-**

Policy TRA2 - parking standards.

PLANNING COMMITTEE	DATE: 19/03/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

Policy TRA4 - managing transport impacts.

Policy PCYFF12 – development boundaries.

Policy PCYFF2 - development criteria.

Policy PCYFF3 - design and place shaping.

Policy PCYFF4 - design and landscaping.

Policy CYF6- re-use and adapt rural buildings or a residential unit for business use or construct new units for business/industry.

Policy AMG5 - local biodiversity conservation.

2.4 National Policies:

Planning Policy Wales, Edition 9 (2017), Chapter 7 Economic Development.

Technical Advice Note 23 Economic Development (2014).

3. Relevant Planning History:

- 3.1 Application number C15/1362/18/LL – change of use of a barn/forestry mill building to be used as a storage area and enclosure for industrial use with an internal office and associated land to be used as a storage area for portacabins refused in February, 2016 on the grounds that the scale of use is too large and incompatible with existing present uses, without proving the special local needs as well as the potential of increasing traffic that could cause harm to the amenities of the occupiers of Rhos y Wylfa. An appeal had been lodged against this decision and the appeal had been dismissed on the grounds that the proposal would harm the character and appearance of the countryside, failure to justify that the proposal is sustainable, along with its detrimental impact on the amenities of the occupiers of Rhos y Wylfa based on disturbance and noise.
- 3.2 Application number C13/0896/18/LL - change of use of barn/forestry mill shed, along with a compound for general storage use has been refused in October, 2013 on the grounds that the site is located in the countryside, over-development and inconsistency in the information submitted as part of the application in relation to traffic flow.
- 3.3 Application number 3/18/621D - erection of equipment shed approved in March, 1993, with a legal agreement restricting the use of the shed for agricultural/forestry use.

4. Consultations:

Community/Town Council: No objection.

Transportation Unit: No objection, but with relevant conditions. The location of the new access would allow for over 215m of visibility on either side of the new access, namely, the distance required for a road where the speed can be up to 60mph.

PLANNING COMMITTEE	DATE: 19/03/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

Natural Resources Wales (NRW):	<p>Need to ensure the following:-</p> <ul style="list-style-type: none"> • Ensure that the foul water drainage method for the site's staff use is acceptable. • Any facilities for the storage of oil, fuel or chemicals would have to be located on an impermeable foundation and surrounded by impermeable bund walls. • Need to refer the applicant to the Ground Water Protection Method document (2017). • The Local Planning Authority (LPA) must consider whether there is a reasonable likelihood that protected species are present on the site.
Welsh Water:	NRW need to be contacted regarding the proposal.
Public Protection Unit:	No response.
Biodiversity Unit:	To agree and include the Trees Report and a condition will need to be imposed on any planning permission in relation to following the mitigation measures included in the report itself.
Public Consultation:	<p>A notice was posted on the site and nearby residents were notified. The advertising period has expired and correspondence was received objecting on the following grounds:</p> <ul style="list-style-type: none"> • The original legal agreement for using the building for an agricultural/forestry purpose continue to be valid. The agreement has not been amended or removed. Approving this application would be contrary to the requirements of the agreement. • Application number C15/1362/18/LL was recently refused and on appeal for the same use and why has the LPA not refused to accept this current application as it is of the same nature as the previous application? • National policies and advice have not changes since the previous application was refused and it is required that local planning policies comply with national policies. • More suitable sites are available for this type of use, e.g. Cibyn in Caernarfon and Llandygai in Bangor. • There is no infrastructure on the site. • The latest application is contrary to the requirements of Policy CYF6 of the LDP and as its scale is unacceptable, the use conflicts with nearby uses and the size and scale of the building is unsuitable for its rural location. • Although closing the existing access would somewhat reduce some of the noise and disturbance,

PLANNING COMMITTEE	DATE: 19/03/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

noise and disturbance would be created within other parts of the site.

- The new access does not comply with statutory requirements (within TAN18 Transport) regarding visibility.
- The application does not refer to the implications of pollution or biodiversity.
- The application asks for generic permission for Use Class B8 (storage and distribution) with restricted hours although nothing in this current application responds to concerns raised in the previous application based on its rural location, detrimental impact on residential amenities and its scale/unsuitable use.
- Works has already commenced on the site.
- The proposal would effect the coppice's ecosystems. Concern regarding any soakaway as there is a history of flooding in the area.
- The hours of operating the use would have a detrimental impact on local traffic flow.

In response to the above objections, the applicant has submitted the following information:-

- An application was approved for the erection of a substantially sized building in 1993 without any restrictions on movements in and out of the site or on its opening hours.
- The application proposes to use the site for storage or repair purposes only as an overflow site to the existing site nearby in Fferm Garth Mawr. The applicant has faced difficulties to safeguard a suitable local site for the current use and although a site is available in Penygroes, it is not a sustainable site and all the travelling back and forth will add to the carbon footprint as well as gas emissions.
- There is no difference in scale between agricultural/forestry use to the building in comparison with its use as an overflow site for the storage and repairs of mobile structures. Heavy vehicles will not be parked on the site and foul water from the mobile structures would not be stored on the site either. Proposal complies with Policy CYF6 of the LDP.
- Relocating the access to the site will improve residential amenities for the occupants of Rhos y Wylfa that is located near the existing access and improve the transport system on the local roads network.
- NRW does not object to the application, they only offer advice on matters such as foul water and surface water.

PLANNING COMMITTEE	DATE: 19/03/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

- The applicant is aware of the requirements of the legal agreement that exists for the site use and should the application be approved, the applicant will submit an application in order to release the agreement itself.
- The applicant acknowledges the concerns of local residents in relation to noise nuisance that could derive from the new use and is prepared to accept conditions in relation to working hours. It is important to note, currently, that there is no restrictions on movements in or out of the site and there is potential for the existing use to create more noise nuisance than the proposed use.
- The proposal complies with local planning policies and national advice in relation to re-using sites for commercial use and light industry in the countryside.
- The work of cleaning and repairing the mobile structures will be carried out within the existing building in order to avoid detrimental impacts on the general amenities of nearby occupants. This work would be carried out under the requirements of NRW. No liquid or foul water would be transferred to the application site.
- There will be no biodiversity implications as a result of this use and the Biodiversity Unit does not object to the application subject to following mitigation measures within the Tree Survey submitted with the application.

5. Assessment of the material planning considerations:

The principle of the development

5.1 The principle of reusing and adapting rural buildings for business and industry use is based in Policy CYF6 which states that proposals will be approved to convert rural buildings for business use provided that a number of criteria can be complied with, relating to:-

- That the scale and nature of the development is acceptable considering its location and the size of the building in question - the building that is the subject of this application is relatively vast in scale and has been long established in the countryside for some time by now. The nature of the latest proposal will involve using the building and the yard to store and repair mobile structures only (Use Class B2 general industry and B8 storage and distribution) without the need to expand or extend the site to enable this use from coming forward. Its original use for agriculture and forestry activities, based on nature and scale, are too dissimilar to the proposed use that are the subject of this application. It is believed that activities deriving from the proposed use can be managed by imposing appropriate conditions to reduce any detrimental impact on visual amenities along with the residential amenities of local residents where there is no current restriction on activities that can be carried out on the site for agricultural and forestry purposes, e.g. noise nuisance deriving from machinery and transport movements in and out of the site. As the site is located within a clearing in the established coppice of

PLANNING COMMITTEE	DATE: 19/03/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

Parc Nant y Garth it is not visible from nearby public rights of way and this situation will not change should this current application be approved.

- That the development would not lead to a development that would conflict with nearby uses or lead to an impact on the viability of similar uses nearby - residential dwellings are located near the site - residential dwellings are located near the site with the nearest dwelling known as Rhos y Wylfa located near the existing access. The application site is located approximately 60m to the west of the gable end of Rhos y Wylfa with the building located 100m away with the coppice located between both sites. Considering the size and scale of the existing building and its vast curtilage along with the activities that could be carried out within the site, it is not believed that the proposed use, in terms of its nature and scale, would be so dissimilar to this authorised use based on its impact on residential amenities. It is believed that approving this application would enable the Local Planning Authority to have comprehensive control of the proposed use in order to reduce any detrimental impact on residential amenities. It must also be considered that there is no restriction on the existing agriculture/forestry use activities in the site and such activities can have a detrimental impact on residential amenities, considering the nature of the activities themselves, e.g. heavy vehicle movements and noise deriving from equipment and machinery to fell and treat trees.
- When the proposal relates to an existing building:
 1. That the building is structurally sound - the building continues to be structurally sound.
 2. That the scale of any extension is necessary and of a reasonable size - considering the size and scale of the existing building along with the associated yard, the proposed use will not need any extension or external changes to the building itself.
 3. That the building is suitable for the specific use - considering the size and scale of the existing building it will be of a size which allows the applicant to use it for storage and office purposes as well as a space for maintenance and repairs.

5.2 The justification associated with the above-mentioned policy states that the aim of the policy is to encourage rural communities to be more sustainable and promote a close connection between living and working locations. In this case, the proposed use of the site for storage and repairs associated with the applicant's existing use that is centralised approximately 600m to the north at Fferm Garth Fawr as there is no more space within Garth Fawr to store and repair mobile structures. Locating this use nearby would be more sustainable than using a site within the nearest industrial estate (Cibyn in Caernarfon - although there is no site available here for the applicant's purposes), which is located further away from the centre itself.

5.3 The justification continues to state that providing small-scale rural workshops and industrial units is a way of supporting the sustainability and self-sufficiency of rural areas. The policy encourages small-scale developments that make appropriate use of existing buildings that are in-keeping with the rural areas. Considering the content of this assessment, it is believed that this latest proposal is acceptable based on scale, location and use.

PLANNING COMMITTEE	DATE: 19/03/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

- 5.4 Following on from the above-mentioned policy, it is believed that Policy PCYFF1 is relevant to this latest application. This specific policy states that outside development boundaries, proposals will be refused unless they are in accordance with specific policies in the LDP or national planning policies or that the proposal shows that their location in the countryside is essential. There will be a need to ensure that proposals in the countryside will not threaten or damage any of the other countryside features of the Plan. Although the site is located in the countryside, it is believed that this latest proposal makes appropriate use of a suitable previously used site. Considering the nature, scale and type of use proposed to be carried out on the site, it is believed that the proposal would be acceptable, subject to including appropriate conditions.
- 5.5 It is also considered that the location is an essential location in the countryside on the grounds of operating the applicant's business efficiently, considering that the main aim of this policy is to encourage and support sustainability and self-sufficiency in the countryside of both Counties. It is also noted that the proposed use would not undermine local visual amenities as the relevant infrastructure is already in place and is concealed from any public viewpoint.
- 5.6 National advice on economic development is based on TAN 23 Economic Development, as well as Planning Policy Wales, Chapter 7, Economic Development. This advice states that local planning authorities should identify the market signs and consider the need to guide economic development to the most appropriate location rather than prevent or not support such developments. If an economic development causes environmental or social harm that cannot be fully mitigated against, such economic advantages must be considered carefully. One of the main objectives of the above documents is to give specific support to the low carbon economy and to business clusters.
- 5.7 By referring to the main national objectives for businesses in Wales and considering the content of this assessment, it is believed that this latest proposal complies with these objectives by using a suitable previously used site and considering the nature and scale of this current proposal.
- 5.8 Taking the above assessment into consideration, it is believed that the use proposed to be carried out within the site is acceptable in principle and that it is in-keeping with local uses and activities in the countryside.

Visual amenities

- 5.9 As referred to above, the application site is located in the countryside and to the north-west of the Seion settlement although there is no special designation in the area based on the value of the landscape. Gillespies' Assessment of Landscape Sensitivity and Capacity (2014) confirms that this part of the landscape is a low sensitivity landscape. The buildings and the associated yard are concealed from any public area and this situation will not change should this latest application be approved. Although it is acknowledged that an element of local visual amenities will be lost by felling mature trees to create the new access and drive, the uneven slope of the driveway will mean that the rest of the trees will continue to be a backdrop to the driveway itself. In addition to this the proposal involves mitigation measures to compensate for these trees by replanting trees and landscaping the existing driveway. To this end, therefore, it is believed that this latest proposal is acceptable based on the requirements of Policy PCYFF3 and PCYFF4 of the LDP.

PLANNING COMMITTEE	DATE: 19/03/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

General and residential amenities

- 5.10 Objections have been received regarding the application from local residents, including the occupiers of the residential property closest to the site itself, Rhos y Wylfa, that relates to this proposal having a detrimental impact on the residential amenities based on noise and disturbance. In an attempt to mitigate against any harmful impact on visual amenities (in particular the amenities of the occupiers of Rhos y Wylfa), the latest plan includes closing the existing access to vehicles that serve the site and relocating it approximately 80m further away and off Nant y Garth hill. It is believed that this improvement in turn will reduce the vast majority of noise nuisance that could derive from heavy vehicles using the site.
- 5.11 In addition to this improvement, a reduction in any noise that could derive from activities within the site can be ensured by including relevant conditions on any permission which restricts repairs activities within the building only, and restrict the hours of operation from the site itself. As referred to above, it is believed that the proposed use is not too dissimilar to the authorised use of the site for agriculture/forestry based on scale and nature, although no planning conditions exist within the current permission that manage the activities of this use. It is believed that this proposal would allow the Local Planning Authority to manage the activities within the site in a way that will reduce its impact on nearby residential amenities. To this end, therefore, it is believed that the proposal is acceptable based on the requirements of Policy PCYFF2 and CYF6 of the LDP.

Transport and access matters

- 5.12 Objections were received to the element of the latest application that involves creating a new access off the B4745 county road, based on a lack of visibility and opening hours having a detrimental impact on local traffic flow. Despite these objections, the response of the Transport Unit states that the design of the new access will allow sufficient visibility to the west and to the east along the class II county road and that it will not have an unacceptable impact on the local roads network, subject to the inclusion of appropriate conditions including closing the existing access up permanently to vehicles, and restricting the hours of operation within the site. It is also considered that there is sufficient room within the site to provide parking spaces for the workers. To this end, it is believed that the proposal is acceptable based on the requirements of Policy TRA2 and TRA4 of the LDP.

Biodiversity matters

- 5.13 As part of the application, a Tree Survey was submitted by the applicant and the Survey concludes:-
- There will be a need to undertake a tree planting plan in order to compensate for the trees lost to create a new driveway. At least 100 trees will need to be planted in the area of the existing driveway and it will be also a way of screening this part of the site.
 - There will be a need to undertake a maintenance plan for the next 3 years.
- 5.14 The Biodiversity Unit does not have any objection to this latest application (although it has been included on the List of Wildlife Sites as a Coniferous Forest), provided that the mitigation measures included in the Trees Report are conditioned in any

PLANNING COMMITTEE	DATE: 19/03/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

planning permission. It is, therefore, believed that the proposal is acceptable based on the requirements of Policy AMG5 of the LDP.

Relevant Planning History

- 5.15 As referred to in the above assessment, the planning history to this site dates back to the 90s. Two recent applications were refused to use the site for the purpose of storing mobile structures (with the second application refused on appeal) on the grounds that the proposal would cause harm to the character of the countryside's appearance, that the proposal was not sustainable and as it has a detrimental impact on the residential amenities of the occupants of Rhos y Wylfa.
- 5.16 These decisions were based on a number of local policies that were current at the time and included within the Gwynedd Unitary Development Plan along with relevant national advice. However, this latest application is considered within the context of the Gwynedd and Anglesey Joint Local Development Plan adopted at the end of July 2017. Chapter 3 of Planning Policy Wales (2017) states that every application should be considered in relation to current policies. The policies included within the previous local plan in relation to economic development (used to refuse the previous applications) are more numerous than the similar policy within the current plan which is relevant to the proposal in question. The relevant policy within this plan is Policy CYF6 which promotes economic uses in the countryside where there are guidance of a more general interpretation although they continue to comply with the requirements and advice of Welsh Government. Considering the content of this assessment, it is believed that the proposal, as amended from the previous application, is acceptable based on the requirements of Policy CYF6 of the LDP as well as the advice included in Planning Policy Wales and the relevant TAN.
- 5.17 It is important to note here, as referred to above under the second chapter, that a decision will need to be made on planning applications in accordance with the adopted plan, unless relevant considerations suggest otherwise and those considerations could include Welsh Government Planning Policies. In terms of national policies, the relevant documents in this case are TAN23 Economic Development as well as Planning Policy Wales, Chapter 7 Economic Development. As referred to above in the above assessment, the content of these documents can be interpreted (in particular in relation to the importance of providing support to the low carbon economy in the countryside) so that the current amended application, by now, is acceptable based on the environmental and social impacts and this can be ensured by including relevant conditions within any planning permission. It is also noted that the re-location of the existing access to a plot further away from the Rhos y Wylfa property also responds to the previous concerns of the Local Planning Authority and Planning Inspectorate in relation to road safety and general residential amenities.

Response to the public consultation

- 5.18 The Local Planning Authority has considered these objections from local residents as referred to above. They are considered as material considerations when preparing recommendations for the application and the material considerations associated with this proposal have been assessed in the context of current material planning policies and guidelines, and on these grounds, it is not considered that there is justification to refuse this amended application.

PLANNING COMMITTEE	DATE: 19/03/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

6. Conclusions:

- 6.1 Having carefully weighed up and considered the above assessment and all material matters including local and national planning policies and guidance, as well as all objection and observations received on the application, it is considered that this amended proposal is acceptable and satisfies the relevant policies as noted above.

7. Recommendation:

- 7.1 To approve – conditions:-

1. In accordance with the plans.
2. Restrict maintenance activities within the building and restrict the outdoor storage areas.
3. Highway Conditions in relation to closing the existing access to vehicles and create the new access and driveway.
4. Condition for measures to mitigate for the loss of trees as included in the Trees Survey.
5. Hours of operation restricted to 8:00-18:00, Monday to Friday; 8:00 - 13:00 Saturday and no working at all on Sundays and Bank Holidays.
6. Restrict the use of the site to B2 use (general industry) and B8 (storage and distribution) only.
7. Withdrawal of permitted development rights regarding extensions to the existing building.
8. It will not be permitted to install more than one level of mobile structures on the site.
9. Agreement to be reached on the details of the surface and foul water drainage system within the site with the Local Planning Authority before the building is used for any purpose.