

PLANNING COMMITTEE	DATE: 17/07/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 1

Application Number: C23/0234/08/LL

Date Registered: 20/03/2023

Application Type: Full

Community: Penrhyndeudraeth

Ward: Penrhyndeudraeth

Proposal: Erection of Distribution Depot building and Administration and maintenance building, create vehicle and lorry parking areas, vehicle washing area, installation of security fencing, landscaping and associated works.

Location: Plot 2 Griffin Industrial Estate, Penrhyndeudraeth, Gwynedd, LL48 6LE

Summary of the Recommendation: TO REFUSE

PLANNING COMMITTEE	DATE: 17/07/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

1. Description:

- 1.1 The application is for the erection of a Distribution Depot building and Administration and maintenance building on a plot of land near the Griffin Industrial Estate, Penrhyndeudraeth. The proposal would involve the creation of parking spaces for vehicles and lorries, a vehicle washing area, installation of security fencing around the site boundaries, landscaping and associated works. The distribution building would measure approximately 545 square metres and approximately 7.3 metres to the roof ridge and include distribution doors on three sides. The second partially two-storey building would measure 247 square metres and 7.1 metres high and include an office, staff space and vehicle maintenance area.
- 1.2 The site is outside but abuts the Penrhyndeudraeth development boundary on both sides. The plot is currently unoccupied land, which used to be a wild land and woodland area. The vegetation has recently been cleared from the site and covered with hardcore surfacing which was unauthorised. The plot is situated between the Penrhyndeudraeth Football Pitch and the estate's existing industrial buildings. It is served by the A487 trunk road and the industrial estate's unclassified road and it is intended to position the proposed access off the estate road. A river course runs with the north-western boundary of the site and an agricultural field to the rear that separates the site from the Pant area where the nearest residential houses are located. It is noted that the majority of the site is within a C2 Flood Zone and that the site has been identified as a Local Wildlife Site.
- 1.3 A Design and Access Statement and Flood Consequence Assessment were submitted as part of the application.
- 1.4 The application is submitted to the Committee as it involves a development on a site measuring 0.5 hectares or more.

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 (Wales) Act 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. (July 2017)**

PS 1: The Welsh Language and Culture

PS 4: Sustainable transport, development and accessibility

TRA 2: Parking standards

TRA 4: Managing transport impacts

PS 5: Sustainable Development

PLANNING COMMITTEE	DATE: 17/07/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

PS 6: Alleviating and adapting to the effects of climate change
 PCYFF 1: Development Boundaries
 PCYFF 2: Development Criteria
 PCYFF 3: Design and Place Shaping
 PCYFF4: Design and Landscaping
 PS 13: Providing opportunities for a prosperous economy
 CYF 4: New large single user industrial or business enterprise on sites which are not safeguarded or allocated for employment purposes
 PS 19: Conserve and where appropriate enhance the natural environment
 AMG 5: Local Biodiversity Protection

Supplementary Planning Guidance (SPG) 'Maintaining and Creating Distinctive and Sustainable Communities'

2.4 National Policies:

Planning Policy Wales, Edition 11 (2021)
 Future Wales: The National Plan 2040
 Technical Advice Note (TAN): 15 Development and Flood Risk
 Technical Advice Note (TAN): 18 Transport
 Technical Advice Note (TAN) 23: Economic Development

3. Relevant Planning History:

The site has no recent planning history.

No pre-application enquiry was received about the development.

4. Consultations

Community / Town Council: I submit this information as a (temporary) Clerk, on behalf of the Councillors of Penrhyndeudraeth Town Council, following a meeting of the Council on Thursday 11 May 2023:
 The Councillors were pleased that the company was investing in expanding their business locally; however, there were concerns which are listed below:

- a) Following conversations with residents living nearby, there was concern regarding the noise level, especially early in the morning.
- b) The impact on water level/drains further into the village from the site (in relation to the observations of Natural Resources Wales and others).
- c) Substantial increase in traffic in this part of the village, back and forth to the site, and the number of lorries that will need access to the highway.

Highways Unit:

Original Observations

I ask the applicant to provide an access plan to the site to show the turning movement of heavy goods vehicles into/out of the site and the reachable visibility splay at the proposed access point.

Second consultation observations

I am satisfied with the plan they have submitted; therefore, I have no objection. I request that the following conditions/note are included within any planning permission granted:

PLANNING COMMITTEE	DATE: 17/07/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

P19B – The access shall be completed in full accordance with the details as submitted before work on the remainder of the development hereby approved is commenced.

P37A – The car parking accommodation shall be completed in full accordance with the details as may be approved before the use hereby permitted is commenced.

P007: NOTE: The applicant is instructed to write to the Street Works Manager to receive permission under Section 171/184 of the Highways Act, 1980 to undertake any work within the road/pavement/green verge which is required to construct the access. You may also contact Cyngor Gwynedd's Street Works Unit on 01766 771000 for the relevant forms.

Biodiversity Unit:

This site is woodland and is part of a Wildlife site (1084 Pen-y-Bwlch) that has been selected for habitats (wet woodland and species). I object to the application as it is contrary to the Planning policy to Protect Wildlife Sites AGM6. Site photographs show that the site has been cleared and that material (rubble/waste) has been laid across the site. Himalayan Balsam and Japanese Knotweed are present on the site.

Public Protection:

Although the proposal would sit in an already working industrial estate with similar scaled buildings and design styles, the proposed site is currently a vacant plot. The nearby residents have been afforded some protection from potential noise from mechanical equipment and movement of traffic and deliveries and are accustomed to the current background noise.

NOISE from the proposed commercial uses within the development has the potential to have a harmful impact on the health and amenities of noise-sensitive recipients near the development. The Design & Access Statement (DAS) states that increased movement may increase noise, however no noise assessment has been submitted with the application

Noise sources from the proposed development will include:

- Docking facility activity e.g., idling of vehicle engine, reversing alarms, loading ramps, loading/unloading process, forklift trucks, HGV vehicle movements
- Traffic
- Maintenance bay
- Refuse storage area
- Fixed plant and machinery inside the buildings e.g., air-conditioning unit. Although the applicant wishes to install an acoustic fencing to the northern boundary near residential buildings, a noise assessment shall be required to support the proposed development and shall address the above. As the standards for BS 8233:2014 and the World Health Organisation relate to noise without characteristics such as 'impulsivity' or low frequency then, if these are present, a suitable assessment and standards to be achieved will have to be agreed; we would suggest BS 4142:2014 + A1:2019 for 'delivery' noise.

We also advise that a Noise Management Plan should be submitted as

PLANNING COMMITTEE	DATE: 17/07/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

part of the application to address noise likely to arise from the site, or from deliveries and collections. The plan should clearly identify the potential, the source of the noise, and how the activities will be managed to mitigate noise. Plans will also need to include provision for their review with the local authority.

The consultation and response for noise management is in addition to, and does not replace obligations under other legislation, for example the Licensing Act.

Plant Installation We note from the application form that there is no requirement for refrigeration or ventilation of the main building. However, plant requirements in the smaller building may include air conditioning for office space.

The developer shall ensure that any ventilation system to be installed is properly designed. Detailed plans and a specification of the equipment, which shall include measures to alleviate noise, vibration, fumes, and anti-vibration mounting where necessary, shall be submitted, and approved in writing by the local planning authority prior to commencement of the use.

Any ventilation system shall be installed in accordance with the approved plans and specification before the use commences and shall thereafter be permanently maintained in accordance with the approved specification.

Delivery Noise The impact of the development will largely depend on the proposed operating hours. There is a potential that nearby residential properties may be subjected to adverse noise levels from deliveries, vehicle movements and reversing alarms. We note from the application form that the proposed opening hours is 7-days a week, 03:00 until 18:00. Articulated vehicles will arrive on site at approximately 03.00am and transfer food products on pallets to smaller distribution vehicles.

It is anticipated that this can be mitigated by means of agreeing suitable delivery times. The Planning Authority may recommend a Planning Condition relating to delivery vehicle engine noise and vehicle refrigeration noise.

A Delivery and Service Management Plan should be submitted to the Local Authority and agreed prior to use. The Plan should include specific details on the timing of deliveries and to mitigate the impact of the development on the surrounding residential properties.

LIGHTING Prior to the commencement of the development, a scheme which indicates the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the artificial lighting shall be operated in accordance with the approved scheme. This is to ensure that lighting from the site does not cause a public nuisance

REFUSE The Design and Access Statement notes that refuse will be dealt with in accordance with Cyngor Gwynedd's refuse and recycling policies. The applicant is required to provide information regarding adequate provision for the storage of waste and recyclable materials and

PLANNING COMMITTEE	DATE: 17/07/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

details of appropriate waste management equipment (such as a cardboard baler and storage, containers for glass, waste cooking oil and food) if applicable.

Any potential equipment or portage shall be included in the noise assessment.

Economy and
Community
Department:

Thank you for the opportunity to provide observations on the following application. We welcome a commercial investment in the county and consider that it is in a suitable and appropriate location. No other suitable units already exist in the area. Therefore, we have no objection to the application.

Water and Environment
Unit (Drainage):

Flooding Risk and Land Drainage

This development is partly within a C2 flood zone. Consequently, NRW will need to offer observations on the flood risk matters facing the development.

INFORMATION: Our maps show that an open (ordinary) watercourse runs along the southern boundary of the site and that it is proposed to cross this watercourse with a new access to the site. An Ordinary Watercourse Consent will be required for any work that could affect the flow of this watercourse, including the installation of a culvert, and the developer should contact FCRMU@gwynedd.llyw.cymru to seek further advice. In addition, the developer is advised to avoid constructing any structures within at least 3m to this watercourse as this could impede maintenance work in future.

SuDS Approval Body Comments

Since 7 January 2019, sustainable drainage systems (SuDS) are needed to control surface water for every new development of more than 1 house or where the construction area with drainage obligations is 100m² or more. Drainage systems must be designed and constructed in accordance with the minimum standards for sustainable drainage as published by Welsh Ministers.

These systems must be approved by Gwynedd Council in its role as SuDS Approval Body (SAB) prior to commencement of the construction work.

Due to the size and nature of the development, it is likely that an application will need to be provided to the SuDS Approval Body for approval before construction work commences. The information provided shows that the developer intends to drain the site in a suitable, sustainable manner; however, until an application is made to the SAB, there is no certainty that the site plan would enable compliance with the full suite of national SuDS standards. A consultation with the SuDS is recommended.

<https://www.gwynedd.llyw.cymru/cy/Trigolion/Cynllunio-a-rheolaeth-adeiladu/Cynllunio/System-Draenio-Cynaliadwy.aspx>

PLANNING COMMITTEE	DATE: 17/07/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Natural Resources
Wales:

Thank you for consulting with Natural Resources Wales regarding the above, received by us on 19/04/2023.

Flood Risk

Further to our letter dated 18/04/2023, we note that a Flood Consequence Assessment (Vale Consultancy) (December 2022) has been uploaded to your planning portal. We would advise that the FCA has not addressed our concerns regarding the proposal.

The FCA also includes (in Appendix D) a previous FCA, which had been drawn up by Cadarn Consulting Engineers, dated March 2021. It appears that this FCA is based on a site-specific hydraulic model as we have not seen it previously and a detailed review would be required by NRW to ensure that the model was 'fit for purpose' and appropriately constructed using the latest guidelines. We have concerns that the model has not been accurately constructed, although this can be confirmed once the applicant submits the Hydraulic Modelling report and the electronic modelling files.

It is noted that the channel (Penrhyn Cut) has not been inspected and, therefore, it is represented by LIDAR data in the model (it was assumed that it is a uniform channel). The incorrect climate change allowances have been used. The latest guidelines require 30% factors for fluvial flow, see climate change allowances and flood consequence assessments | LLYW. CYMRU

The methodology used to consider flood risk in other locations, due to displacement by raising ground levels, is concerning and the increase (if modelled correctly) goes beyond what would be deemed acceptable.

It appears that an obstacle assessment has been carved out (although no additional details are available) and suggests that 'design' flooding level for medium or high is 10.92 to 11.07 metres above Ordnance Datum. Paragraph A1.14 of the TAN requires the development to be planned to be flood-free for this event. The plans suggest finished floor levels of 10.60m AOD. The current ground levels vary from 9.2m AOD to 11.38m AOD. The FCA suggests that the proposed building would overflow during the event of a 1% annual exceedance probability event with climate change of 20% (rather than 30%).

Therefore, we have concerns about the conclusions of the Vale Consultancy and Cadarn FCA for this site.

Site-specific modelling should better inform all relevant parties of actual flood risk. However, if the modelling is incorrect, we would return to our general modelling of the Flood Map for Planning.

Therefore, we advise the applicant to submit a completed Flood Model checklist, which will confirm whether the hydrological assessment (for flow) is acceptable; The modelling methodology; model construction etc. are acceptable. Full details, along with the checklist template, are available at – Natural Resources Wales / Flood Consequence Assessment: flood model checklist. We also advise the modelling report and that files are submitted.

Until the model has been assessed and confirmed as acceptable to inform the FCA, our concerns remain about this development proposal. We may consider objecting to the proposal should the details not be provided.

As noted in our previous response, we also have concerns regarding the loss of access to enable NRW to use our permissive powers to maintain the main river (Penrhyn Cut). This would also be the subject of a licence

PLANNING COMMITTEE	DATE: 17/07/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

from NRW.

As the site is woodland already and we assume that it did not have any valid planning use, we would remind your authority of the justification tests in section 6.2 of the TAN.

Protected Areas

Special Area of Conservation (SAC)

From the information provided, NRW consider that the proposals may affect the Pen Llŷn a'r Sarnau SAC. The application is located within 525m of the SAC. The site is also located adjacent to a watercourse, which leads to the SAC downstream.

In view of the potential pathway, in the event of any pollution incident, we advise the following condition must be secured in the planning consent to be certain that there will be no adverse effects on the site. We would object to the planning application if this condition is not secured.

Condition: No development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage, including pollution prevention (discharges); details of waste generation and its management;
- Traffic Management: details of site deliveries, plant on site, wheel washing facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary

PLANNING COMMITTEE	DATE: 17/07/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

An assessment of likely significant impact under Regulation 63 of the Habitats and Species Conservation Regulations 2017 was not undertaken by your authority, or it was not forwarded for consideration by Natural Resources Wales. If you come to the conclusion that the proposed development is likely to significantly impact on the European site, we look forward to being reconsulted. As this assessment has not been undertaken, Natural Resources Wales cannot offer any certainty that the proposals would not have a detrimental impact on the SAC.

Site of Special Scientific Interest (SSSI)

NRW consider that the proposals have the potential to impact upon the Morfa Harlech SSSI. Providing the impact pathways referenced above for the SAC are adequately addressed, Natural Resources Wales consider the features of the SSSI will also be adequately safeguarded.

We note that there is no information regarding protected species with the application and therefore we assume that your Authority has screened the application and has concluded that there is no reasonable likelihood of protected species being present.

Protected Landscapes

The development is situated within 310m of Eryri National Park. We note that there is no information regarding landscape assessments with the proposed development and therefore, we are assuming that your Authority has screened the application and concluded that any impacts on landscape are unlikely in line with Planning Policy Wales (PPW 11) Planning Policy Wales GOV. CYMRU. If you require further advice, then please re-consult us.

Protected Species

We note that there is no information regarding protected species with the application and therefore we assume that your Authority has screened the application and has concluded that there is no reasonable likelihood of protected species being present.

Other matters

Our comments above only relate specifically to matters included on our checklist, *Advice Service on Development Plans: consultation topics* (September 2018), which is published on our website. We have not considered the potential impacts on other matters and we cannot disregard the possibility that the proposed development can impact the interests of others.

The applicant is reminded of the fact that it is their responsibility to ensure that all other licences/permissions relevant to the development are acquired, as well as planning permission. Please refer to our website for further details.

Welsh Water:

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect of the proposed development.

We would request that if you are minded to grant Planning Consent for the above development that the Condition and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dŵr Cymru Welsh Water's assets.

Condition

PLANNING COMMITTEE	DATE: 17/07/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Welsh Government,
Transportation:

I refer to your consultation of 30th March 2023 regarding the above application, and advise that the Welsh Government as highway authority for the A487 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1. The applicant must provide a breakdown of the anticipated Annual Average Daily Traffic (AADT – vehicle movement values) for each vehicle classification accessing the site;
2. The applicant must demonstrate consideration as to whether the existing access onto the A487 trunk road can accommodate the vehicular movements associated with the development.

Fire Service:

Our inspection report on application C23/0234/08/LL is attached, with regards to access and water supply.
The Fire Authority will have an opportunity to provide observations on the fire safety measures during the Building Regulations Consultation period.
If you require further information, you are welcome to contact the Compliance officer.

Public Consultation:

Three notices were displayed in the vicinity of the site and the nearest units were informed. The notification period came to an end and 12 objections were received to the application on the grounds of:

- **Scale, location** – Doubles the size of the current estate, unsuitable location, building out of character with existing buildings on the estate, visual impact. Need to use locations on the outskirts of Porthmadog or vacant properties rather than developing a new site.
- **Amenities** – The site very close to residential housing, concerns about negative impact and nuisance for neighbouring residents.
- **Use** – Nature of the use will be different to current uses on the industrial estate. Operating hours – 3:00am, 7 days a week.
- **Noise** – Freezer units and generators likely to generate constant noise and nuisance, affecting the standard of health and sleep of neighbouring residents. Noise from HGV lorries at 3:00am in a quiet residential area.
- **Pollution** – Fumes, potential to pollute the river with lorry repairs, light pollution. Dangerous chemicals stored on the site.
- **Flooding** – The site experiences regular flooding from ditches, water

PLANNING COMMITTEE	DATE: 17/07/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

stagnating on the site although it has been dry for a long period, concern about increase and re-location of flooding problems.

- **Roads** – Visibility from the junction, the A487 trunk road is busy and has seen several accidents.
- **Biodiversity** – The site has been designated as a Local Wildlife Site but was recently cleared and trees and biodiversity have been lost. A recent application had been refused in the vicinity where attention was drawn to a long list of various protected species in the vicinity and wetland. Need to restore the land to its original condition, needs landscaping.
- **Unauthorised work** – The site was cleared well before the application, questioned whether a licence and permit had been acquired in order to infill.
- Development not beneficial for Penrhyndraeth.

5. Assessment of the 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 indicate otherwise. The Gwynedd and Anglesey Joint Local Development Plan (LDP) is the adopted 'Development Plan'. This site is outside but abuts the Penrhyndraeth Local Service Centre development boundary on both sides as shown in the Gwynedd and Anglesey Joint Local Development Plan (JLDP) Maps, therefore, it is considered a site in the countryside. Policy PCYFF 1 of the LDP, states that outside development boundaries, proposals will be refused unless they are in accordance with specific policies in the Plan or national planning policies or that the proposal shows that its location in the countryside is essential.

5.2 In the first instance, the principle of the proposal should be assessed against the requirements of Strategic Policy PS 13 (Providing for a prosperous economy). By referring to the promotion and facilitation of economic growth, criterion 3 of PS13 notes:

“3. Facilitate appropriate sites which become available on windfall sites which could satisfy any additional needs to those indicated in criterion 1 and in accordance with the principles given in Strategic Policy PS 5 and Strategic Policy PS 6 and the Plan’s Spatial Strategy, in order to ensure that economic opportunities are maximised;”

It is questioned whether a previously developed site is appropriate for the development, where criterion 2 of strategic policy 5 (sustainable development) requests that priority is given to effective use of land and infrastructure, prioritising the re-use of previously developed land and buildings within the development boundaries or the most appropriate locations outside the boundaries for them.

5.3 Furthermore, as the proposal relates to a single user on a large site located directly near the Penrhyndraeth local service centre development boundary, it is deemed appropriate to assess the suitability of the proposal against the requirements of Policy CYF 4 (New large single user industrial or business enterprise on sites which are not safeguarded or allocated for employment purposes). The relevant criteria are noted as follows:-

2. *That robust evidence is submitted to justify the need for the development taking into account the national tests outlined in Planning Policy Wales and Technical Advice Note (TAN) 23;*
3. *Where appropriate, an existing building or a previously developed site is used to meet the need;”*

PLANNING COMMITTEE	DATE: 17/07/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

4. That the scale, type and design of the development is suitable for the site and the local area and that it is in-keeping with the existing uses on the site

- 5.4 It is an application from the Castell Howell Foods company, which has recently expanded to north Wales and seeking a new location to grow the business. The company is currently operating from the Penamser industrial estate in Porthmadog but it is understood that the building is unsuitable to establish there on a long-term basis. It is noted in the Design and Access Statement with the application that it is intended to submit a sequential test assessment to identify other employment sites that could be suitable for the use and to prove compliance with criterion 2. However, this information was not submitted. The receipt of information in terms of the other sites considered and justification of why this site was deemed most appropriate for the use would ensure compliance with criterion 2 and 3 of the Policy. In the absence of this information, it is impossible to reach a conclusion regarding the proposal's compliance with Policy CYF 4.

Flooding Matters

- 5.5 A vast section of the site lies within a C2 flooding zone as indicated in the Welsh Government's Flood Risk Maps, therefore, flooding matters are among the main considerations of the application. Criterion 4 of Strategic Policy PS 6 states that new developments should be located away from areas where there is a flood risk, unless it can be shown clearly that no risk exists or that it is possible to control the risk.
- 5.6 The acceptability of the proposal must be assessed under national policy considerations, Technical Advice Note (TAN) 15 Development and Flood Risk in this case. A Flood Consequence Assessment was submitted as part of the application. The nature of the proposed development, namely Distribution Depot (use class B2 and B8) associated with a food providers' business falls within the category 'Less Vulnerable Development', that includes uses such as general industry, commercial employment and retail amongst others. TAN 15 makes it clear that 'Highly Vulnerable Developments', such as residential uses, should not be approved in zone C2, however, new developments can be approved in zones C1 and C2 when the Planning Authority determines that there is justification to locate it there. There can only be justification for such a development, when it can be shown that:-
- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement, or,*
 - ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region. as well as,*
 - iii That the application concurs with the aims of Planning Policy Wales and meets the definition of previously developed land (Planning Policy Wales figure 2.1) and,*
 - iv That the potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and Appendix 1 found to be acceptable.*
- 5.7 Maintaining and regenerating a settlement and promoting employment are part of the objectives of the local authority; however, it must be totally clear that the proposed site is the appropriate location for the proposal and there should be worthy justification for creating a new development in a location within a C2 zone. In the absence of a sequential test, we have not been convinced that the proposed site is the best site for the development and, therefore, it cannot be clear that the proposal meets the requirements of tests i and ii above.
- 5.8 The site was wildland and a wooded area up until recently but the vegetation has now been cleared and the site has been covered with hardcore surfacing. No permission would be required to clear the trees but the hard surface is deemed an unauthorised development. In Planning terms, the site cannot be considered as previously developed land, therefore, the proposal in essence is contrary to point ii of the above-mentioned tests.

PLANNING COMMITTEE	DATE: 17/07/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

- 5.9 With regard to test iv. a Flood Consequence Assessment (FCA) was submitted as information on the application and Natural Resources Wales (NRW) were consulted. It appears that the FCA has not addressed NRW concerns regarding the proposal and that the right model or climate allowance have not been used to draw up the FCA. It is noted in their observations that the methodology used to consider flood risk in other locations, due to displacement in light of the need to raise ground levels for the development, is a concern to them and the increase would go beyond what would be deemed acceptable by them. They are also concerned about the loss of NRW access to maintain the main Cyt river that runs along the rear of the site. Photographs of water stagnation at the rear of the site can be seen, which are concerning. Based on NRW observations, the FCA results are unacceptable and the proposal does not meet the requirements of criterion iv of the above-mentioned tests.
- 5.10 It is noted that the Flood Maps for Planning (FMFP) in the revised Technical Advice Note that is proposed to be adopted soon, indicates that the majority of the site is within Flood Zone 3 (rivers). The proposed TAN 15 is harsher regarding the development rules for flood zones 3 and only in exceptional cases will development be permitted there and this if it falls under the definition of previously developed land. Therefore, the proposal would also be contrary to the proposed TAN tests, and it is deemed that no exceptional reason exists in this case to develop the site.
- 5.11 Based on the above assessment, it is considered that the principle of the proposal is contrary to several policies, including PCYFF 1 as there is no justification to develop outside a boundary, criterion 3 of strategic policy 13 and CYF 4 as it cannot be considered as an appropriate windfall site due to its location in a flood zone and the lack of justification for the development as well as Strategic Policy 6 and justification tests i-iv of Technical Advice Note (TAN) 15 Development and Flood Risk.

Visual Amenities

- 5.12 It is intended to erect two buildings as part of the proposal, with the distribution building measuring approximately 545m² and the administration and maintenance building measuring 247m², therefore, they would be substantially sized buildings. They are of industrial design with an insulated cladding finish but there is no detail about the colours of the units. It is noted that existing units on the estate have a mixture of colours. It is also intended to install a high security fence around the site boundaries and also a concrete surface. Certainly, the work of clearing vegetation has meant that the site is now more open; however, some vegetation remains as a thin screen on parts of the site's northern and western boundaries. Given that the proposed units are behind and adjacent to existing industrial buildings, therefore, sharing the same visual context, it is not believed that the development would stand out incompatibly on this site. The proposal would be within the nucleus and development line of the current estate, without expanding unacceptably into the countryside. It would be possible to impose conditions to manage the finish colour of the units and include landscaping conditions to help the units to assimilate to the site. Given its context, it is not considered that the proposal would cause unacceptable harm to the area's visual amenities within this specific site and, therefore, it is not considered contrary to the requirements of policy PCYFF 3 of the LDP. Nevertheless, this does not overcome the remainder of our concerns about the site.

Residential Amenities

- 5.13 The industrial estate is located on the outskirts of Penrhyndeudraeth, and the application site is near the access, behind and adjacent to existing industrial buildings and adjacent to the Penrhyndeudraeth Football Club pitch. Agricultural fields are located to the rear of the site and the Pant residential houses on various levels on the slope are seen behind them. Due to the distance from the houses, no overlooking and privacy concerns arise; however, a number of objections were received from neighbouring residents expressing concern about the nature of activity in the development. Noise and nuisance were among the main concerns, with operating hours between 3:00am and 6:00pm 7 days per week a concern, with the potential for HGVs,

PLANNING COMMITTEE	DATE: 17/07/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

machinery and freezers to cause disturbance. It is argued that the nature of the activity is different to the existing use and nature of units on the estate. It is considered that there are grounds to the neighbours' concern, that the nature of the activity, the constant back and forth and the potential noise could cause noise disturbance and a hive of activity to the residential area opposite.

- 5.14 The Council's Public Protection Unit was consulted, which is of the opinion that commercial use, vehicle use, loading and unloading processes, traffic, the maintenance area and on-site plant and machinery could all contribute towards noise from the site. It is noted, although it is intended to install an acoustic fencing to the northern boundary, that they are of the opinion that a noise assessment needs to be submitted for the site. The developer was not asked to go to the expense of submitting a noise assessment, as the principle of the proposal is contrary to policy and the results of a Noise Assessment would be unlikely to make any difference to the recommendation. Although acknowledging that noise nuisance is controlled by separate legislation, the development has the potential to cause an unacceptable level of disruption. In the absence of a Noise Assessment, the Planning Authority cannot assess for uncertain that there would be no impact on the amenities of neighbouring residents as a result of the development. Therefore, the proposal is contrary to policy PCYFF 2 that seeks to prevent harmful impacts, disruption, unacceptable noise on the occupiers of local dwellings.

Transport and access matters

- 5.15 The site is served by the A487 trunk road and the industrial estate's unclassified road, and the proposed access would be located off the estate road. The site is close to the main entrance of the estate and near a turning in the road. It is noted that the site has already been opened and a temporary security fence has been installed but no formal access has been installed. 30 car parking spaces are shown along with space for 21 lorries to park overnight within the site, therefore, it is likely that traffic movements would be relatively high. The Transportation Unit made a request that an access plan to the site be submitted to show the turning movements of heavy goods vehicles into and out of the site and the visibility splays. Confirmation was recently received that the Transportation Unit was satisfied with the plan received, including the standard conditions and notes to be included should the application be approved. The Welsh Government's Trunk Road Unit also requested additional information, advising that the application should not be approved as insufficient information had been received. Information was requested regarding the daily and annual average movements anticipated by the types of vehicles that would use the site, along with information to show that the vehicular access of the industrial estate to the trunk road could cope with traffic movements from the development. Observations were forwarded to the agent but no information had been received at the time of submitting this report. Based on the observations of the Welsh Government's Trunk Road Unit about the lack of information, it cannot be guaranteed that the access and traffic movements are suitable to ensure the safe operation of the trunk road. The proposal, therefore, is contrary to policy TRA 4 and TAN 18: Transportation.

Biodiversity Matters

- 5.16 The site has been identified as a Local Wildlife Site (1084 Pen y Bwlch) due to its wet woodland and species. Substantial clearing work has recently taken place and the vast majority of the vegetation, excluding sections of the boundary on the side and to the rear, has been lost. This is a concern that has been raised in the local objections. Observations were received from the Biodiversity Unit objecting to the application. No tree preservation orders existed on the land, therefore, no permission would be required to fell and clear vegetation from the site. Based on the existing condition of the site, it is believed that the Local Wildlife Site designation has effectively been compromised. Therefore, to comply with the requirements of policy AMG 5, it is considered that it would be appropriate and reasonable to impose landscaping and biodiversity enhancing conditions to compensate for the loss of trees and wildlife on the site. With landscaping and site boundary planting conditions, it is considered that the proposal could meet the requirements of

PLANNING COMMITTEE	DATE: 17/07/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

policy AMG 5 of the LDP; however, this does not outweigh the fact that the principle of the proposal in essence is contrary to policy.

Welsh Language Matters

- 5.17 In accordance with the Planning (Wales) Act 2015, it is a duty when determining a planning application to consider the Welsh language, where it is relevant to that application and this is reiterated in paragraph 3.28 of Planning Policy Wales (Edition 11, 2021) along with Technical Advice Note 20.
- 5.18 The thresholds in terms of when it will be expected to submit a Statement/Report are highlighted in Policy PS1 of the Joint LDP, along with Diagram 5 of Supplementary Planning Guidance (SPG) 'Maintaining and Creating Distinctive and Sustainable Communities'. It is noted that the surface area of the units is 792m² and the area threshold for submitting a Welsh Language Statement as noted in Policy PS1 has been reached. The information received with the application does not detail how many workers would be employed on the site; a Welsh Language Impact Statement should be submitted if 50 or more workers would be employed by the development. Even if these employment levels are not reached, and that a Welsh Language Statement would not be required, the guidance included in Appendix 5 of the SPG notes that every retail, commercial or industrial development where there is no need to submit a Welsh Language Impact Statement/Assessment should show how consideration has been given to the language. Therefore, the developer would be expected to submit a Statement on how consideration will be given to the Welsh language when drawing up the proposal. There is a brief reference in the Design and Access Statement with the application noting that the majority of the current workers are local and Welsh speakers, and the development would help the current workforce to keep their jobs, and growth in the company would be likely to have a positive impact on the Welsh language and the local economy. However, no Welsh Language Statement was submitted and it was not requested as the results of the Statement would not overturn the opinion that the principle of the proposal is contrary to policy. Therefore, there is a lack of information in the application about Welsh language considerations, which is contrary to criterion 4 of Policy PS5 and the requirements of Policy PS1 of the LDP, appendix 5 of the SPG, Technical Advice Note 20: Planning and the Welsh Language (2017) and paragraphs 3.25 to 3.29 of Planning Policy Wales, Edition 11 (2021).

6. Conclusions:

- 6.1 Having weighed up the proposal against the relevant policies, we conclude that the development is contrary to locating principles with a lack of justification and sequential test for selecting the location. Flooding matters are also among the main considerations, with a lack of compliance with the requirements of the tests of TAN 15 and the Flood Consequence Assessment not following the right models. The lack of information in the application means that the impact of the proposal on the amenities of nearby residents, the impact on the trunk road or the impact on the Welsh language cannot be assessed. Although some elements are acceptable, it does not outweigh the fact that the principle of the proposal fails to meet the national policy justification tests of Technical Advice Note 15. No Pre-application Enquiry was received for the proposal where such matters would have been raised. Based on the above assessment, there is no option but to refuse the application for the following reasons.

7. Recommendation:

1. Insufficient evidence has been submitted with the application to prove that there is a need for a new industrial unit on this undeveloped windfall site outside the development boundary and within a C2 Flood Zone, and no evidence has been submitted using a sequential test to demonstrate that there is no alternative site within the development boundary of the local

PLANNING COMMITTEE	DATE: 17/07/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

centre or other nearby settlements. As a result, it is considered that the development, due to the nature of its location, is contrary to the aims of criterion 3 of policy PS 13, criterion 2 of policy PS 5 and policy CYF 4 of the Gwynedd and Anglesey Joint Local Development Plan.

2. Locating the proposed development on this site would be contrary to the guidance given in Technical Advice Note (TAN) 15: Development and flood risk as the majority of the site is within a C2 flood zone as identified in the “Development Advice Maps” and Flood Zone 3 (Rivers) which is shown on the Flood Map for Planning (FMfP). The site does not meet the location justification tests, point i-iv in part 6 of the TAN as the location has not been justified outside the development boundary, it cannot be considered previously developed land and the Flood Consequence Assessment has not convinced us that there would not be a flood risk. The proposal is therefore contrary to the requirements of NCT 15, together with policy PS 6 of the Gwynedd and Anglesey Joint Local Development Plan which states that new developments should be located away from flood risk areas and policy PCYFF 1 which restricts development outside development boundaries where it cannot be proven that a countryside location is essential.
3. Establishing a distribution Depo together with its associated movement activity, has the potential to cause noise disturbance and disruption, and in the absence of a Noise Assessment there is no certainty that the proposal would not have an unacceptable adverse impact on the amenities of the local residents, therefore contrary to the objectives of policy PCYFF 2 of the Gwynedd and Mon Joint Local Development Plan (July 2017).
4. Insufficient information has been submitted regarding the average daily movements of the development and the ability of the trunk road junction to deal with the associated traffic movements of the development, to ensure the safe operation of the highway. In accordance with the direction of the Welsh Government and in absence of this information, it is considered that the proposal conflicts with policy TRA 4 of the Gwynedd and Mon Joint Local Development Plan (July 2017) and with the requirements of TAN 18: Transportation (2007).
5. As a consequence of the lack of relevant information with the planning application, the Local Planning Authority has not been persuaded that there will not be a negative effect on the Welsh language in accordance with criterion 4 of Policy PS5 and the requirements of Policy PS1 of the Anglesey and Gwynedd Joint Local Development Plan (2017), Appendix 5 of Supplementary Planning Guidance: Maintaining and Creating Distinctive and Sustainable Communities (2019) and national guidance contained in paragraph 3 of Technical Advice Note 20: Planning and the Welsh Language (2017) and paragraphs 3.25 to 3.29 of Planning Policy Wales, Edition 11 (2021).