

PLANNING COMMITTEE	DATE: 22/04/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 1

Application Number: C22/0898/42/LL

Date Registered: 28/09/2022

Application Type: Full

Community: Nefyn

Ward: Morfa Nefyn and Tudweiliog

Proposal: Construction of Chapel of Rest

Location: Land near a funeral director's building and existing public toilets Morfa Nefyn, LL53 6BW

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 The proposal involves constructing a new building to be used as a Chapel of Rest.
- 1.2 The building would measure approximately 8.2m by 14.8m and 2.3m to the eaves, and 3.7m to the ridge and it would provide a floor surface area of around 121sq.m. It is proposed to finish the building with blue/grey steel panels on the roof and grey shiplap boards on the walls. The floor plan shows that there will be an office, cold store, toilet, loading and unloading area for vehicles and a void for a Chapel of Rest would be located within the building.
- 1.3 The location of the proposal is in the middle of the village of Morfa Nefyn and is located adjacent to the B4417 highway, around 50m away from the crossroads with the B4412. There are no other buildings on this side of the road in this location (except for the funeral director's building and existing public toilets) and it is located on the outskirts, but outside, the development boundary.
- 1.4 The application is a re-submission of a proposal that was refused under reference C22/0568/42/LL. The applicant's agent has provided a statement in response to the refusal reasons for the previous application. The statement notes the following points:
- The applicant runs a funeral director's business and he rents the existing workshop.
 - This workshop is located immediately adjacent to the proposal site.
 - There is no intention to use the proposed Chapel of Rest as a workshop, and the applicant intends to continue to rent the workshop.
 - The proposal is for the extension of the existing building, and it would not affect other local businesses.
 - The agent is of the opinion that should the two buildings operate separately in the future, it would be a workshop, and the other would be a Chapel of Rest.
 - There would be equipment to store the deceased within a temperature-regulated area, and space would be provided for families to visit before the funeral. The existing workshop does not provide this service for the families.
 - The proposed Chapel of Rest would be located immediately adjacent to the existing workshop and this would enable a seamless operation between both buildings.
 - The proposed Chapel of Rest offers a space for loading and unloading.
 - It would not be possible to visit the Chapel without making a prior arrangement, and it would only provide a service for a small number of people; therefore, no more than two cars would visit.
 - The agent has provided examples of local buildings with similar finishes to what is proposed here.
- 1.5 Originally, it was not clear how the proposed building would operate with the existing building and no information had been submitted as part of the application regarding the current and proposed use of the existing workshop.
- 1.6 Further information has now been received, confirming that the applicant is one of three on the coroner/police list for dealing with emergency calls in the Pen Llŷn area. The new building would be used to store a hearse, providing a fridge and room for the family/doctor to visit the deceased. The applicant has confirmed that the existing building would be used as a workshop to produce coffins and to store stock close at hand (mixed stock of various types of coffins including wicker and cardboard). The current building is not accessible as there is a staircase down to the part currently used as a cold store and therefore a trolley cannot be used in compliance with health and safety requirements. In addition, it is proposed to purchase a new hearse and it would not be possible to park this within the existing building due to the increased length of the new hearse, this means that the hearse would have to be loaded outside in a location open to the public. The applicant confirms that the business would work effectively by using both

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buildings. A plan has been provided showing how the existing building is being used and how it will be used should the new building be approved.

- 1.7 It is also noted that a revised site plan has been submitted which extends the application site to improve access into the site, provide three additional parking spaces together with a turning area within the site and to keep the vehicular access doors into the building clear. There is also a Green Statement and Infrastructure Plan proposing to plant a hedge and install nesting boxes and bat boxes on the proposed building.
- 1.8 The application form has been amended to confirm that part of the application site is owned by the property next door, and the design and access statement confirms that the applicant has a rent agreement for the workshop, and it is unclear what the situation is in relation to the land where the Chapel of Rest is to be built.
- 1.9 Correspondence was received from the owner of the current building confirming that he is renting the building to the applicant on a year-by-year agreement, but that the applicant has not informed him that this request has been submitted. As land ownership is not a planning matter, and since the site owner is aware that a planning application has been submitted, it is possible to press on to determine the application as submitted.
- 1.10 The application is submitted to the Planning Committee for a decision at the request of the Local Member. It is noted that the application has been deferred from the Planning Committee on 28.11.2022 at the request of the applicant to resolve highway matters, and to submit further information.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the 7 well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

2.3 Anglesey and Gwynedd Local Development Plan:

TRA 2: Parking Standards

TRA 4: Managing Transport Impacts

PS 5: Sustainable Development

PCYFF 1: Development Boundaries

PCYFF 2 - Development Criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and Landscaping

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

PS19: Conserving and where relevant enhancing the natural environment.

2.4 National Policies:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 12 - February 2024)

3 Relevant Planning History:

C22/0568/42/LL - Construction of Chapel of Rest – REFUSED - 09-08-2022

4 Consultations:

Community/Town Council: No objection

Welsh Water: Accordingly, if you are minded to grant planning permission for the above development, we would request that the following Conditions and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dŵr Cymru Welsh Water's assets:

Condition

No development to commence until a drainage scheme for the site has been submitted to the Local Planning Authority and approved in writing. The scheme will provide for the disposal of foul water, surface water and ground water, and includes an assessment of the potential to discharge surface and ground water using sustainable measures. Thereafter, the scheme will be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage may be allowed to connect directly or indirectly to the public sewerage system.

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

Advisory Notes

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. When this proposed development results in a total impervious area of 100 square metres or more, Sustainable Drainage Systems (SuDS) will require approval in accordance with the 'Statutory Standards for Sustainable Drainage Systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engages in consultation with Cyngor Gwynedd, as the SuDS approval body (SAB), in relation to their proposals for SuDS features.

Please note: Dŵr Cymru Welsh Water is a statutory consultee to the SAB consultation process and will provide comments to any SuDS proposals by response to SAB consultation.

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The applicant may need to apply to Dŵr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption" - 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dŵr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dŵr Cymru Welsh Water has rights of access to its apparatus at all times.

Environmental Health:

Response 10.10.2022

I have viewed the above-mentioned planning application regarding the Construction of a Chapel of Rest. I note from the plan that a cold room will be located in the proposed building. Is it possible to obtain details as to whether any mechanical equipment will be installed as a part of the application, for the purposes of keeping the room cold?

Response 03.11.2022

Following the details below, it seems that the cooling unit will be installed inside the building and there will be no unit of any type outside the building. The Service does not have any further observations and it is satisfied that the unit will be installed indoors. No mechanical units should be installed outside the building.

Highways Unit:

Response 13.10.2022

I ask the applicant to provide additional information to enable us to assess whether the development complies with the adopted parking standards. The applicant should provide the number of proposed seats and/or the floor area of the prayer space in m².

Response 09.11.2022

Paragraph 2.2.6 highlights that there will be two off-road parking spaces, but it appears that the applicant has chosen not to present the information sought, and therefore it is not possible for me to assess the compliance of the proposal. I also have concerns that this paragraph states that only two cars will be

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permitted on the site at once. How will this be implemented in reality? If more than two members of the family wish to go there at the same time, I believe that on-street parking will occur.

Response to the revised site plan (Rev E)

I'm happy with the new arrangement so I have no objection to the application. Can we please include the following condition?

P37B - The car parking area must be completed in total accordance as shown on the enclosed plan prior to the commencement of the use herein approved

Biodiversity Unit:

Response 01.03.2024

No assessment has been made of potential impact to biodiversity. From street view, the site appears to be improved grassland and bracken. This is not very valuable in ecological terms so don't think a survey is required (I would however ask how the hedge and trees will be retained and protected during construction, if these will be lost or pruned back, this needs to be detailed in the Green Infrastructure Statement as an impact to biodiversity and appropriately mitigated / compensated for). We should also be provided with a Green Infrastructure Statement.

Response 07.03.2024

The submitted Green Infrastructure and Plan is really good, no issues with this development.

Public Consultation:

A notice was posted on the site and nearby residents were informed. The notification period came to an end and the following observations were received:

- Road safety and parking matters
- Location - should be in an industrial estate
- No need for this proposal due to the current provision.
- Concern about alternative use of the Chapel of Rest should the owner of the existing building terminate the rent agreement.

5 Assessment of the material planning considerations:

The principle of the development

- 5.1 General planning policies within the Gwynedd and Anglesey Joint Local Development Plan support applications for the erection of business buildings, provided that they are appropriately located and are for an appropriate need.
- 5.2 The site is in open countryside, outside but abutting the development boundary of the village of Morfa Nefyn. The site is located immediately adjacent to public toilets and a building that is already used by the applicant for a funeral director's business.
- 5.3 The application has been submitted to provide a Chapel of Rest, which would be ancillary to rather than replacing the existing building, and information has now been submitted regarding the floor plan and use of the existing building, and how this will change and be used with the new

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- building as a single business. It is noted that there is a refrigerated area and a hearse storage area in the existing building, but due to health and safety reasons and the size of the new hearse, the existing building is not suitable to continue the business. These elements would therefore move into the new building and the existing building would be used as a workshop to provide and store a stock of coffins.
- 5.4 The information submitted as part of the application form confirms that the applicant partly owns the application site with the property next door currently owning part of it, and the design and access statement confirms that the applicant rents the existing workshop. Land ownership is not a planning matter, but there is a need to be certain that the owner of any land is aware of the proposal, and to this end a consultation letter has been sent to the person who identified themselves as the workshop's owner on the previous application. A response has been received from him noting his concern about the proposal with the existing building, and what the use of the building that is subject to this application would be should the rent agreement be terminated. It is noted that this is a matter for the applicant and the owner, therefore dealing with the planning application must proceed.
- 5.5 When assessing the previous application, those who claim to be the owners of the existing building question the need for two funeral director businesses in the same village, should he decide to take over the business himself or rent the building to someone else. It is noted that this has added to the concern about how the two buildings would operate as a part of the applicant's business. Following the receipt of additional information relating to the current and proposed use of the existing building, and plans confirming this position as mentioned in paragraph 5.3, it is unlikely that the existing building by itself would be suitable for use as a separate funeral director business, and therefore it is considered that the proposal will entail the extension and enhancement of the existing business.
- 5.6 It is therefore now considered that there is sufficient justification and rationale to construct a business building as an extension of the existing business in the open countryside and the proposal complies with the requirements of policy PCYFF 1 and criterion 2 of policy PS 5.
- 5.7 Policy CYF 6 applies as the site is located outside the development boundary. The policy permits proposals for new units for industry or business, provided that they meet the following criteria:
1. That the scale and nature of the development is acceptable considering its location and the size of the building in question - the building is substantial and although it is located within the village and on the outskirts of the development boundary, it is in open countryside and there is insufficient justification or logic for its need and there is no guarantee how the proposal will operate in relation to the existing building on the site as no information has been submitted to show the operational relationship (i.e. which operation will happen where, and whether the two buildings need to be located close together).
 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 - it is unclear how the proposal would operate with the existing building near the site and whether there would be a need for both business buildings should the two buildings operate separately.
 3. Not applicable.
- 5.8 Similarly, it is now therefore considered that adequate information has been provided to ensure that the scale and nature of the proposal are acceptable given its location and would not result in a use that would have an impact on the viability of similar uses nearby, as it is unlikely that the existing building on the site is suitable on its own for the provision of a funeral director's business. The proposal therefore complies with the requirements of criteria 1 and 2 of policy CYF 6.

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Visual, general and residential amenities

- 5.9 Policy PCYFF 3 of the LDP states that proposals are expected to demonstrate a high-quality design that gives full consideration to its context in the natural, historic and built environment. The building is similar to an agricultural building in terms of its size and design, and it is considered that this type of building is acceptable. It is acknowledged that the agent has provided examples of uses made of grey shiplap boards in the local area, however, it is noted that these are examples of clad sections of residential houses, and it is considered that finishing a substantial building in this way would continue to be a feature that is out of character with the area. Nevertheless, it is acknowledged that a condition could be imposed regarding the finish of the building, should the principle of providing the building be acceptable.
- 5.10 Bearing this in mind, the proposal is acceptable and complies with the requirements of policies PCYFF 3 and 4 of the LDP.

Highways Matters

- 5.11 The site is located outside the village boundary and faces the B4417 highway. The existing building is located immediately adjacent and is used by the applicant to run a funeral director business. It appears that there is informal space for approximately two vehicles in front of the existing building. The design and access statement and plans state that there are two parking spaces available in front of the existing building.
- 5.12 It is also noted that there is space within the proposed buildings for loading and unloading from an ambulance or hearse. It is considered that the door for this space would be sufficient for a hearse, but maybe not for an ambulance, and therefore the ambulance may have to unload in front of the building.
- 5.13 Previously, the parking spaces were placed in front of the access doors to the loading/unloading bay, and it was not clear what the arrangement would be should the doors need to be used when the parking bays were in use. By now it is noted that a revised site plan has been submitted which provides three additional parking bays together with a parking and turning area leaving the area in front of the vehicle loading doors empty.
- 5.14 The Transportation Unit has offered further observations on the proposal and have confirmed that they have no objection to the proposal by now based on the revised site plan (rev E) together with imposing a condition to ensure that the parking bays are provided prior to the use of the building that is the subject of this application.
- 5.15 To this end, the proposal complies with the requirements of policies TRA 2 and 4.

Biodiversity Matters

- 5.16 The proposal involves constructing a building from scratch and providing parking and a turning space for vehicles. The application site is directly adjacent to the existing building and public toilets. The application site has been extended since the original proposal to ensure adequate parking and turning space within the site. To this end, it has meant that a section of an existing hedge has been lost. A Green Infrastructure Statement and Plan has been submitted which recognises the features being lost and proposes mitigation measures and improvements which include planting a new native hedge on the boundaries of the site, together with retaining part of the existing hedge and installing two bat boxes and three bird boxes on the proposed building.
- 5.17 The Biodiversity Unit has confirmed that the content of the Green Infrastructure Statement and Plan is acceptable and therefore the proposal is considered to comply with the requirements of policy PS19 and the update to Chapter 6 of Planning Policy for Wales (PPW), which covers green

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infrastructure, net benefit to biodiversity, the protection afforded to Sites of Special Scientific Interest and trees and woodlands.

6 Conclusions:

- 6.1 Following receipt of additional information and plans relating to the existing building and how both buildings would be used in the future, together with a site plan with a revised parking arrangement and biodiversity mitigation and enhancement measures, the proposal is now considered acceptable and compliant with the requirements of the policies set out above.

7 Recommendation:

To approve – conditions

1. 5 years
2. In accordance with the plans and statement and the green infrastructure plan
3. Agree on external finish
4. Welsh Water condition
5. Parking
6. External appliances may not be installed in relation to the refrigerator without prior agreement with the Local Planning Authority

Notes:

SUDS

Biodiversity supervision note