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| <b>PLANNING COMMITTEE</b>  | <b>DATE: 05/09/2022</b> |
| <b>REPORT OF THE SENIOR PLANNING SERVICE AND PUBLIC PROTECTION<br/>MANAGER</b> |                         |

**Number: 1**

**Application Number: C21/1111/14/LL**

**Date Registered: 14/04/2022**

**Application Type: Full**

**Community: Caernarfon**

**Ward: Seiont**

**Proposal: Application to erect a building to store garden furniture together with erecting an adjacent building to exhibit and sell furniture, open storage area and extension to existing customer car park.**

**Location: Fron Goch Garden Centre, Fron Goch, Pant Road, Caernarfon, Gwynedd LL54 5RL**

**Summary of the Recommendation: TO REFUSE**

|  |                         |
|--|-------------------------|
| <b>PLANNING COMMITTEE</b>  | <b>DATE: 05/09/2022</b> |
| <b>REPORT OF THE SENIOR PLANNING SERVICE AND PUBLIC PROTECTION MANAGER</b> |                         |

## **1. Description:**

- 1.1 The application was deferred at the Planning Committee in July in order to undertake a site inspection visit.
- 1.2 Application to extend Fron Goch garden centre by erecting a building to store garden furniture together with erecting an adjacent building to exhibit and sell furniture, open storage area and extension to existing customer car park. The building would measure 46.2 metres long (at the longest point), 22.7m wide and 7.8m to the highest part of the roof a total of 977 square metres. It will be constructed in steel and split into 2 sections, one for a retail space and the other space as storage. The roof of the building will be in a semi-circle shape. It is also proposed to extend the customer parking area and create a storage area measuring 1452 square metres between the proposed building and the new south western boundary of the site. The area of the proposed site will measure more than half the existing site. The number of parking spaces will increase from 196 to 227 to include access to 12 parking spaces for click and collect.
- 1.3 The existing site measures 1.7 hectares in area and includes buildings and 196 parking spaces. The applicant states that the garden centre employs 106 workers. The applicant states that 0.97 hectares of grazing land was purchased to the south west of the garden centre. The land is used as grazing land and it is understood that the majority is 3A and 2 grade agricultural land.
- 1.4 It is proposed to implement a landscaping plan for the proposal.
- 1.5 The site is located in the countryside, south of the town of Caernarfon, and is served from a class 3 county highway (Ffordd Llanfaglan) with footpath number 17 Caernarfon running along the northern periphery of the site with Lôn Eifion and the Highland Railway running along the site's eastern periphery. The site has not been designated for any special use and the area surrounding the site has no statutory designation. As part of the application a Support Statement, Pre-Application Consultation Report were submitted.

## **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 Anglesey and Gwynedd Joint Local Development Plan 2011-2026 adopted 31 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

PS 6: Alleviating and adapting to the effects of climate change

PCYFF 1: Development Boundaries

|  |                         |
|--|-------------------------|
| <b>PLANNING COMMITTEE</b>  | <b>DATE: 05/09/2022</b> |
| <b>REPORT OF THE SENIOR PLANNING SERVICE AND PUBLIC PROTECTION MANAGER</b> |                         |

PCYFF 2: Development Criteria  
 PCYFF 3: Design and Place Shaping  
 PCYFF 4: Design and Landscaping  
 PS 15: Town centre and retail developments  
 MAN 6: Retailing in the Countryside  
 PS 19: Conserving and where appropriate enhancing the natural environment  
 AMG 3: Protecting and enhancing features and qualities that are distinctive to the local landscape character

**2.4 National Policies:**

Planning Policy Wales, Edition 11 (2021)  
 Technical Advice Note: Retail and Commercial Developments (TAN4)

**3. Relevant Planning History:**

3.1 C13/0929/14/LL - Demolition of existing structures, extensions to the garden shop and café, erection of new storage building, extension of servicing yard, erection of 2m high security fence, creation of additional parking spaces and landscaping - Approved on 05-11-2013.

C18/1094/14/LL - Extension to create a garden room - Approved 08.01.2019

C19/1195/14/LL - Full application to erect an extension for the shop, erection of glazed canopy together with alterations to the existing car park and servicing area - Approved on 17.02.2020

**4. Consultations:**

Community/Town Council: Unanimously welcome the development.

Transportation Unit: I refer to the application above and wish to state that I do not intend to submit a recommendation as it is assumed that the proposed development will not have a detrimental impact on any road, or proposed road.

Natural Resources Wales: European Protected Species.  
 We note that the bats report submitted to support the above application (Sensible Ecological Survey Solutions, phase 1 Ecological Survey and Appraisal and building protected species survey and appraisal for Fron Goch Garden Centre, Caernarfon) noted that bats did not use the site of the proposed development. Therefore, we have no comments to make on the application as submitted.

**Pollution Prevention**

If a car park is for more than 50 vehicles, then a fuel interceptor should be installed on the drainage from the car park - unless a Sustainable Urban Drainage System (SUDS) is operated. PPG 3 provides further guidance and is available on the following website:

|   |                  |
|---|------------------|
| PLANNING COMMITTEE  | DATE: 05/09/2022 |
| REPORT OF THE SENIOR PLANNING SERVICE AND PUBLIC PROTECTION MANAGER |                  |

When SUDS are proposed for surface water run-off e.g. car parking, the applicant should be advised to refer to the G13 Environment Agency Position Statement on protecting ground water (Fuel interceptor).

Any waste generated during the construction of the development, this should be disposed of appropriately and in accordance with all the relevant waste legislation including the Duty of Care Regulations and Hazardous Waste Regulations. As part of your duty of care regarding waste, you will need to sort the waste produced:

- prior to collection, disposal or recovery
- to note the controls that are relevant when moving waste
- the completion of waste documents and records
- note the waste control options appropriately authorised
- to prevent harm to people and their environment.

Any waste removed from the site will be subject to waste control regulations. The following links provide information on how to sort waste and register as a waste carrier or hazardous waste producer:  
 Natural Resources Wales / Waste permits (natural.resources.wales)  
 Natural Resources Wales / Applying for a waste permit (natural.resources.wales)

Other matters

Our comments above only relate specifically to matters included on our check-list, *Advice Service on Development Plans: consultation topics* (September 2018)

Welsh Water:

The applicant is advised to discuss the matter with Natural Resources Wales as it is proposed to develop a separate drainage system.

Flood Risk and Land Drainage Unit

Since 7 January 2019, sustainable drainage systems (SuDS) are required to control surface water for every new development of more than one dwelling or where the building surface area has drainage implications of 100m<sup>2</sup> 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, an application will need to be provided to the SuDS Approval Body for approval before construction work commences. No drainage details have been submitted to date, and until an application is made to the SAB there is no assurance that the site plan would enable compliance with the full suite of national NDS standards. Early consultation with the SAB is recommended.

|   |                  |
|---|------------------|
| PLANNING COMMITTEE  | DATE: 05/09/2022 |
| REPORT OF THE SENIOR PLANNING SERVICE AND PUBLIC PROTECTION MANAGER |                  |

Biodiversity Unit

Further to our biodiversity comments on 26 April via email, we still have concerns regarding the hedges and hedgerow trees and biodiversity mitigation and enhancement.

*Our previous comments:*

*1. The report recommends "the installation and use of low-level bat friendly artificial lighting is recommended post development" (section 4, page 16) however, no further information on this is provided. - Details of the recommended lighting scheme are therefore required.*

*2. "The planned new hedge and tree planting associated with landscaping of the new development will result in overall nature conservation gain" (4. page 16). There is no detail of these proposals. Details of the proposed planting including species to be used and how the habitats are to be maintained should be submitted.*

*3. "A minimum 4m works stand off from the boundary hedgerows should be maintained during the bird breeding season" (4. page 17). Again, there is no other detail provided. - How should this be managed in practice?*

*4. The report contains no methodology for the removal of the hedgerows or any other general site measures. The hedgerows are listed as low value, but could be used as dispersal corridors for wildlife (page 10). Therefore it is recommended that suitable Reasonable Avoidance Measures (RAMS) are supplied providing measures to be implemented during the removal of the hedgerows and for managing the protection of the remaining hedgerows within the site.*

*5. The following recommendation within the report should be required to be followed (as a planning condition):*

- "The proposed removal of a short length of juvenile hedgerows and trees (Photograph 4) should be completed outside the bird breeding season (1 March - 31 August); alternatively a survey by a suitably qualified person should be completed immediately prior to removal" (section 4, page 17).*

*No other hedgerows or trees will be removed.*

The applicant has provided an Ecology Appraisal report by Sensible Ecological Survey Solutions Ltd which is dated April 2022, field survey on 7 April.

The aerial photograph from 2014 shows that there are patches of rushes in the field but these have not been recorded in the survey.

|   |                  |
|---|------------------|
| PLANNING COMMITTEE  | DATE: 05/09/2022 |
| REPORT OF THE SENIOR PLANNING SERVICE AND PUBLIC PROTECTION MANAGER |                  |

There are two mature trees within the proposed development area and another on the boundary. The ecological survey has not assessed them for bats or birds or other ecological features such as lichens. The development plans are not clear in showing whether the mature trees will be retained or not. If there is a possibility that the trees will be felled then they should be surveyed for bats. Photographs of one of the trees show that it has ivy covering its trunk and this could be obscuring bat roosting features and ivy provides bat roosting features.

#### Biodiversity Impact

This proposal will result in the loss of 123 metres of the field length and 76 metres of road hedge and 127 metres of field hedge. Total hedge loss is 326m.

It would also result in the loss of one or two mature hedgerow trees.

#### Biodiversity Mitigation and Enhancement

The hedgerows should be translocated. The times of works involving hedges should avoid bird nesting times (i.e. 1 March until 31 September).

The land owned by the applicant includes a field (outlined in blue, see above) not within the development proposal and this area could be managed as a traditional wildflower hay meadow, by allowing the flowers and grasses to grow during the spring and summer months. This would be suitable mitigation for habitats lost and biodiversity enhancement.

The application requires a tree survey and arboriculture report.

#### Site Visit

A Biodiversity Officer visited the site on the 25 May. It was recorded that a hedge had recently been removed and ground works had been undertaken. Photographs were taken of the site.

#### Trees and Hedgerows

The hedgerow along the road and the western boundary of the site are probably ancient and species rich, they can be seen in the aerial photograph above taken in 2000. The hedgerows contain a mixture of tree species and ferns.

The trees are mature and one of the boundary trees just beyond the proposed development is likely to be an ancient ash.

The following are required:

- Plans showing clearly which hedges are to be retained and which will be removed.

|   |                  |
|---|------------------|
| PLANNING COMMITTEE  | DATE: 05/09/2022 |
| REPORT OF THE SENIOR PLANNING SERVICE AND PUBLIC PROTECTION MANAGER |                  |

- External lighting plan that has followed the guidelines for lighting and bats.
- Biodiversity mitigation and enhancement plan (I recommend native hedgerow planting, traditional hay meadow management of remaining grasslands. I recommend that this is marked on the development plan.)
- Tree survey by arboriculture specialist and plan for measures to protect trees.
- Amended plans to protect trees and incorporate root protection zones.

Public Consultation:

A notice was posted on the site, in the press and nearby residents were notified and correspondence was received objecting to the application on the following grounds:

- The proposal would add a high carbon footprint to a rural area.
- It would be good to support the bus service that runs past the site rather than promote the dependency on a car by perhaps adding a bus stop for Fron goch.
- That there is a storage provision at Cibyn Estate.
- Need to produce less waste.
- The development does not comply with the Council's statement on the Climate Change Emergency.
- Need to protect and whenever possible, enhance the natural environment, habitats and species of the area.
- Make the best use of the comparatively low levels of brownfield sites in the area along with vacant buildings or those which are underused.
- That the development, that is in a rural area, is a greenfield site, is getting too large.
- Further building and extension of the car park means that more rainwater will flow into the watercourse that runs along the side of the road and will cause the watercourse to overflow more often - this is already a problem.
- Increase in heavy traffic and cars visiting the site, along a narrow and winding country road.

**5. Assessment of the material planning considerations:**

**The principle of the development**

- 5.1 Policy PCYFF1 states that outside the development boundaries proposals will be resisted unless they are in accordance with specific policies in the LDP or national planning policies or that the proposal demonstrates that its location in the countryside is essential.
- 5.2 As retail use already exists on the site the principle of the proposal should be considered against Policy MAN6 (Retail in the countryside). In accordance with policy MAN6 proposals for small-

|  |                         |
|--|-------------------------|
| <b>PLANNING COMMITTEE</b>  | <b>DATE: 05/09/2022</b> |
| <b>REPORT OF THE SENIOR PLANNING SERVICE AND PUBLIC PROTECTION MANAGER</b> |                         |

scale shops and extensions to existing shops outside the development boundary will be permitted, as long as the proposal complies with the criteria included in the policy.

- 5.3 The site originally started as a garden centre and since then the business has extended and it now includes a substantial indoor commercial floor area and a café / restaurant. This policy only approves small-scale developments. The application as submitted is a major development as defined in the Town and Country Planning Order (Development Management Procedure) (Wales) 2012, as the size of the site (namely the additional area outlined in red) is greater than a hectare. The floor area of the new building is 977m<sup>2</sup>. The Town and Country Planning Order (Development Control Procedure) (Wales) 2012 defines new buildings larger than 1000m<sup>2</sup> as a major development. Although the floor area of the building is not greater than this, it is close to the scale that indicates that the new building is not small-scale. We realise that policy MAN 3 defines 'small scale' however, policy MAN 5 that deals with retail outside defined town centres and within development boundaries and policy MAN 3 that is relevant to retail in villages, defines new retail area of a small-scale as 200m<sup>2</sup>. Although policies MAN 3 and 5 are relevant, the definition of small scale for retail developments give guidance regarding what the LDP considers to be small. Based on this information, it is considered that the proposal is contrary to the aim of policy MAN 6 as the development is not a small-scale development.
- 5.4 The first criterion requires the proposal to be a subservient element of the existing business on the site. The explanation to Policy MAN 6 states that the most suitable location for shops is within the boundaries of the settlements of towns and villages. However, small scale shops run jointly with a business that already exists on the site is likely to provide a useful service and employment for rural communities. Nevertheless, it is important that the shops serve the existing business rather than merely being located on the same site. Due to the setting of the building that is separate to the existing main building and the substantial new floor area, it is not considered that the proposal is a subservient element to the existing business. Note also that the existing plans indicate an indoor retail floor area as one and does not differentiate between the retail elements of plants, comparison goods and the café/restaurant. In visiting the site, it is obvious that the A3 element takes a substantial part of the floor area and the existing retail element is less than what is suggested on the plans. Therefore, it is considered that the proposal cannot satisfy criterion 1 of policy MAN 6.
- 5.5 The second criterion requires the need to ensure that the shop will not significantly affect nearby villages. The nearest village shop is in Bontnewydd. Having considered the location of the site in the countryside, away from any settlement and the fact that it is not served by a main road, it is unlikely to impact the village shop.
- 5.6 The planning statement demonstrates that all the buildings on the site are used and therefore the proposal is not considered to be contrary to the third criterion.
- 5.7 The fifth criterion requires the site to be accessible via various sustainable modes of transport. There are several varied ways of visiting the garden centre these include by car, bus, walking, cycling and narrow gauge railway. However, considering the nature of the goods sold from the site it is likely that cars / vehicles would be the usual way to visit the centre. The proposal would sell more cumbersome merchandise than the existing site and therefore it is likely there would be no change to the pattern of transporting goods from the site by customers. On the whole and having considered the observations received, the proposal is not contrary to criterion 5.
- 5.8 The fourth and sixth criteria are discussed further on in the report.



|  |                         |
|--|-------------------------|
| <b>PLANNING COMMITTEE</b>  | <b>DATE: 05/09/2022</b> |
| <b>REPORT OF THE SENIOR PLANNING SERVICE AND PUBLIC PROTECTION MANAGER</b> |                         |

### **Visual amenities**

- 5.9 Policy PCYFF 3 states that proposals will be approved, including extensions and changes to existing buildings and structures, if they comply with a number of criteria including that the proposal adds to or improves the character or appearance of the site, the building or the area in terms of setting, appearance, scale, mass, the height and elevation treatment; that it respects the context of the site and its place in the local landscape; that it uses materials that are appropriate to their surroundings and incorporates soft landscaping; that it improves a safe and integrated transport and communications network; that it limits the risk and danger of flood water run-off and prevents pollution; that it achieves an inclusive design that allows access for all and helps to create healthy and vibrant environments taking into account the health and well-being of future users.
- 5.10 The proposal involves extending the site significantly into an open agricultural field. The proposed development that includes a substantial building and parking spaces will add to the built area of the existing site. The building will be detached from the existing buildings, and of a different scale (in terms of height) and design to the existing that would make the building appear as a new separate addition and it is considered that the impact of this would be an unacceptable extension into open countryside.
- 5.11 Please note that the applicant has proposed to landscape the proposed site by planting 76 native trees together with a hedgerow measuring 64 metres. No landscaping plan details were submitted with the application and therefore an appropriate landscaping condition would need to be imposed on any permission. However, it is considered that any effort to landscape the site would not reduce the proposal's impact on the landscape due to the nature and location of the site. In those circumstances, it is considered that the proposal is contrary to criterion 4 of policy MAN 6 and policies PCYFF 2 and PCYFF 3 within the LDP.

### **General and residential amenities**

- 5.12 The application was advertised on the site, in the press and nearby residents were informed. Correspondence was received objecting to the application and the main points are noted under the above public consultations heading. The southern section of the garden centre is located over 150 metres from any neighbouring dwelling that is outside the applicant's ownership with an open field creating a green and quiet buffer zone between the business site and that dwelling. The outdoor storage area of the proposal would be within approximately 60 metres of the neighbour's dwelling. Due to the distance, without control the development may have a detrimental impact on residential amenities. It is noted that the applicant states that the site's activities will be strictly controlled in terms of opening hours, unloading vehicles and storage together with switching off any external lights following closing the centre. These impacts can be controlled efficiently via planning conditions and as a result it is not considered that the proposal is contrary to policy PCYFF 2 of the LDP.

### **Transport and access matters**

- 5.13 The site is served by an existing access to a class 3 county highway that is narrow and winding. It is not proposed to alter the access and it is intended to increase the number of car spaces as a result of the proposal. The applicant states that there would be an increase of 4086 cars visiting the site over a year and this would be equivalent to 11 cars a day. These numbers do not suggest a significant increase in traffic to the site, and the Transportation Unit confirmed that there was

|  |                         |
|--|-------------------------|
| <b>PLANNING COMMITTEE</b>  | <b>DATE: 05/09/2022</b> |
| <b>REPORT OF THE SENIOR PLANNING SERVICE AND PUBLIC PROTECTION MANAGER</b> |                         |

no objection to the application. Based on the evidence, it is considered that the proposal satisfies criterion 6 of policy MAN 6 and also policy TRA 2 and TRA 4 that are relevant to parking standards and managing the transport impact.

### **Biodiversity matters**

- 5.14 Several policies are relevant to this aspect of the application. Policy PS 19 deals with conserving and / or enhancing the natural environment and policy AMG 5 protects Local biodiversity. Policy PCYFF 4 relates to design and landscaping. All the policies seek to protect and enhance biodiversity and the natural environment.
- 5.15 Following the initial observations of the Biodiversity Unit an ecological report was received from the applicant. As can be seen from the above observations, the Biodiversity Unit has stated concern regarding the details of the ecological report received with the application. A response was received from the applicant regarding this and we are awaiting the final observations of the Biodiversity Unit prior to committee date. As matters stand, it is considered that the application cannot meet the requirements of policy PS19, AMG 5 and PCYFF 4 as it is unclear if the impacts that derive from the development are acceptable and can be mitigated, however, we await further advice from the Biodiversity Unit.

### **Welsh Language Matters**

- 5.16 In accordance with the Planning (Wales) Act 2015, it is a duty when making a decision on a planning application to consider the Welsh language, where it is relevant to that application. This is reiterated further in para. 3.28 of Planning Policy Wales (Edition 11, 2021), and Technical Advice Note 20.
- 5.17 The Supplementary Planning Guidance (SPG) 'Maintaining and Creating Unique and Sustainable Communities' (adopted July 2019), provides further guidance on how it is expected for Welsh language considerations to be incorporated in each relevant development.
- 5.18 It is noted that there are some specific types of developments where it will be required for the proposal to submit a Welsh Language Statement or a Welsh Language Impact Assessment. The thresholds in terms of when it is expected to submit a Statement/Report have been highlighted in Policy PS1 of the Joint LDP, along with Diagram 5 of the SPG. The proposed development does not reach these thresholds.
- 5.19 Excluding the developments that meet the thresholds for submitting a Welsh Language Impact Statement / Assessment noted in Policy PS1, guidance is provided in terms of the type of relevant applications where it is required to give consideration to the Welsh language in Appendix 5 (The Screening Procedure) of the SPG (sections Ch to Dd). The guidance included within Appendix 5 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. The applicant states that Fron Goch has a formal Welsh Language Policy and that communication in the Welsh Language is particularly important for the centre and the community and therefore the majority of the site's frontline staff need to be bilingual. Signage at the site together with the centre's website are bilingual. It is felt that these measures are acceptable and conditions can be imposed on any permission to enforce this should the application be approved.

|   |                  |
|---|------------------|
| PLANNING COMMITTEE  | DATE: 05/09/2022 |
| REPORT OF THE SENIOR PLANNING SERVICE AND PUBLIC PROTECTION MANAGER |                  |

## **Agricultural land**

- 5.20 It is noted that the majority of the land has been recognised as grade 2/3a (Prescriptive) land in the Agricultural Land Classification (ALC). Paragraph 3.58 of Planning Policy Wales (Edition 11, February 2021) states:

"Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification (ALC)16 is the best and most versatile, and should be conserved as a finite resource for the future."

- 5.21 Paragraph 3.59 of PPW adds:

"When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 and 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade."

- 5.22 The need to protect the best agricultural land is highlighted in strategic policy PS 6: Alleviating the effects of climate change, this states that proposals will only be permitted where it is demonstrated with appropriate evidence that they have fully taken account of and responded to a series of points that include:

"Safeguarding the best and most versatile agricultural land, promoting allotments, support opportunities for local food production and farming in order to reduce the area's contribution to food miles (point 6)"

- 5.23 The proposal involves the loss of agricultural land by extending the site significantly together with erecting a substantial building in the countryside. It is not considered that there is justification for the proposal and therefore it is considered contrary to policy PS 6 and the guidance in paragraph 3.59 9 of Planning Policy Wales.

## **6. Conclusions:**

- 6.1 Having considered the proposal in the context of relevant policies it is deemed that the proposal is not acceptable for approval. The location, density, increase in size is unreasonable and the proposal would have a significant negative impact on the appearance and character of the area that is contrary to several policies. In addition, it is unclear if the impact on biodiversity and the natural environment is acceptable. Because of this, it is considered that there is no justification for the loss of agricultural land deriving from the proposal. Having weighed-up the above and having given full consideration to all material planning issues, it is considered that the proposal does not satisfy the aims of the planning policies named below.

|  |                         |
|--|-------------------------|
| <b>PLANNING COMMITTEE</b>  | <b>DATE: 05/09/2022</b> |
| <b>REPORT OF THE SENIOR PLANNING SERVICE AND PUBLIC PROTECTION MANAGER</b> |                         |

7. **Recommendation:** To refuse – reasons:

1. It is considered that the proposal is contrary to policy MAN 6 of the Anglesey and Gwynedd Joint Local Development Plan as the proposal is not a small-scale development. It is considered that the proposal fails to satisfy criteria 1 and 4 of policy MAN 6 due to the size and location of the proposal and it would not be a subservient development to the existing retail element and it would have a detrimental effect on the open countryside appearance and character.
2. The proposal due to its size, scale and location would create an intrusive development in the countryside and would therefore have a significant impact on the area's visual amenities contrary to criterion 4 of policy MAN 6, PCYFF3, PCYFF4 and PS19 of the Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted on 31 July 2017
3. The proposal entails the development of an agricultural field where the vast majority of it has been recognised as grade 2/3a land (Predictive) in the Agricultural Land Classification (ALC). It is not considered that no real need for the extension to the existing site has been demonstrated that would outweigh anything else and therefore the proposal to develop land without sufficient justification is contrary to the guidance in paragraph 3.59 of Planning Policy Wales (Edition 11, February 2021).