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| PLANNING COMMITTEE                         | DATE: 17/04/2023 |
| REPORT OF THE ASSISTANT HEAD OF DEPARTMENT |                  |

**Number: 3**

**Application Number: C23/0072/16/LL**

**Date Registered: 31/01/2023**

**Application Type: Full**

**Community: Llandygai**

**Ward: Arllechwedd**

**Proposal: Erection of a building for Use Classes B1/B2/B8 (with a Trade Counter in any B8 unit) and a building to be used as a Builders Merchant (storage, distribution, trade counter, offices and ancillary retail), with an associated external storage area, display area, access, parking, lighting, fences, hard and soft landscaping.**

**Location: Plot C6, Parc Bryn Cegin, Llandygai, Bangor, LL57 4BG**

**Summary of the Recommendation: TO APPROVE WITH CONDITIONS**

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## 1. Description:

- 1.1 This is an application for full planning permission to erect two buildings on one of the empty plots within Bryn Cegin Business Park, Llandygai. One of the buildings (Building 1) would be split into six units, with the intention of obtaining flexible consent to allow for uses within Use Classes B1 (Business), B2 (General Industrial) or B8 (Storage or Distribution Services) within the units. The second building (Building 2) would be for use by a builders merchant business (Unique Use).
- 1.2 Building 1 would have a floor area of 1570 m<sup>2</sup> and would extend 8.1m to the roof ridge. The walls would be covered with grey composite material panels, with black panels on each gable end and the roof would be constructed in grey composite panels. To ensure that these units are attractive to appropriate businesses, the application is requesting trade counters in the units, i.e. the majority of the units will be used for storage, whilst a small area will be earmarked as a display and sale of goods area. The plot around Building 1 would measure 0.9ha and this would include 32 parking spaces (including 3 disabled spaces and 4 with electric charging facilities), as well as bicycle parking areas.
- 1.3 Building 2 would have a footprint of 1394m<sup>2</sup> (with a 610m<sup>2</sup> suspended floor for additional storage space). The building would measure 55m x 26.5m and would extend 6.7m to the roof ridge. Again, the walls and roof would be constructed in grey composite panels. The plot of this building would be 0.9ha in size and the work would include parking spaces for 30 cars (including 2 disabled spaces and 2 with electric charging facilities), as well as bicycle parking spaces, goods loading and storage areas and areas of landscaping.
- 1.4 The access to the site would be provided via the existing vehicular access that provides access from the inner road serving the broader Parc Bryn Cegin site.
- 1.5 The site is located on the Bryn Cegin Regional Strategic Business Site. It would be approximately 1km south of the development boundary of the Bangor Sub-regional Centre, as defined by the Anglesey and Gwynedd Joint Local Development Plan (LDP).
- 1.6 This application, due to its floor area, is defined as a major development. In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended), a Pre-application Consultation Report was received as part of the application. The report shows that the developer has informed the public and statutory consultees of the proposal prior to submitting a formal planning application. The report includes copies of the responses received.
- 1.7 The following documents were submitted to support the application:
- Planning Statement
  - Welsh Language Statement
  - Contaminated Land Desk Study Phase 1 and 2
  - Energy and Sustainability Statement
  - Energy certificates
  - Landscaping Plan
  - Lighting Scheme
  - Initial Ecological Assessment
  - Written Archaeology Inspection Plan
- 1.8 The application has been screened for an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. The proposal

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does not fall within any development criteria in Schedule 1, but it does fall within the development description under 10(a) to Schedule 2, Infrastructure Developments: Development Plans for Industrial Estates, as the site is over 0.5ha in size. Having assessed the likely impact of the proposal on the environment using the selected criteria in Schedule 3 as well as the guidelines in the Welsh Office Circular 11/99, it is considered that the impact of the development on the environment is insufficient to justify submitting an environmental statement with the planning application.

## **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 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act, and in making 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. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

## **2.3 Anglesey and Gwynedd Joint Local Development Plan. (July 2017)**

PS 1: Welsh Language and Culture

PS 4: Sustainable transport, development and accessibility

PS 5: Sustainable Development

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

PS13: Providing opportunities for a prosperous economy

PCYFF 1: Development Boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

PCYFF 5: Carbon Management

TRA 2: Parking standards

TRA 4 : Managing transport impacts

CYF 1: Safeguarding, allocating and reserving land and units for employment use

CYF 3 : Ancillary uses on employment sites

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AMG 5: Local biodiversity conservation

AT 4: Protection of non-designated sites and their setting

## 2.4 National Policies:

Planning Policy Wales, Edition 11, 2021

Technical Advice Note 23: Economic Development (2014)

Technical Advice Note 24: The Historic Environment

## 3. Relevant Planning History:

- 3.1 No recent planning history on this specific site, but there is a general planning history for the development of the Bryn Cegin industrial site.

## 4. Consultations:

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| Community/Town Council:                 | Not received  |
| Transportation Unit:                    | No objection in principle, however, only to ask the applicant to show that the current drainage system in Bryn Cegin has the capacity to accommodate the additional surface water from the private road defined in the application                                      |
| Footpaths Unit                          | Public footpath number 68 Llandygai will need to be protected during and after this development.  |
| Natural Resources Wales                 | No objection  |
| Language Unit                           | Not received  |
| CADW :                                  | Not received  |
| Biodiversity Unit:                      | Not received  |
| Public Protection:                      | Not received  |
| Land Drainage Unit:                     | 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.   |
| Welsh Water                             | Observations for the developer  |
| Network Rail                            | No objection in principle – observations for the applicant  |
| Gwynedd Archaeological Planning Service | Parts of the site were not inspected in detail for archaeological remains before the business park was established and, when considering the significance of the site in archaeology terms, we ask for conditions to ensure that archaeological field work is completed |

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on part of this site.

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

## 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 Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case. The application site is located outside the development boundary of the Sub-regional Centre of Bangor as defined in the LDP and is part of a site that has been protected as a Regional Strategic Business Site. Policy PCYFF 1 states that outside the development boundaries, proposals will be refused unless they are in accordance with other specific local or national policies in the plan. In this case, when considering its designation as a Business Site in the LDP, there is appropriate justification to approve such development in this location.

### Economic Development

5.2 Parc Bryn Cegin was protected as a Strategic Regional Business Site for businesses in Use Classes B1, B2 and B8 by policy CYF 1 in the LDP and therefore the proposal for Building 1 is consistent with this policy. Use as a builders merchant, as intended for Building 2, is a unique use that does not fall under any specific use class. Policy CYF 3 encourages protecting specified business sites for the use earmarked unless there are exceptional circumstances for alternative use. The policy sets out four criteria to assess such proposals:

1. *Supply of Parking Spaces for the Development* – it is believed that there is strong justification to outweigh the literal designation of the site in this particular case due to the economic advantages and the job opportunities arising from ensuring appropriate sites for businesses in the area. In addition, if you consider the extensive period when the business estate was empty, it is believed completely reasonable to show some flexibility in order to meet the requirements of modern business. The materials and colours are as expected for an industrial building of this type, and it is considered that it would be in keeping with its location in an industrial site.
2. *That the scale of the plan mainly corresponds with the workplace needs on the employment site* – this development has been planned to create a new workplace of an appropriate size for the needs of the business moving to the site.
3. *That the proposed development will not undermine the function of the employment site* – when considering the status of Parc Bryn Cegin as a regional strategic business location and for this to be a development to support economic growth in Bangor, it is believed that the proposal is fully consistent with the strategic function of the site.
4. *That the development would not lead to an under-provision of B1, B2 or B8 employment use land* – in considering that this development would use 1.8 hectares of the 36-hectare business site that continues to be, to a vast extent, empty, it is not considered that it would have a significant impact on the availability of such land on the site.

5.3 In considering the above discussion, due to the strategic importance of the scheme to secure the development of an initial business on a strategically important site that has been empty for many

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years, it is considered that there is exceptional justification to grant the proposed development on the designated employment site in accordance with Policy CYF 3 of the LDP.

- 5.4 Strategic Policy PS 13 of the LDP aims towards facilitating economic growth by supporting many aspects of the local economy, including supporting economic prosperity by facilitating growth at an appropriate scale. This is a plan to enable employers to establish a business locally in a site of strategic importance and it is believed that the proposal is for suitable use at an appropriate scale for its location within an industrial site of this type. It is therefore considered that the proposal satisfies the requirements of policy PS 13 in the LDP.

#### **General and residential amenities**

- 5.5 Generally, policies PCYFF 2 and PCYFF 3 of the Joint Local Development Plan encourage the approval of proposals for new development provided they do not have a detrimental impact on the health, safety or the amenities of the residents of local properties or on the area in general.
- 5.6 Although large, the new building would be of a size, design and of materials that would be expected within a modern industrial building. Indeed, the plan also includes landscaping proposals that will include reinforcing the existing screening and this, together with the natural screening provided by the natural landscape, would conceal the site from most public viewpoints. In considering its location on an industrial estate that has already received planning permission, it is not considered that this business site would cause significant harm to the site's general appearance or affect the area's visual amenities.
- 5.7 The closest houses are located approximately 300m from the site and considering that this is a designated industrial site, it is therefore believed inevitable that some noise will derive from the site. The applicants have noted the operational hours from 06:30 to 18:00 Monday to Friday, 06:30 to 17:00 Saturday and 08:00 to 16:00 Sunday / Bank Holidays, and it is believed, considering the nature of the site and proposed businesses, that those hours would be acceptable.
- 5.8 It must be noted that businesses in use classes B2 and B8 could be ones that can generate significant noise impacts and there is no assurance in the application regarding the end use of the units in Building 1. In the absence of any specific noise assessment for the uses of Building 1, it is believed reasonable to keep to the operating hours of a normal working day until it can be shown that no significant additional harm arises from any specific activity. Any individual business will be free to submit an application to vary its operational hours, in accordance with the evidence available at the time. Ultimately, considering the busy nature of the nearby roads and the proximity of the existing Llandygai industrial estate, by keeping to reasonable operating hours, it is not believed that these businesses are likely to create a significant additional harmful impact on residential amenities. There are also regulations outside the planning field to manage noise that causes a constant nuisance to local residents.
- 5.9 Overall, it is considered that the layout of the proposed development suits the location in an acceptable manner. It is not considered that the development will cause significant harm to the amenity quality of the site or the local neighbourhood compared to what could occur on the site under its designation in the LDP and therefore the development is considered acceptable under Policies PCYFF 2 and PCYFF 3 of the LDP as they relate to these matters.

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### **Highways matters**

- 5.10 The Transportation Unit did not have any objection to the plan in relation to its impact on transportation despite their asking for more information about water drainage from the inner road and a further response is awaited from the applicant regarding this matter. The matter will be further reported upon at the Committee. Ultimately, the development would use the roads network designed for the industrial estate and therefore the existing infrastructure has been designed to cope with the likely transport levels as anticipated. The location is also connected to the local walking and cycle paths network with public footpaths passing the front of the site and Lôn Las Ogwen running along the western boundary of Bryn Cegin. Also, there is a bus stop in the village of Llandygai, which is located approximately 450m away. Therefore, it is believed that from receiving acceptable additional information in accordance with the requirements of the Transportation Unit, the development will meet the requirements of policies TRA 2 and TRA 4 of the LDP in relation to parking requirements and highway safety and that the site is in an accessible location for alternative modes of transport, in accordance with the objectives of Policy PS 4 of the LDP.

### **Biodiversity**

- 5.11 An Initial Ecological Report was submitted with the application, as well as a landscaping plan, which sets a series of recommendations to preserve and enhance biodiversity on the site. By ensuring that these measures are implemented via an appropriate planning condition it is considered that the application meets with the requirements of Policy AMG 5 of the LDP that encourages proposals to protect, and where appropriate, enhance the area's biodiversity.

### **Language Matters**

- 5.12 In accordance with the requirements of the Supplementary Planning Guidance, Planning and the Welsh Language, as well as policy PS1 of the LDP, due to the size of the development's surface area, a Welsh Language Statement was provided to support the application. This comes to the conclusion that the proposal is of benefit to the language by creating employment opportunities for local people. The statement also notes:

#### Building 1

- These will be relatively small units and likely to appeal to local businesses in search of their first property, or who are moving on to larger properties.
- It is likely that the staff will already be local.
- By retaining and supporting local businesses, which are likely to have a high proportion of Welsh speakers, the units will help maintain local communities.
- Signage will use the Welsh and English languages.

#### Building 2

- A builders merchant is a very local business. They supply materials to the local construction industry and it is therefore likely that the majority of the customers will be Welsh speakers.
- Every job will be advertised locally.
- Every new employee will be assessed for their training needs, including language skills.

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- 5.13 It is believed, as this development could therefore offer an opportunity to retain existing jobs and create new suitable jobs for local people, offering them an opportunity to stay in their community, the development could be positive for the situation of the Welsh language locally and the application is consistent with the aims of policy PS 1.

#### **Archaeological Matters**

- 5.14 The Bryn Cegin site has been the subject of extensive archaeological excavation which has been identified as a location of historic importance, which offers a snapshot of life in the final prehistoric years in Wales (Iron Age), and the relationship with the Roman Occupation. Having said that, for practical reasons, not all parts of the site with archaeological potential were excavated during the previous work. A strip of land on the outskirts of this site is one where there is potential for important archaeological material and therefore the Gwynedd Archaeological Planning Service (GAPS) has suggested that a planning condition is needed to ensure that appropriate investigation work takes place before this land is affected by development. In response to these observations, the applicant has submitted a Written Archaeological Investigation Plan and, at the time of writing this report a response to that document is awaited from GAPS – we will report further on the matter at the Committee. On the whole, it is believed, from securing appropriate conditions to record any archaeological features of value, the plan may proceed in accordance with the requirements of policy AT 4 of the LDP.

#### **Infrastructure and Sustainability Matters**

- 5.15 Bryn Cegin has been earmarked as a sustainable location for business by means of the process of adopting the Local Development Plan and it has been developed with the plots served by appropriate utilities for the expected businesses. Natural Resources Wales did not have any objection to the development and Welsh Water confirmed that there is adequate capacity in the local sewerage system to meet the requirements of the developments and that a connection to the water supply can be ensured. Sustainable drainage systems (SuDS) are required to control surface water for every new development of more than 100m<sup>2</sup> in floor area and an application will need to be submitted to the SuDS Approval Body for approval before the construction work commences.
- 5.16 The Planning Statement submitted with the application notes that the builders merchant element uses very little water, only toilets and a kitchen and no processes that require water will be included as part of the development. In terms of the business units in Building 1, the flow of water to individual businesses will be controlled in order to ensure balance in the temperature and flow rate through the system and water flow regulating systems will be used in facilities such as the toilets and kitchens. The development will incorporate an efficient mechanical design and concise electrical heating plan to reduce the use of energy and water and ensure that every type of heat-producing system is carbon-free. An Energy and Sustainability Statement was submitted with the application, which identifies steps to reduce the carbon footprint of the development.
- 5.17 It is noted that additional information is expected in relation to ensuring that water flow from the new inner road will not affect the existing roads network but, from receiving that information, and from following the statutory requirements regarding sustainable drainage, it is believed that this development will comply with the requirements of policies PCYFF 5, PS 5 and PS 6 as they relate to ensuring that new developments will not have a harmful impact on the broader environment and that they are resilient against likely environmental changes in the future.



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## **6. Conclusions:**

- 6.1 As a result of the above assessment, it is not considered that the proposal is contrary to any material planning policy within the LDP and the proposed development is appropriate for the site and is likely to be of strategic importance to the county as a starting point for business developments on the site. Consideration was given to all material issues and it is not believed that the proposal is likely to cause any unacceptable detrimental impact to nearby residents or the community in general.

## **7. Recommendation:**

- 7.1 To delegate powers to the Senior Planning Officer to approve the application subject to completing discussions regarding highways and archaeology matters as well as material planning conditions relating to:
1. Time
  2. Compliance with the plans
  3. The development shall be implemented in accordance with the recommendations in the ecological report / landscaping plan
  4. Archaeology conditions
  5. Permitted use of units 1 - 6 (Building 1) for any purpose within Use Class B1, B2 or B8
  6. Ensure Welsh / Bilingual signs
  7. Opening Hours: 06:30 to 18:00 Monday to Friday, 06:30 to 17:00 Saturday and 08:00 to 16:00 Sunday / Bank Holidays

### Notes

1. Welsh Water
2. Land Drainage Unit
3. Network Rail
4. Footpaths Unit