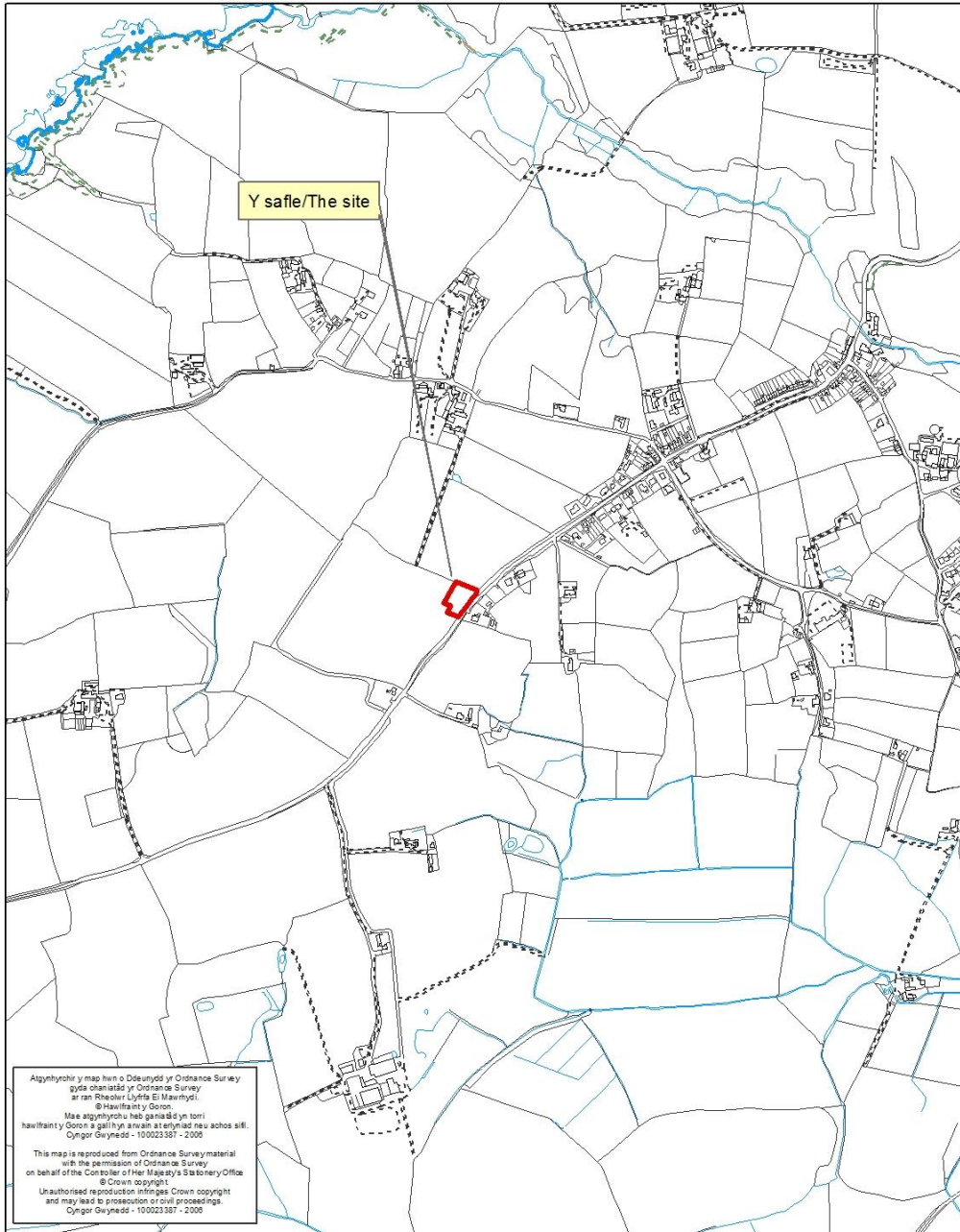


Number: 6



Rhif y Cais / Application Number : C16/1089/42/LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.  
Location Plan for identification purposes only. Not to scale.



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Application Number: C16/1089/42/LL  
Date Registered: 01/09/2016  
Application Type: Full - Planning  
Community : Nefyn  
Ward: Morfa Nefyn

Proposal: CONSTRUCTION OF NEW BUILDING TO PRODUCE ICE CREAM, ICE CREAM AND LOCAL PRODUCE SHOP/CAFE, EDUCATIONAL RESOURCE, ALTERATIONS TO ACCESS, ASSOCIATED EXTERNAL WORKS AND NEW AGRICULTURAL ACCESS  
Location: LAND AT BRYN RHYDD FARM, EDERN, PWLLHELI, GWYNEDD, LL53 8YY

**Summary of the Recommendation:** TO REFUSE

**1. Description:**

- 1.1 This is a full application to erect a new building to produce ice cream and comprises a shop/cafe and educational resource. As part of this application alterations will be required to the access and the removal of a boundary hedge bank and associated external work as well as creating a new agricultural access to the field. The one-storey building would measure approximately 325m<sup>2</sup> with a grey coloured box profile finish similar to an agricultural shed. Internally the building would comprise a dairy to produce ice cream, a kitchen, multi-purpose room, freezers and toilets and a separate section for a cafe and shop with outside decking to the cafe. Therefore the proposed use would be a mixture of retail, food and light industry.
- 1.2 The property lies on the outskirts of the village of Edern, adjacent to the class 2 county highway and within the 30 mph zone. The site is located outside the development boundary of the village of Edern and is within a Landscape Conservation Area.
- 1.3 This is a re-submission of an application refused by delegated authority in 2015, namely application number C15/0409/42/LL for exactly the same purpose. The only amendment in terms of the plans is that more landscaping is shown on the boundaries. A Statement was also submitted in response to the refusal and the officer's report, together with two letters of support from the Local Member of Parliament and the Head of Edern Primary School.
- 1.4 The application is submitted to Committee at the Local Member's request and as three objections have been received.

**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 Unitary 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; in making the recommendation the Council has sought to ensure that present needs are met without

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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 Gwynedd Unitary Development Plan 2009:

**POLICY B10 PROTECT AND ENHANCE LANDSCAPE CONSERVATION AREAS**  
Protect and enhance Landscape Conservation Areas by ensuring that proposals conform to a series of criteria aimed at avoiding significant harm to recognised features.

**POLICY B22 – Building design - Promote good building design** - Promote good building design by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and character of the local landscape and environment.

**POLICY B23 AMENITIES - Safeguard the amenities of the local neighbourhood** by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

**POLICY B25 BUILDING MATERIALS - Safeguard the visual character** by ensuring that the building materials are of a high standard and in keeping with the character and appearance of the local area.

**POLICY B27 – LANDSCAPING SCHEMES** Ensure that permitted proposals incorporate high quality soft/hard landscaping which is appropriate to the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

**POLICY C1 LOCATING NEW DEVELOPMENT** Land within town and village development boundaries and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

**POLICY CH30 – ACCESS FOR ALL - Refuse proposals for residential, business/commercial units or buildings/facilities for public use** unless it can be shown that full consideration has been given to the provision of appropriate access for the widest possible range of individuals.

**POLICY CH33 – SAFETY ON ROADS AND STREETS - Development proposals** will be approved provided they can conform to specific criteria relating to the vehicular access, standard of the existing roads network and traffic calming measures.

**POLICY CH36 – PRIVATE CAR PARKING FACILITIES - Proposals for new developments, extension of existing developments or change of use** will be refused unless off-street parking is provided in accordance with the Council's current parking guidelines and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

**POLICY CH37 – EDUCATION, HEALTH AND COMMUNITY FACILITIES - Development proposals for new educational, health or community facilities or extensions to existing facilities** will be approved provided they can conform to a series of criteria relating to the location of the proposal, its accessibility for different modes of transport, together with considerations relating to highways, the design of any new school and the effect on a defined town centre.

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**POLICY D5 SPECIAL LOCATION NEEDS** In exceptional cases, permit the location of industrial or business developments on sites not allocated or safeguarded for business/industry if there are true 'special local needs' which cannot be met on a High Standard Employment Site or Industrial Site.

**POLICY D7 RURAL WORKSHOPS OR SMALL SCALE INDUSTRIAL/BUSINESS UNITS OUTSIDE DEVELOPMENT BOUNDARIES** Permit proposals if it can be shown that the site for the development is the most suitable location to fulfil the need and if the proposal can comply with criteria relating to using existing buildings, the location of the site, the scale, type and design of the development and that a new dwelling is not necessary to serve the development.

**POLICY D8 – EXPANSION OF EXISTING ENTERPRISES** - Proposals to extend/expand/intensify industrial enterprises and existing businesses or other enterprises will be approved if they conform with specific criteria regarding the appropriateness of the existing use in relation to the surrounding area and adjacent uses and how relevant it is to the existing work.

**POLICY D13 – ATTRACTIONS AND FACILITIES** – Proposals for the development of new attractions and facilities for visitors, or to improve the standard of existing facilities will be approved if they are located within a development boundary or on other specific sites if there are no suitable opportunities within a development boundary. It will be a requirement that each proposal conforms to the criteria regarding the development of 'niche' markets or to support the development of the recognised Gwynedd Tourism Strategy theme and also the design, appearance and setting of the proposed development.

**POLICY D30 RETAILING IN THE COUNTRYSIDE** Proposals for small shops will be approved outside development boundaries if they are a subservient element of an existing business and if they conform to criteria regarding the impact on a neighbouring village shop and on the character and amenities of the area as well as the availability of an existing building.

The Gwynedd and Anglesey Joint Local Development Plan which is currently being prepared is subject to an ongoing Public Inquiry. At present, it is not a relevant planning consideration for determining planning applications.

#### 2.4 **National Policies:**

- Planning Policy Wales (2016)
- Technical Advice Note 4: Retail and Town Centres (1996)
- Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 12: Design (2009)
- Technical Advice Note 13: Tourism (1997)
- Technical Advice Note 18: Transport (2007)
- Technical Advice Note 23: Economic Development (2014)

### 3. **Relevant Planning History:**

- 3.1 C15/0409/42/LL Construction of new building to produce ice cream, ice cream and local produce shop/cafe, educational resource, alterations to access, associated external work and new agricultural access Refused 1 September 2016
- 3.2 Y14/002992 General enquiry prior to application submission regarding the possibility of erecting an ice cream parlour/shop building on land at Bryn Rhydd farm, Edern. No plans were submitted as part of the enquiry and reference was only made to the

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field in his ownership. Confirmation that the site was outside the boundary and therefore it is not in compliance with the retailing in the countryside policy.

#### 4. Consultations:

Community/Town Council: Not received.

Transportation Unit: I refer to the above application, and confirm that I have no objection to the proposal. I recommend that the agricultural access is provided in accordance with the Council's standard details. I recommend standard conditions / notes regarding parking provision, shop entrance and the agricultural entrance.

Public Protection Unit: Not received.

Biodiversity Unit: Thank you for consulting with the Biodiversity Unit regarding the above application. The field is improved agricultural land and therefore is not a habitat with a high biodiversity value. However, the 'cloddiau' around the field have a high biodiversity value. 'Cloddiau' is one of Gwynedd's biodiversity action plans to try and protect and improve biodiversity in Gwynedd. They are also a feature of important landscapes in Pen Llŷn. This site is within 400m of the AONB. It is recommended that amended plans are submitted to indicate that the site will be surrounded by 'cloddiau' to make up for the hedge bank lost near the highway and a plan is enclosed of how the hedge bank should be constructed. Recommend a condition that the hedge bank should be completed within a year to the satisfaction of the biodiversity officer.

Welsh Water: Suggest standard Water conditions and advise the developer to contact Welsh Water directly.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period has expired and correspondence was received objecting on the following grounds:

- Traffic and Road Safety:
  - Increase in traffic
  - Access the site is opposite an entrance to residential dwellings.
  - Drivers exceed the speed restriction of 30mph
  - Question if the parking provision is sufficient.
  - Parking at the roadside
  - A busy road in the summer

Correspondence was also received in support of the proposal.

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## 5. Background

- 5.1 The applicant is a dairy farmer at Bryn Rhydd farm, a Cefn Amlwch estate farm, close to the application site. The applicant has expanded his enterprise to establish 'Glasu' ice cream business using the farm's produce. The intention is to erect a purpose built building to produce ice cream within easy reach of the farm on land in the applicant's ownership and not on estate land. The building would also include a shop/cafe selling ice cream and local produce. It is also proposed to use the building as an educational resource inviting schools to see how ice cream is produced and as a tourist resource. It is therefore considered that the proposal is a mixture of A1 (retail) A3 (food and drink provision) and B1 (light industry) uses.

## 6. Assessment of the material planning considerations:

### The principle of the development

- 6.1 Policy C1 of the GUDP states that land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new developments, and new buildings, structures and ancillary facilities in the countryside (i.e. outside the development boundaries and outside the developed form of rural villages) will be refused with the exception of a development that is permitted by another policy in the Plan. The site in question is located approximately 225m outside the development boundary of the village of Edern, namely a distance of two fields away, therefore it is considered to be a countryside site.
- 6.2 As the site is in the countryside, where there is strict control against the creation of new developments, it has to be assessed if any special local needs exist to justify the development. Policy D5 states that in exceptional cases permission can be granted to locate industrial or business development on sites that have not been designated or safeguarded for business/industry if there are genuine special location needs which cannot be met on a suitable employment site. Special location needs is defined as businesses and industries which need to be located close to the source of raw materials (e.g. wood processing works) or that require a constant supply of natural resources for their activities (e.g. water from a river or from the sea). It is argued in the Agent's statement that the business/industry has special location needs as the business requires to be located close to the core source, namely the dairy farm. It is argued that the site would reduce production costs, reduce food miles, it would create local employment opportunities and viability for the rural economy and would also be accessible to the highway. It is supported that such a mixed business at the centre of an industrial site would not be suitable for the business and would not benefit the business. ]
- 6.3 Despite the arguments that the development is in compliance with policy D5 of the UDP and that it cannot be satisfied on an existing designated industrial site, it is not considered that the applicant's wish to locate the business on land in his ownership and within easy reach of the farm is sufficient justification for the location. The policy's aim is to deal only with the uses that need to be located close to the sources of raw materials or require a constant supply of natural resources. In reality, the business should be established either close to the farm buildings or within a purpose built industrial estate or on a site that satisfies policy D7 below. The Council is not convinced that there is a genuine need to establish such a mixed business on the application site without special local needs or exceptional circumstances to justify granting the application in the countryside. Therefore, it is considered to be contrary to policy D5 of the GUDP.

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- 6.4 Proposals for small units at a small scale will be granted under Policy D7 of the UDP if it can be demonstrated that the proposed site is in the most suitable location to realise the need and if all the criteria can be satisfied. The policy is in favour of re-using existing buildings, however exceptions are permitted when existing buildings do not exist, but the site has to be linked physically to the existing development boundary, abutting a group of existing buildings or a site that was previously developed. It is considered that the construction of such a building on the application site would create a disjointed and isolated development on the western side of the county highway, where there is a gap of two fields between the site and the nearest bungalow where the development boundary ends. Therefore, the site is not physically linked to the existing boundary and it does not abut a group of existing buildings. The agent states that the main policy consideration of policy D7 is to create small scale rural workshops or industrial/business units to ensure the sustainability of the rural economy and create a variety of employment opportunities in the areas of commerce, industry, tourism and leisure. Whilst the policy is positive, it also offers criteria and states that it is necessary to comply with all of these. As mentioned above, the site does not use the existing building, the site is not physically linked to the development boundary, it is not close to a group of existing buildings and it is not a previously used site. The proposal therefore fails in terms of policy D7. There are also concerns regarding the scale of the building and the landscaping measures proposed, despite the additional landscaping measures proposed as a result of the application before you. Therefore, the proposal does not meet with the requirements of Policy D7 of GUDP.
- 6.5 Policy D8 approves proposals to extend/expand existing enterprises if the development is sited within or adjoining the existing development. Although the enterprise is on the applicant's farm land, the farmhouse and the associated buildings are approximately 850m south of the application site. The proposal's site is separate to the existing farm enterprise and is therefore contrary to the criteria in policy D8 GUDP. In his statement the agent mentions that the proposal corresponds to the majority of the criteria listed in the policy; he also confirms that the proposal does not concern the existing use that causes harm; that the proposal is part of the existing development (farm unit) and the exact location borders with the farm's land; the proposal is ancillary to the existing work; that the development will not cause significant harm to amenities, the environment and the local roads network, and that the design now includes additional landscaping work.
- 6.6 The agent goes on to state that the officer's view in the previous application was a narrow way of looking at the situation and took the wording of the policy to the extreme. The Local Planning Authority adheres to its original assessment, and the proposal before you is not tantamount to a suitable extension of the business as the proposal site is located separately to the existing farm buildings (namely the existing enterprise). Keeping the enterprise's buildings together is vital in a rural situation like this and is a strong basis for the principle of policy D8. The Local Planning Authority therefore continues to be of the view that the proposal is contrary to policy D8.
- 6.7 Policy D30 concerns retail developments in the countryside, and states that proposals for small shops will be approved outside development boundaries provided all the following criteria can be met:
1. The shop is a subservient element of an existing business on the site;
  2. That the shop would not significantly harm a neighbouring village shop;
  3. That priority has been given to using an appropriate existing building;

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4. That the new use will not significantly harm the amenities of neighbouring residents or the character of the area.
- 6.8 The proposed activity does not take place on the site of the existing application, therefore it is not a subservient element of the business at this specific site. This would be a completely new development on open ground in the village, opposite dwelling houses, where there is potential for the activity to harm the amenities of neighbouring residents and have a general impact on the area's character due to its disjointed location. It is considered that the proposal does not comply with policy D30 of the GUDP. The application's agent has formed an argument dealing with confirming that the shop would be an integral part of the business and the shop is not seen as a threat to the village shop, as the aim would be for the merchandise to be different. There is no assurance, having received permission, what would be sold in the shop; and if the shop was located where the existing farm buildings stand (namely the existing business) then it would be possible to ensure that it would be an integral and physical part of the existing business and due to its location it would then be less likely to cause significantly harm to a neighbouring village shop.
- 6.9 Therefore, as a result of the location of the proposal before you, the Local Planning Authority continues to consider that the proposal is contrary to the requirements of policy D30.
- 6.10 It is noted that the Design and Access Statement suggests that the proposal will provide an educational facility and a new tourist attraction in the area, and the agent's latest statement reiterates that the proposal will be a tourism attraction for the area. The requirements of policies CH37 (educational facility) and D13 (attraction and facilities) are similar in terms of criteria as they approve proposals for development if they are within the development boundaries, or where this is not possible the existing buildings have to be re-used or a site previously developed near the boundary that forms part of the existing activity. As has already been noted above, it is not necessary for the activity proposed to be restricted to this specific location. It is a greenfield agricultural site and therefore it would not conform to the policy requirements and it appears that no consideration has been given to find a suitable building/brownfield site within the village boundary or on a different site. The agent's statement confirms that the business has recently opened a shop in Pwllheli; and therefore it could be argued that this element satisfies the shop/cafe element included in this proposal; and this is a way of promoting tourism and to provide an educational facility. The agent also argues that the proposal in its current form, is not suitable as a location in an industrial estate as there are mixed uses within the proposal (A1, A3 and B1).
- 6.11 Despite the agent's arguments, and for the reasons stated above, the Local Planning Authority continues to consider that the proposal is contrary to the requirements of policies CH37 and D13 of the GUDP.
- 6.12 Therefore, despite the agent's statement, the Local Planning Authority continues to be of the view that insufficient evidence has been submitted to demonstrate that full consideration has been given to other sites within the development boundary, or proof that a purpose built industrial unit cannot be used for production requirements. The agent tries to argue that a location within an industrial estate is not suitable for a mixed use which is the subject of this application; however it is considered that supplementary A1 and A3 uses to a B1 use would be suitable within an industrial estate and that this type of location would be best. The applicant's desire to base the business on his own land is not a justification, and certainly there is no evidence that



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any special location needs concern the shop/ice cream production area that cannot be satisfied within the development boundary or on an existing industrial employment site in the area. Therefore the proposal to erect a mixed business building of this type on greenfield land does not comply with the business location principles of policies C1, CH37, D5, D7, D8, D13 or D30 of GUDP.

### **Visual amenities**

6.13 The existing site is an open agricultural field with green hedge banks and boundaries. The DDA states that the building was designed as a long rectangle in order to appear as a traditional farm building and it is proposed to finish the building with grey coloured box profile sheeting? on the roof. In terms of design and size, the building would be suitable for such use, however the location of the proposal is not suitable. There would also be concern regarding the visual impact of losing the existing high boundary hedge bank, although the landscaping scheme has now been improved, it is not considered that this would make up for the loss of the hedge bank and the provision of the development at this site. It is deemed that constructing a new building in such an isolated and disjointed location would have a detrimental impact on the form and character of the village and the landscape, that is designated as a Landscape Conservation Area. There are currently open and unimpeded views over the fields in the direction of the coast of the AONB and it is deemed that the proposal would stand out as an unusual visual feature at this location. The proposed setting would be inconsistent and would form a separate relationship to the existing development pattern, and it does not respect or offer any continuation. The agent has sought to argue that the site is directly nearby to existing dwellings and therefore the site is not isolated at all. In reality, the site is located on its own and approximately 850m away from the existing farm buildings and over 200m away from the nearest building on the same side of the road as the application site. The location of the existing dwellings opposite this road is insufficient to alleviate the visual appearance of the proposal in this case and it is considered that the road that leads through the village creates a definitive physical boundary between the houses and the application site opposite. It is therefore considered that the proposal is contrary to policy B10 and B22 of the GUDP.

### **General and residential amenities**

6.14 The application site is open greenfield land but there is a cluster of four houses opposite the county highway. Three objections to the application were received expressing concern regarding the proposal based on concerns regarding road safety and parking. It is considered that business activity from the site is likely to cause a nuisance to nearby residents who currently face an open green field, with the nature of the business creating a great deal of coming and going and adding to the site's traffic. The proposal does not indicate the direct physical link (i.e. track) from the existing farm buildings (namely the existing business) towards the proposal before you, and therefore it appears that all the traffic linked to this proposal will travel through the village and in through the access opposite the nearby residents. If a track ran across the fields from the existing farm buildings to the application site this would cause more concern in terms of visual amenities as a result of the distance between both spots.

6.15 The dwellings have high boundaries and therefore no impact is anticipated on their privacy, however, it is likely that the business would have a detrimental impact on their enjoyment of their property and their amenities in terms of traffic movement in and out of the site.

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### **Biodiversity Matters**

6.16 The Biodiversity Unit's observations on the proposal have been received. Although there is no concern regarding the loss of biodiversity of the field itself, concern was expressed about losing the boundary hedge bank as it has a high biodiversity value, without forgetting that it is an historic feature with visual value. The Biodiversity Officer continues to suggest that the new hedge bank should be erected instead of the one proposed to be removed near the road, to compensate the biodiversity that will be lost; although a scheme has been submitted that indicates the intention to place traditional 'cloddiau' around the site in accordance with the previous comments of the biodiversity officer. As the Local Planning Authority does not support the principle of the proposal before you, we did not approach the agent for an amended plan to completely satisfy the biodiversity officer's requirements in this case. Despite this, if the application was approved, as it appears that the applicant is willing to satisfy the requirements of the biodiversity officer, although his current landscaping plan does not completely alleviate concerns, imposing a planning condition to ensure this would be appropriate in this case.

### **Road Issues**

6.11 The proposal involves adapting the existing agricultural access to the field in order to serve the business and this would entail removing the existing boundary hedge bank completely to give suitable visibility splays. It is also intended to create a new agricultural entrance to the remainder of the field on the other side, closer to the place where the road narrows. The Highways Officer does not object to the proposal and by now the application form and the plan confirm eight parking spaces which is sufficient. Although the Highways Officer is satisfied with the proposal and the proposal together with the relevant conditions satisfies the requirements of policy CH33 and CH36, this does not overcome the remainder of the officers' concerns and the objections regarding the proposal.

### **7. Conclusions**

7.1 Having weighed up the proposal against the above policies, as well as considering the additional information submitted by the agent in response to what was refused originally under C15/0409/42/LL, it is considered that the location and setting of the proposed building continue to be contrary to the principle of the UDP's policies concerning siting businesses. The applicant has not submitted sufficient evidence to show that sufficient consideration has been given to other sites, or assessments of units or existing sites in the area that could be used. There are no special siting requirements that cannot be satisfied on an existing employment/industrial site in the area. The benefits in terms of economic growth, rural enterprise and employment do not outweigh the harm which is likely to be caused to the landscape character and appearance of the area, and the need to ensure new development is located in a sustainable place.

7.2 Although the policies in the GUDP generally support applications for small rural businesses; it is necessary for any proposal to comply with the criteria of specific policies, in order to ensure that the sites proposed are totally suitable before they can be approved. The grounds of the recommendation to refuse this application is therefore the unsuitable location in the countryside and its visual impact. The proposal is located within an open green field where there is currently no development. The policies of the GUDP ensure that the development of business in the countryside should be ancillary to current use and on sites that have already been developed and that are very close to existing buildings, in order to safeguard the open

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countryside. The proposal is considered to be contrary to the GUDP policies and therefore there is no option but to recommend that the application is refused.

**8. Recommendation:** - To refuse - reasons

1. There are no exceptional siting requirements that exist to justify siting the retail/industrial/new facility on a site in the countryside, which is a fair distance from the existing enterprise and where there is no physical link with the village's development boundary. Sufficient evidence has not been submitted with the application to show why the development cannot be located on another suitable site or within an existing suitable building or in a purpose built industrial unit. It is considered that the proposal is contrary to the business siting principles of C1, CH37, D5, D7, D8, D30, D13 of the Gwynedd Unitary Development Plan.
2. The building, due to its location, would stand out as a visual disjointed and isolated feature on the outskirts of the village where it is considered that it will have a detrimental and unacceptable impact on the form and character of the village that is designated as a Landscape Conservation Area. It is therefore considered that the proposal does not comply with the requirements of policies B10 and B22 of the Gwynedd Unitary Development Plan.