Number: 6

Application Number:	**C21/0835/19/LL**
Date Registered:	**25/08/2021**
Application Type:	**Full**
Community:	**Bontnewydd**
Ward:	**Bontnewydd**
Proposal:	**Proposed erection of replacement buildings (partially retrospective) for use as a commercial workshop, store and garages, and for retrospective consent for the formation of new entrance and access road and also for the demolition of a garage and large shed**
Location:	**Llain Meddygon, Caeathro, Caernarfon, Gwynedd, LL55 2TH**
Summary of the Recommendation:	**TO REFUSE**

1. Description:

1.1 Retrospective application for the retention of an industrial workshop (class use B2) on the location of a previous agricultural building. The new workshop measures 20 metres long, 12 metres wide and 5.2 metres to the ridge. The proposed workshop would be built from a steel structure covered in steel sheets. The workshop will be used for the applicant's business and every piece of machinery will be kept within the workshop. It is noted that the workshop structure has already been erected.

1.2 It is also intended to erect a domestic garage on the site of a previous garage and retain the new access to the adjacent unclassified county road. The proposed garage measures 20 metres long, 6.8 metres wide and 4 metres to the ridge. The garage is located to the south-east of the workshop. It appears from the site plan that it is intended to install a toilet in the garage which would be connected to the new private sewage treatment works located in the adjacent field. No details about the fabrication of the garage was submitted with the application. The entrance and a new access road are located in the adjacent field to connect the buildings with the county road.

1.3 The site is served by the unclassified county road which leads to a third-class county road junction within approximately 130 metres to the south.

1.4 The nearest dwellings are located approximately 200 metres from the site.

1.5 The site is located outside the boundary of the village as defined in the Gwynedd and Anglesey Joint Local Development Plan and within the Gwynedd Well-being Area.

1.6 The application is submitted to the Planning Committee at the Local Member's request.

2. Relevant Policies:

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.

2.2 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

2.3 **Gwynedd and Anglesey Joint Local Development Plan 2011-2026, adopted 31 July 2017**

PS 1: The Welsh Language and Culture
ISA 2: Community Facilities
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
PCYFF 2: Development Criteria
PCYFF 3: Design and Place Shaping
SP 13: Providing opportunities for a prosperous economy

CYF 6: Re-use and adapt rural buildings or a residential unit for business use or construct new units for business/industry
PS19: Conserve and where appropriate enhance the natural environment
AMG 5: Local Biodiversity Conservation

Maintaining and Creating Distinctive and Sustainable Communities (adopted 2019)

Design (2009)

2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Technical Advice Note 6: Planning for sustainable rural communities

Technical Advice Note 23: Economic development.

3. Relevant Planning History:

3.1 Application number 3/19/81 Erection of agricultural shed - Approved 22 November 1989.

Application number C12/1466/19/LL - Conversion of outbuilding into a holiday unit - Approved on 09/01/2013.

Application number C17/1239/19/LL - Vary condition 1 of planning permission C12/1466/19/LL to convert an outbuilding into a holiday unit in order to extend the period for commencing the work to an additional 5 years - Approved on 12/12/2018.

4. Consultations:

Community/Town Council:	The Community Council has no objection to the application, but noted that this retrospective application is slightly different to the one with the shed divided into different sections, and wanted to ensure that this was considered when a decision is reached on the application.
Transportation Unit:	Based on the additional information which states that the business activity is only likely to generate a small traffic flow, I confirm that there is no objection to the proposal. Recommend a condition to Build an entrance in accordance with the plans in a note in relation to Section 171/184 of the Highways Act 1980.
Natural Resources Wales:	Thank you for your email dated 30/9/2021, in which you provided the comments of your Biodiversity Team. We note that this application is for a workshop and garage. The application form also states that it will result in 2 employees being based at the site. We also note that you have concluded (email from Emily Meilleur 23/9/2021) that there will be no additional phosphorus discharges into the catchment as a result of the proposal, as the workers are likely to already live within the catchment of the Afon Gwyrfai a Llyn Cwellyn SAC. Based on the above, we raise no concerns with the application and have no

	further comment to make.
Welsh Water:	Suggest that the agent contacts Natural Resources Wales as it is intended to install private sewage works. Dŵr Cymru would need to be contact if circumstances change.
Public Protection Unit:	No response had been received.
Biodiversity Unit	Llain Meddygon has been subject to several planning permissions for barn conversion. There are bats roosting in the out buildings and old hay loft. I would like to know if the building works have taken place to convert the outbuildings and confirmation that bat and bird mitigation has been undertaken appropriately. I have no ecological concerns regarding the demolition of the existing garage and workshop shed. However due to the presence of bat roosts in nearby buildings it is important that external lighting is kept low, especially near bat flight paths. The proposed plans include hedgerow and tree planting, which I welcome because it will create habitat and provide cover for bats and birds. I have no concerns regarding the location of the new shed and car parking, its footprint is larger than the previous structure, but the field appears to be agriculturally improved and therefore there will not be a loss of habitat of high biodiversity value. I would like the new building to have suitable nest boxes for house sparrows, swallows and swifts. Further comments NRW has concerns about additional workers within the Afon Gwyrfai SAC catchment area. The planning statement states "The applicant runs an established business relating to the manufacture of mainly medical equipment and periscopes for armoured vehicles. The business currently employs eight members of staff." The query is 1. Would the running of the business and its associated staff cause and increase in phosphate to the Afon Gwyrfai? This could be due to additional sewage load as a result of more people. I would think that eight people is a low and insignificant addition to the phosphate entering the Gwyrfai catchment system, however it is likely that the workers already live within the Gwyrfai Catchment and therefore this proposal would have neutral phosphate input. Detergents (washing powder, laundry liquid and washing up liquid) have phosphates in them to help with the cleaning process, and this can be as high as 60% of the weight of detergent powders. Perhaps we could suggest that they use phosphate free cleaning products.

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:

- The building has been erected without planning permission in a rural area.
- The previous building was more in keeping with the agricultural nature of the area.
- The building is located within a residential area.
- An industrial building cannot be justified so close to industrial units in Caernarfon. No details have been presented for the large soakaway system which is causing flooding on the road.
- Concern regarding noise which would stem from the site and affect residential properties in the area.
- It is claimed that the description is misleading as it refers to a "replacement building" and that the agricultural building has been demolished and the agricultural use has ended.
- How can two substantial entrances be justified for one property?
- If every door and window were closed during production, the building would require a substantial ventilation system which would lead to unacceptable noise.

5. Assessment of the material planning considerations:

The principle of the development

5.1 National planning policy guidelines acknowledge the importance of new businesses to the rural economy. Planning Policy Wales (Edition 11, February 2021) states that small scale enterprises have a vital role to play in the rural economy, and contribute to both local and national competitiveness and prosperity (5.6.3).

5.2 This is supported in Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (July 2010) with paragraph 3.1.2 stating that planning authorities should support the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need to travel for employment. The Development Plan should facilitate the diversification of the rural economy by meeting the needs of traditional rural industries and new ventures, while minimising the effects on the local community and the environment.

5.3 Paragraph 3.1.4 of the TAN notes that many businesses in rural areas are small, with self-employment common. The business is often operated from home, which provides a sustainable business model. Planning authorities should encourage the growth of self-employment and micro-businesses by adopting a supportive approach to dealing with work in the home. Planning applications for working from home sites should be supported provided that local amenity is not jeopardised to an unacceptable degree.

5.4 4, Strategic Policy PS 13: Providing opportunities for a prosperous economy, states that when aiming to protect and enhance the natural and built environment, the Councils will facilitate economic growth in accordance with the spatial strategy of the Plan by:

"Supporting economic prosperity and the sustainability of rural communities by facilitating appropriately scaled growth of rural enterprises, the extension of existing businesses and

diversification by supporting the re-use of existing buildings, the development of 'live and work' units, working from home, and by encouraging the provision of sites and premises in appropriate accessible locations consistent with the Plan's Spatial Strategy and in line with Strategic Policies PS5 and PS6"

5.5 The principle of the proposal should be assessed against policy CYF 6 of the Plan. The policy supports that proposals for building for new employment/business can be approved provided that it is possible to comply with the criteria of the policy, namely:-

1. "That the scale and nature of the development is acceptable given its location and size of the building in question;

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;

3. When the proposal relates to an existing building:

   i. That the building is structurally sound;

   ii. That the scale of any extension is necessary and of a reasonable size;

   iii. The building is suitable for the specific use."

5.6 The explanation to the above policy notes that the broadband connection that rural communities have creates opportunities for people to work from their homes or adapt rural buildings to be used for businesses. The aim of the policy is to encourage rural communities to be more sustainable and promote a close connection between living and working locations. It is also stated that providing small-scale rural workshops and industrial units is a way of supporting the sustainability and self-sufficiency of rural areas. The above Policy encourages small-scale developments that make appropriate use of existing buildings that are in-keeping with the rural areas.

5.7 The proposed workshop measures 20 metres long, 12 metres wide and is located to the rear of the house and holiday units. It is appreciated that the above Policies support proposal for small-scale industrial units. The current Policy does not define scale, therefore the case needed to be considered in relation to the purpose and objectives of the Policy and it is difficult to see how a B2 use class industrial building of this size would comply with this Policy. It is understood from the applicant that his business employs 8 workers and that he was selling his business property in Bangor in order to move his business closer to Llain Meddygon.

5.8 The applicant states that he runs his business from a unit within the Peblig Industrial Estate in Caernarfon. However, it is understood that the site is too small for business activities and therefore the applicant would extend his business to an additional property in Penygroes shortly. This arrangement would allow company staff to work from the units at Peblig Industrial Estate and Penygroes and for the applicant to work from his home for personal reasons; it is also understood that the applicant would not need to work within existing industrial units due to the nature of his work within the business. Therefore, it appears that it is intended to establish the business at Llain Meddygon due to personal reasons and it is not considered that planning justification has been shown for approving the site workshop on a site outside the development boundary and contrary to Poicy PCYFF1.

5.9 It is noted that the existing business employs 8 workers and the current proposal employs two full-time but it is not clear from the application whether those figures include the applicant.

5.10 The site is located in open countryside where houses and other buildings and properties are dispersed and, consequently, it is difficult to see how the proposal would conflict with other nearby uses. In relation to travelling to the site, it is noted that the bus stops are located in the two nearest

villages, Caeathro and Bontnewydd, and there would be a need to use private transport to travel to the site contrary to the objectives of Policy PS5 within the LDP.

5.11 It is appreciated that Policy CYF6 supports proposals to establish small business/industrial units outside development boundaries if the scale and nature of the proposal is acceptable. Given the location, size and scale of the proposed use building and the applicant's statement that the business occupies other sites within sites in Caernarfon and Penygroes, it is not considered that the application meets the objectives of the policy.

5.12 Policy PCYFF1 objects to developments in the countryside, unless it is in accordance with specific policies in the LDP, national planning policies or it is shown that the rural location is essential. It appears that the reasons for the proposal to erect the industrial unit in the applicant's home stems from personal circumstances and that, in planning terms, it is not essential for it to be located in the countryside. The rural location has not been shown to be essential to the business and it could be located elsewhere. Therefore, the application is not considered to be in compliance with PCYFF1, PCYFF2 and CYF6 within the LDP.

Visual amenities

5.13 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.

5.14 The proposal entails the erection of an industrial building of a steel fabric in open countryside. The colour of the building has not been stated as yet, therefore, a condition would have to be imposed on any permission to this end. The applicant states that the building occupies the location of a previous agricultural building, however, it must be appreciated that the building has been demolished and that it is not part of the proposal. Although the building is located to the rear of the house and existing stone out building, part of it would be visible from the adjacent county road. It is not considered that erecting a new building of the type proposed would improve the character and appearance of the site. Consequently, it is not considered that the proposal complies with Policy PCYFF3 within the LDP.

General and residential amenities

5.15 The application was advertised on the site and neighbouring residents were informed. Correspondence was received objecting to the application. The proposal is located approximately 200 metres from the nearest dwellings which are outside the applicant's ownership. It is, therefore, considered that the proposal would not have a significant detrimental impact on the general amenities of the occupants of those dwellings.

5.16 A noise report was submitted with this application and concludes that noise impact would not prevent the granting of planning permission and conditions could be imposed on any permission to reduce any concerns. The Public Protection Unit was consulted on the matter and no response was received when preparing the agenda.

5.17 Under the above-mentioned circumstances, it is not considered that approving the application would be contrary to Policy PCYFF2.

Transport and access matters

5.18 The proposal involves establishing a new industrial unit in the countryside. The site is served by an existing access to an adjacent unclassified county road. It is noted that the access was erected without planning permission and forms part of this application. The access is located to the south-east of the building. It is considered that existing visibility lines along the verges of the highway are sub-standard. Nevertheless, the observations of the Transportation Unit were received noting that additional information stating that a very small traffic flow would likely be generated from the business activities and, consequently, there would be no objection to the proposal. However, it is believed that a condition should be imposed on any permission to enforce keeping the height of the hedges along the boundary of the site to not higher than 1 metre above the level of the adjacent county carriageway. In these circumstances, is not considered to be contrary to policy TRA4 of the LDP.

5.19 It is noted that the applicant owns sufficient land to create adequate provision for parking and, therefore, it is considered that the proposal is in accordance with Policy TRA2 of the LDP.

Biodiversity matters

5.20 It is noted that observations were received from the Biodiversity Unit recommending imposing conditions on any permission to manage light, implement additional landscaping and installing a nesting box on the building.

6. Conclusions:

6.1 The proposal entails the erection of a large building for the purpose of general industry (use class B2) open countryside and the creation of a new access. The rural location has not been shown to be essential to the business and it could be located elsewhere. Observations from the Transportation and Biodiversity Units were received confirming that there was no objection to the application. It is not considered that the size, scale and nature of the proposal comply with the objectives of policies PCYFF1, PCYFF2, PCYFF3 and CYF6 of the Gwynedd and Anglesey Joint Local Development Plan.

7. Recommendation:

To refuse – reasons

1. It is not considered that the proposal to build a large industrial building for use class B2 within the Use Class Order 1987 in open countryside complies with the objectives of the Council's policies in relation to industrial / business units. The proposal is contrary to Policy PCYFF1 and PCYFF2 (that there is no justification for its location in the countryside) and Policy PCYFF2 and CYF6 (that the building is not on a small scale) within the Gwynedd and Anglesey Joint Local Development Plan.

The proposal, due to its location, setting and appearance in the landscape, would stand out as a prominent and intrusive feature in the countryside and would have a detrimental impact on the landscape and on the visual amenities of the rural area. The proposal is, therefore, contrary to Policy PS19, PCYFF1, PCYFF2 and PCYFF3 of the Gwynedd and Anglesey Joint Local Development Plan.