

PLANNING COMMITTEE	DATE: 21/03/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	

Number: 3

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

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1. Description:

- 1.1 This application was originally reported to committee last December when it was resolved to postpone consideration in order to give the applicant an opportunity to submit further information regarding:
- (a) the need to for a workshop in Penygroes and Bontnewydd,
 - (b) the proposal to close the existing entrance to the house permanently, and
 - (c) the justification for the size and scale of the building.
- 1.2 Following the deferral of the application, a further statement was received from the applicant clarifying the aforementioned points in December 2022. Please note that this document forms part of the application. Reference is made to the individual points above within the relevant chapters in the body of the report.
- 1.3 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.
- 1.4 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.
- 1.5 Please note that the property is served by 2 entrances, the existing one which leads to the house, and the new one which leads to the application site as well as the proposed building. The new entrance opens up to the unclassified county road which leads to a third-class county road junction within approximately 130 metres to the south.
- 1.6 The nearest dwellings are located approximately 200 metres from the site.
- 1.7 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.
- 1.8 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.

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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

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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

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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

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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.

- 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

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shown for approving the site workshop on a site outside the development boundary and contrary to Policy PCYFF1.

- 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.

The additional / new information states that the business was run from the Peblig industrial estate, Caernarfon, but it has now been relocated to a Unit on the industrial estate in Penygroes as the previous unit was in a poor condition. The applicant states that he does not have property on the Peblig site any longer.

- 5.14 The business employs 9 staff, 7 of whom are Welsh-speakers. The unit in Penygroes has 6 'Computer Numerically Controlled machines for the production of regular components for local companies e.g. Bee Robotics, Cygnet Fabrications, Metcalf Catering, Greenaway UK and Ffestiniog Railway.
- 5.15 The staff work from the unit in Penygroes, and it would only be the applicant working from the proposed workshop in Bontnewydd. It should be explained that the applicant had originally stated that 2 of the staff would work full-time at Llain Meddygon, Bontnewydd. It is also given to understand that it is only the applicant that creates the prototype components and they would be transported to the unit in Penygroes to be built; he therefore does not need to work on the industrial estate. There is some doubt regarding this system given that the business has been operational for years and, it is presumed, with units on industrial estates. It is appreciated that the applicant's wife is disabled and requires care throughout the day and the development would allow him to work and maintain his business and be at hand to look after and care for his wife.
- 5.16 The information confirms that the garage would be used to store cars and residential equipment.
- 5.17 The additional information is acknowledged, but it is not considered that it changes the opinion that the applicant's justification for the proposal turns around is personal needs rather than actual planning need to establish a new industrial unit in open countryside. Therefore, the application is not considered to be in compliance with PCYFF1, PCYFF2 and CYF6 within the LDP.

Visual amenities

- 5.18 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

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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.

- 5.19 The applicant states that the building occupies the location of a previous agricultural building, The proposed building would be slightly larger (2 metres longer, 3 metres wider and 1.1 metres lower) in terms of surface area and slightly lower to the ridge. However, it must be appreciated that the previous building has been demolished and that it is not part of the proposal. No weight can be placed on this when considering the application as no agricultural land or buildings are considered as previously developed land. Therefore, the application is for part-retrospective permission to construct a new building. The applicant states also that the new building would be green in colour, similar to other agricultural sheds in the area. A photograph and detailed internal layout plan were received, together with a statement from the applicant noting that high-value machinery would require a safe site and a high level of cleanliness, as part of the additional information. 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

- 5.20 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.
- 5.21 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.
- 5.22 Under the above-mentioned circumstances, it is not considered that approving the application would be contrary to Policy PCYFF2.

Transport and access matters

- 5.23 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.
- 5.24 The applicant states that the proposed entrance creates a separate access road for the workshop as proposed and would therefore ensure that the proposed business would be kept separate from the main house. If needed, the applicant is willing to close the original entrance to the house as part of this application and would be willing to accept an appropriate planning condition on any permission to enforce this.

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- 5.25 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

- 5.26 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 which would comply with established planning policies. 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. It is not considered that the further information received from the applicant resolves significant planning concerns regarding the proposal.

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.
2. 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 without proven planning justification. The proposal is, therefore, contrary to Policy PS19, PCYFF1, PCYFF2 and PCYFF3 of the Gwynedd and Anglesey Joint Local Development Plan.