

PLANNING COMMITTEE	DATE: 03/09/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	PWLLHELI

**Number: 2**

**Application Number: C16/1089/42/LL**

**Date Registered: 01/06/2018**

**Application Type: Full - Planning**

**Community: Nefyn**

**Ward: Morfa Nefyn**

**Proposal: Construct a new building to produce and sell ice cream, an education room, and create a new entrance, parking and landscaping**

**Location: Land part of Fferm Bryn Rhydd, Edern, Pwllheli, Gwynedd, LL53 8YY**

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

PLANNING COMMITTEE	DATE: 03/09/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	PWLLHELI

## 1. Description:

- 1.1 The application involves the construction of a new building to produce and sell ice cream on part of a field at Fferm Bryn Rhydd, Edern. It would be a single-storey 'L' shaped building to include an ice cream producing parlour, an education room to observe the production room, rooms for various freezers, stores, staff room, kitchen and sales counter, seating area, play corner and facilities. The proposal would also include the creation of a new vehicular entrance, parking provision and associated landscaping work. The building would be finished with a grey box profile roof, and green coloured wood effect board on the elevations.
- 1.2 The development would be located in the corner of a green agricultural field on the outskirts of the village of Edern and, apart from the eastern side, it would be surrounded by fields. The site is parallel to a class 2 county road, the B4417, and is within the village's 30 miles per hour zone. Two dwellings stand directly opposite the site. The site is located outside the development boundary of the village and is within a Landscape Conservation Area.
- 1.3 The planning application was submitted in September 2016 and went before the Committee on 7 November 2016, and subsequently on 28 November 2016, after a site visit was held. The Committee resolved to approve the proposal, contrary to the officers' recommendation, since there was no other suitable location available and it was possible to place a great deal of weight on the economic benefit. The Senior Planning Service Manager referred the application to a cooling-off period and to have the opportunity to hold discussions with the applicants. Some time after the discussions, on 1 June 2018, amended plans were submitted in which the design, layout of the entrance, and landscaping had been changed considerably. In addition, the policy considerations have also changed, and meanwhile the Gwynedd and Anglesey Joint Local Development Plan was adopted (July 2017). Considering the time that has passed and all the changes made to the plans, it is considered that the proposal should be resubmitted to the Committee in order to assess the application under the new policies, rather than submitting it to the Committee as a cooling-off report as originally suggested.
- 1.4 The application was originally submitted to the 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 Act (Wales) 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.

PLANNING COMMITTEE	DATE: 03/09/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	PWLLHELI

2.3 **Gwynedd and Anglesey Joint Local Development Plan 2011-26, adopted 31 July 2017**

PS 2 Infrastructure and developer contributions  
 ISA1 Infrastructure Provision  
 PS 4 Sustainable transport, development and accessibility  
 TRA2 Parking standards  
 TRA 4 Managing transport impacts  
 PS 5 Sustainable developments  
 PS 6 Mitigating the effects of climate change and adapting to them  
 PCYFF1 Development Boundaries  
 PCYFF 2 Development Criteria  
 PCYFF 3 Design and Place shaping  
 PCYFF 4 Design and landscaping  
 PS 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.  
 MAN 6 Retailing in the Countryside  
 PS 19 Conserving and enhancing the natural environment  
 AMG 2 Special Landscape Areas  
 AMG 5 Local Biodiversity Conservation

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.

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 field in his ownership. Confirmation that the site was outside the boundary and therefore does not comply with the retailing in the countryside policy (2014).

4. **Consultations:**

Community/Town Council: No objection.

Transportation Unit: I refer to the amended applications, and confirm that I have no objection. I recommend the inclusion of the same condition as previously with the exception of the condition relating to changes to the agricultural entrance.

PLANNING COMMITTEE	DATE: 03/09/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	PWLLHELI

Public Protection Unit: Not received.

Biodiversity Unit: My previous observations still apply:

Observations 22 September 2016

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 be 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 *clawdd* should be completed within a year to the satisfaction of the biodiversity officer.

Welsh Water: General observations requesting that a condition be included that surface water or land water should not be connected to the public sewer.

Public Consultation: There was a further consultation on the amended plans. The advertising period has ended and correspondences were received objecting on the following grounds:

- Traffic and Road Safety:
  - Increase in traffic, the road is narrow in places
  - Access to the development is opposite the entrance to residential houses
  - Drivers exceed the speed restriction of 30mph
  - Question whether the parking provision is sufficient
  - Parking at the roadside
  - A busy road in the summer
- Affects the privacy of the houses opposite

## 5. Background

The applicant is a dairy farmer at Bryn Rhydd farm, close to the site of the application, and the farm belongs to the Cefn Amlwch Estate. The applicant has expanded and diversified his enterprise to establish the 'Glasu' ice cream business using his 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 provide a more suitable space for producing, freezing and storing in addition to an education room and a product sales area. It is therefore considered that the proposal is a mixture of B1 (light industry), A1 (retail) and A3 (food and drink provision) uses.

PLANNING COMMITTEE	DATE: 03/09/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	PWLLHELI

## 6. Assessment of the material planning considerations:

### The principle of the development

- 6.1 The development site is outside the development boundary of the Coastal / Rural Village of Edern; it is, therefore, a rural site. Policy PCYFF 1 of the Gwynedd and Anglesey Joint Local Development Plan (LDP) states that outside the development boundaries, proposals will be refused unless they are in accordance with specific policies of the Plan or national policies or that the proposal shows that its location in the countryside is essential.
- 6.2 The principle of erecting new buildings for business / industrial use is grounded in Policy CYF6 of the LDP which states that such proposals will be approved provided that the following criteria can be met:
- That the scale and nature of the development is acceptable given its location and size of the building in question  
The proposed building that is the subject of this application is large, and 'L' shaped; its floor surface area is approximately 322m<sup>2</sup>. The building has been designed to sit low in its location with a grey box profile finish and green walls that would resemble an agricultural shed. It would have an industrial use, located on land owned by the applicant; it is argued that locating this building on this site is essential in ensuring that the production space is within easy reach to transport milk and is in an efficient place to promote the business. This is the closest, practical location to the dairy farm, which is a little over 800m from the site of the application as the crow flies. They do not wish to invest on the existing farm since it belongs to the estate and it is essential for the building to be on their own land to ensure the future of the ice cream business. The explanation in policy 6.3.48 considers that providing small scale industrial units is a means of supporting the sustainability and self-sufficiency of rural areas. The policy encourages small-scale developments that are in-keeping with the rural areas. This policy is not as restrictive as the industrial policies with the previous Gwynedd Unitary Development Plan, which were the policy considerations originally assessed with the application, where special local needs were expected to be proved. A Supplementary Planning Guidance has not been published either to provide guidance on the matter.
  - That the development would not lead to a use that conflicted with nearby uses or had an impact on the viability of similar uses nearby.  
The uses that are closest to the site are the residential houses, where two dwellings stand directly opposite the county road into the field. It must be acknowledged that erecting a building on this land would affect their view, that looks toward open fields and the coast; the development would, therefore, lead to change in that respect. There would be more activity as a result of the development, with staff, customers, and vehicles coming and going. The fairly busy B4417 county road, however, separates the site from the residential houses; therefore, some distance would mean that the impact on them would not be entirely direct. No similar uses exist nearby whose viability would be affected.
- Criterion three is not relevant as is involves existing buildings, this would be a brand new business/industrial building.
- 6.3 The Local Planning Authority has not been fully persuaded that this is the most appropriate location for the development. Nevertheless, in light of discussions held after the previous committee granted its support, it is considered that the design, layout

PLANNING COMMITTEE	DATE: 03/09/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	PWLLHELI

and associated details have been amended for the better. The applicant further explained the barriers to developing on the existing farm; problems in obtaining a sufficient supply of electricity for the enterprise without great cost is among the main reasons for having to consider a different location. The applicant was also concerned about making a substantial economic investment on the estate land over which he would not have full control. It is, therefore, appreciated that there is justification for considering this location and the LPA is satisfied that the discussions and collaboration have been beneficial in achieving high quality design and layout that will better suit its rural setting and satisfy the requirements of policy CYF6 of the LDP.

- 6.4 Although the building's main use would be industrial (ice cream production), the proposal would also have a subservient retail element, that of a counter/café to sell the produce. The proposal must also, therefore, be considered under policy MAN6 that relates to retail in the countryside. Small scale shops can be approved if they meet relevant criteria. The shop element here would serve a business that already exists on site; in this case a subservient use to a nearby, existing farm business. Considering the business' fairly specialised produce, it is not considered that it would have much impact on the village shop. It does not use an existing building; however, some justification has been proved for the proposed site. The building's isolated location across the road from the existing dwellings offers some protection to the amenities of the nearby residents; however, some impact is unavoidable, given that the site is changing from an agricultural field to light industrial use. The site is parallel to a class 2 county road and is within walking distance of a bus stop, which makes it accessible in that respect. The intention is to create a new entrance to the field and provide a large parking area, and a deliveries and transport area. In paragraph 6.3.113 of the explanation of the policy, it states that small scale shops run jointly with a business that already exists on the site, for example a farm shop, garden centre, or petrol station, can provide a useful service for rural communities by supplying a new source of service and employment close to rural houses. It also acknowledges that shops in the countryside can create additional employment opportunities and help diversification within the rural economy, which is true in this case, and provides a service for local communities. In general, therefore, it is considered that the subservient retail element here satisfies the requirements of policy PS13 and MAN 6 of the LDP.
- 6.5 Policy PS5 states that developments will be supported where it can be demonstrated that they are consistent with the principles of sustainable development. Among the criteria, promoting more self-sufficient centres and villages and a range of work opportunities is encouraged. A diverse and responsive local economy is promoted, that encourages investment that is able to sustain rural villages and areas and support local businesses.
- 6.6 The Design and Access Statement states that the building would be sustainable, given the intention to include solar panels and a ground heat and air pump as part of the development. These have not been included in the plans. Consideration has therefore been given to mitigating the impact of climate change to meet the needs of Strategic Policy PS 6. The policy supports opportunities to produce food locally and to farm locally to help the area's contribution to reducing food miles, and the proposal would contribute positively to those efforts.

#### **Visual amenities**

- 6.7 In terms of visual amenities, Policy PCYFF3 requires that proposals show a high quality design that gives full consideration to its context in the natural, historic and built environment and contributes towards creating attractive and sustainable places. Since

PLANNING COMMITTEE	DATE: 03/09/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	PWLLHELI

receiving the support of the Committee and holding discussions, the design and layout have changed considerably. Despite its large scale, the amended design of the building would be 'L' shaped, thus ensuring that it would not appear too bulky in the landscape. It was also requested that the building be sunk into the field, which would work with the topography and reduce its visual impact and this is shown on the amended plans. As regards the elevations, the roof of the building would be of a grey slate box profile material and the walls, which would be finished with green wood effect boards, that would be a way of integrating the building into the landscape. The amendments to the form and design of the building gives the impression of an agricultural building with the simplified details and features; it is, therefore, likely to draw less attention than the original design. It was also requested that additional landscaping be included because of the open nature of the site. The plans show an intention to plant hedgerows around the boundaries, soft landscaping in areas and a more natural surface to the car park that would be a combination of grass and concrete, which would be an improvement since the hard surface that is part of the development would be reduced, and providing a permeable surface would also be an improvement. Because of the isolated and disjointed location of the site, it is not possible to fully overcome our concerns about the visual impact of the proposal on the form and character of the village and this Special Landscape Area. It is, however, believed that the discussions held following the support of the Planning Committee were beneficial and certainly an improvement since the design and layout are more considerate of the context of its setting. On this ground, it is believed that the proposal is now an improvement and, through relevant conditions, satisfies the requirements of policies PCYFF3, PCYFF4 and AMG2 of the LDP.

### **General and residential amenities**

- 6.8 The application site is open greenfield land but there is a cluster of four houses on the opposite side of the county road. Objections were received from some of the residents who were concerned about road safety. Certainly, introducing a brand new building to this currently tranquil site would create some disturbance for those residents, with the nature of the use and coming and going adding to traffic on the site. Since the submission of the original plans, the form, layout and details of the building have changed. The type, size and location of the windows have been changed so that they face away from the front of the houses to side and rear locations. The building is also sunk into the land so that it is not too imposing. The amendment also states that the front, boundary hedgerow is to be demolished and replanted farther back; this will mean that the landscaping will protect amenities once it is established and has matured. Whilst acknowledging that there will be some change to the amenities of nearby residents, it is believed that the proposal with the amended layout and details will improve the situation in terms of amenities. Through relevant conditions such as restricting delivery times and landscaping conditions, it is believed that the development can be brought to a level that can be considered more acceptable in terms of its impact on the amenities of local owners, and complies with policy PCYFF2 of the LDP.

### **Transport and access matters**

- 6.9 It is intended to close the existing agricultural entrance, located in the corner of the field, and create a new entrance for the development onto the class 2 county road, the B4417, and within the 30 miles per hour restriction. A high *clawdd* currently runs along the field's boundary and the proposal to remove it and replant it farther into the site is shown, in order to provide 1 metre high visual splays in both directions. The proposal also includes a suitable transport and delivery area at the rear of the building and a

PLANNING COMMITTEE	DATE: 03/09/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	PWLLHELI

sizeable parking provision with disabled bays. The car park would be part concrete and part grass, which would suit its rural location. It is noted that the objections from the nearest residents expressed concern about the impact of the development on road safety, since the road narrows by the field on the way out of the village, and claims have been made that drivers do not comply with the 30mph restriction and that more traffic would exacerbate the problem. They are also concerned about parking, which is likely to overflow onto the green verge at busy times. In removing the *clawdd* that borders the highway, and relocating it farther back, this part of the road will open out a little and is likely to improve the situation. The Highways Unit was consulted about the amended plans, and the Unit confirmed that it has no objections to the proposal, and recommended that the same conditions as those in the original response be included if the application is approved. The conditions/notes relate the scale of the entrance, completion of the entrance before commencement of use, and notes for laying kerbs, and receipt of the relevant permission from the Highways Unit. Whilst the neighbours' comments are appreciated, it is considered that the entrance and parking area have been designed to a satisfactory standard for road safety and, based on the observations of the Highways Unit, it is considered that the proposal satisfies the requirements of policies TRA 2 and TRA 4 of the LDP.

### **Biodiversity matters**

- 6.10 The Biodiversity Unit's observations were received on the application. Although no concerns were received about the loss of biodiversity in the field itself, concern was expressed about the loss of the boundary *clawdd* as it was of high biodiversity value, not to mention a historic feature with visual value. Since the original observations, the amended plans show an intention to re-erect the *clawdd* farther into the site along the boundary with the road to make up for the biodiversity lost and this is encouraged. The plan also gives the impression that hedgerows will be planted around the site; however, it is noted that reference is also made to a post and wire fence, which makes the landscaping situation a little unclear. Considering the open nature of the site and that *cloddiau* are a common feature in the vicinity of the application site, it is considered appropriate to impose a condition that *cloddiau* be planted around all the boundaries of the development before occupying the building. A landscaping plan will also need to be included to ensure that the trees and hedgerows are native and appropriate to the area. With these conditions, the proposal is considered to be appropriate in relation to policy AMG 5 of the LDP.

### **7. Conclusions:**

- 7.1 Since submitting the application to the Planning Committee in November 2016, when the Committee supported the enterprise contrary to the officers' recommendation, the Council's Planning policies have changed significantly, in terms of the membership of the committee and the design and layout of the proposed development. As a result of the support, negotiations were held with the applicant in an attempt to create a development that would better suit its purpose as an industrial production unit, and advice was provided on how to achieve a layout, design and finish that would be more appropriate to its location in open countryside. Although the Planning Authority is not fully persuaded that the location is ideal, it is believed, because of the problems with obtaining a supply of electricity on the farm and since investing on estate land is not an option for them, that some justification exists for the location of the proposal. Every effort has been made to find the best development for the location and landscaping has also been included. Current policies are less restrictive than the previous policies of the Gwynedd Unitary Development Plan, and are more flexible with locating new buildings in the countryside. Having considered the proposal under the new policy



PLANNING COMMITTEE	DATE: 03/09/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	PWLLHELI

considerations, the proposal in its new, amended form is considered to be an improvement and meets the principles of constructing new units for business / industrial use in the countryside. Given the planning conditions listed below, the proposal is also considered to be appropriate in relation to visual amenities, landscaping, general and residential amenities, road matters, and biodiversity.

## **8. Recommendation:**

- 8.1 To approve – conditions
1. Five years
  2. In accordance with the plans
  3. Agree on the finish / colour of the roof
  4. Agree on the finish of the walls
  5. Submit a plan for agreeing to install solar panels / underground heat source and air pump
  6. Submit a landscaping plan with native trees/ landscaping timescale
  7. *Cloddiau* must be planted around all the boundaries before the building can be occupied and they must be retained as so in future
  8. Agree on the surface of the car park
  9. The shop / cafe must be used for a purpose that is subservient to the ice cream producing business only and not as a separate business unit and the area of the shop / café is confined to that shown in the floor plan
  10. Details of any air extraction / ventilation system must be submitted before installing them in the development.
  11. A lighting plan must be submitted
  12. Materials must not be stored outside the building
  13. Hours of reception and transportation to be restricted
  14. Highways Conditions
  15. Welsh Water conditions