

PLANNING COMMITTEE	DATE: 21/06/2021
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

Number: 3

Application Number: C21/0257/03/LL

Date Registered: 12/05/21

Application Type: Full

Community: Ffestiniog

Ward: Bowydd and Rhiw

Proposal: Change the use of the existing car park into a bus depot

Location: Tan y Grisiau Car Park

Summary of the Recommendation: TO APPROVE SUBJECT TO CONDITIONS

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1. Description:

1.1 This is an application to create a new depot to charge electric buses by installing a bitumen surface on a site currently used as an informal car park where community recycling facilities are installed, as well as a telecommunications equipment pole. The development would include:

- Facilities to charge 6 public transport vehicles
- Six staff car parking spaces
- Constructing a building for staff - this would be a building measuring 12m x 4m in floor area and 3.6m high with timber cladding and a flat roof.
- Extending the level surface on the site by excavating into the slope on the eastern side of the site and erect a 1.5m high retaining wall.
- Constructing a 2m high fence around the site and installing CCTV and security lights
- Land drainage work

1.2 This is a brownfield site on the periphery of, but within, the development boundary of Blaenau Ffestiniog Urban Service Centre. It is located near the class 3 road that leads from the A470 to the village of Tanygrisiau. The eastern part of the site extends into the site of the former playing field that was earmarked for houses in the Joint Local Development Plan (site T23). The majority of the site is also within a C2 Flood Zone as defined by the Development Advice Maps that accompany TAN 15 Development and Flood Risk.

1.3 The following information was submitted in support of the application:

- Flood Consequence Assessment
- The technical details of the charging equipment.
- Initial environmental appraisal

1.4 This application was referred to the Planning Committee by the Head of Environment.

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.

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

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PS 5: SUSTAINABLE DEVELOPMENT

PS 6: MITIGATE AND ADAPT TO THE IMPACT OF CLIMATE CHANGE

PS 7: RENEWABLE TECHNOLOGY

PS 19: CONSERVING AND WHERE APPROPRIATE ENHANCING THE NATURAL ENVIRONMENT

PCYFF 2: DEVELOPMENT CRITERIA

PCYFF 3: DESIGN AND PLACE SHAPING

PCYFF 4: DESIGN AND LANDSCAPING

TRA 1: TRANSPORT NETWORK DEVELOPMENTS

TRA 4: MANAGING TRANSPORT IMPACTS

TAI 1: HOUSING IN THE SUB-REGIONAL CENTRE AND THE URBAN SERVICE CENTRES

ADN 3: OTHER RENEWABLE AND LOW CARBON ENERGY TECHNOLOGIES

2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Technical Advice Note 15: Development and Flood Risk

Technical Advice Note 18: Transportation Transport

3. **Relevant Planning History:**

C17/0429/03/LL: Application to remove condition 5 of permission C16/1450/03/HT, which relates to landscaping - Approved 15/06/17

C16/1450/03/HT : Erection of pole with three antenna, a total height of 20m; installation of one communications satellite together with three equipment cabinets, with one cabinet to include a meter with a surrounding 2m high fence - approved 04/04/17

C16/1136/03/LL: Construction of a new building and creation of associated parking areas for the South Snowdonia Search and Rescue Team Centre - Approved 17/10/16

4. **Consultations:**

Community/Town Council: Agree with the principle of creating an electric bus charging site, but

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object to the location proposed in this planning application for the reasons noted below:

- parents use the car park before walking their children safely to the primary school.
- disposing of this car park would create an unsafe situation for the local residents who need it for the use of the school, chapel, etc.
- the Town Council is eager to collaborate with Gwynedd Council to search for other more suitable sites nearby

Transportation Unit:	No objection subject to conditions.
Natural Resources Wales:	Initial observations requesting a Flood Consequence Assessment (FCA). The FCA was submitted when the application was under consideration; however, the comments of NRW on the document are yet to be received.
Biodiversity Unit:	Agree with the findings of the Initial Environmental Appraisal and ask for conditions relating to: <ul style="list-style-type: none"> • Implementation methods to safeguard reptiles and bats. • Protecting trees / hedges • Environmental Construction Management Statement • Control of invasive species
Public Protection:	Not received
Land Drainage Unit:	Not received
Welsh Water	Not received
Public Consultation:	A notice was posted on the site and the neighbours were consulted. The advertising period has expired and observations objecting to the development were received on the following material planning grounds: <ul style="list-style-type: none"> • The site is a community parking area and it needs to be protected and developed for the use of residents. • There is pressure on local parking spaces because of AirBnBs, the school, the chapel, studio, walkers, etc. • The scheme would cause traffic problems and would harm highway safety • It would disrupt the tranquillity of the area • The 24 hour a day industrial-feel use would not be in keeping with the residential nature of the area and it would be harmful to residential amenities

The following observations were also received; these are not material

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planning considerations:

- Concern about wasting public money
- Lack of community consultation beforehand
- Concerns about rights of access through the site to nearby private property

In addition, correspondence was received supporting the scheme as an asset to the area.

5. Assessment of the material planning considerations:

The Principle of the Development

- 5.1 It is a requirement that planning applications be determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case. The application site is located within the development boundary of the Blaenau Ffestiniog Urban Service Centre as defined in the LDP and part of the site is on land that has been earmarked as a site for housing.
- 5.2 Strategic Policy PS 5: Sustainable Development commits the Planning Authority to support developments where it can be shown that they are consistent with sustainable principles and ensure that schemes mitigate the elements that cause climate change and adapt to those impacts. This scheme, in terms of its nature, aims specifically to reduce carbon emissions directly produced by burning fossil fuel to drive public transport vehicles. It would also create a facility that would contribute towards creating a sustainable transportation network that would also therefore be in accordance with the objectives of policy PS 4 of the LDP. This policy encourages transportation improvements aimed towards reducing the need to travel in private cars, including improving the public transport infrastructure where appropriate.
- 5.3 Another strategic policy, PS 7: Renewable Technology encourages the LPA to ensure that the area is leading for initiatives based on renewable or low carbon technologies, wherever practical. This includes installing equipment outside areas designated because of their landscape features, provided that the equipment does not cause substantial harm to matters such as the landscape, biodiversity or residential amenities. Likewise, PS 6: Alleviating and Adapting to the Effects of Climate Change, encourages the LPA to approve proposals that use low carbon technologies where practical and in-keeping with the surrounding environment.
- 5.4 When considering the guidance of the above strategic policies, it is considered that this proposal is consistent with the general vision of the Local Development Plan but that the local impact of the proposed development must be assessed to ensure that it would not create a significant change to the area's natural environment or to the amenities of local residents.

General and residential amenities

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- 5.5 Generally, policies PCYFF 2 and PCYFF 3 of the Joint Local Development Plan encourage the approval of proposals for new developments provided they do not have a detrimental impact on the health, safety or the amenities of the residents of local properties or on the area in general.
- 5.6 This development would be in a relatively prominent location near the highway that links the village of Tanygrisiau with the A470 trunk road. Having said that, this is a brownfield site within the development boundary that is already being used as an informal car park with parts of it tarmacked. The development would basically formalise the use of the site by clearing and resurfacing it but this, unavoidably, would have a visual impact as the site would be more prominent, especially as there is a proposal to extend it by excavating into the slope on the eastern side. Having said that, by ensuring an appropriate landscape plan in accordance with policy PCYFF 4 of the LDP, it is believed, after some time, that the site can blend in relatively comfortably into its surroundings, particularly considering that only a relatively small timber building is intended to be erected as a permanent building.
- 5.7 There are seven residential properties within 50m of the site and it is inevitable that intensifying the use of the site would have some impact on the residents of those houses in terms of general noise and disruption. Having said that, given the nature of the site, its use as a public car park can be intensified without planning permission and such use can have an even more harmful impact on the amenities of neighbours. In this case, only a limited number of vehicles would use the site at once (maximum of 6 buses and 6 cars) and the buses, due to the nature of the electric charging vehicles, are much quieter than general buses. Therefore, it is not believed that this proposed use would cause significant harm to residential amenities compared to what could happen if the site is left as a public car park.
- 5.8 Generally, it is considered that the arrangement of the proposed development is in keeping with the location in an acceptable manner. It is not considered that the proposed changes will cause significant harm to the amenity quality of the site or the local neighbourhood compared to what could occur without planning permission and therefore it is considered that the development is acceptable under Policies PCYFF 2 and PCYFF 3 of the LDP as they relate to these matters.

Highways matters

- 5.9 The Transportation Unit did not have any objection to the proposal. It was noted that the proposal included formalising the vehicular access into the depot by providing a standard junction, of sufficient size, to allow unobstructed access and egress for large vehicles. As a part of the design, it is proposed to introduce a pavement on the radius on either side in a form that extrudes through the current lay-by, to the side of the road. The design protects visibility splays and prevents any vehicles from parking across the entrance. A question was raised about the practicality of using one of the charging plots and adaptations were suggested to the internal layout if necessary; however, subject to standard conditions, there are no concerns about the proposal in relation to the impact on the highway network, and therefore, the proposal is acceptable under policy TRA 4 of the LDP.

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Biodiversity

- 5.10 An Initial Ecological Report has been submitted with the application that sets a series of recommendations to maintain and enhance biodiversity on the site. The recommendations were deemed acceptable by the Biodiversity Unit, subject to appropriate conditions on any permission. Therefore, it is believed that this proposal meets the requirements of Policy PS 19 of the LDP, which encourages proposals to protect, and where appropriate, enhance the area's biodiversity.

Flooding Matters

- 5.11 As most of the site is within a C2 flood zone, as noted in Welsh Government's Flood Risk Maps under TAN 15, the acceptability of the proposal under that core policy must be assessed. TAN 15 makes it clear that 'Developments that are very vulnerable to harm', such as residential uses, should not be approved in zone C2. Having said that, the proposed development is considered to be a 'Less Vulnerable Development' and consequently, the development could be acceptable subject to a series of tests as outlined in TAN 15. These tests are investigated in brief below.

The TAN notes that Less Vulnerable Developments should only be approved within zones C1 and C2 if the Planning Authority decides that it is appropriate in that location. A development cannot be justified unless it can be shown: -

- i. That its location in zone C is necessary to assist, or be a part of, a local authority regeneration initiative or local authority strategy that is required to sustain an existing settlement; or,
- ii. its location in zone C is necessary to contribute to key employment objectives that are held by the local authority and other key partners to support a settlement or region that already exists;

and,

- iii. It is in line with PPW guidance and meets the definition of previously developed land (PPW fig 2.1); and,
 - iv. The potential impacts of a flood event for this specific type of development were considered, and deemed to be acceptable.
- 5.12 Looking at these tests in turn, as explained in 5.1 - 5.4 above, this proposal would comply with the County Council's broader strategy to promote the use of renewable technology and to develop a transportation network that is less reliant on the use of private cars. In light of these policies, it is considered that there is justification under the local authority's sustainability objectives to overcome criterion i.
- 5.13 In relation to test iii, it is considered that this site is previously developed land and consequently, the proposal is acceptable under this test.
- 5.14 In terms of criterion iv, Natural Resources Wales confirmed that there was a need to prepare a Flood Consequence Assessment for the development and a FCA was submitted when the application was under consideration. This assessment concluded that the development would not

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increase the risk of flooding to the site itself or to nearby land. The response of Natural Resources Wales to the document is awaited and the matter will be reported upon further at the Committee.

- 5.15 In general, and subject to the comments of Natural Resources Wales, when considering the nature of the development compared to the site's previous use, as well as the additional work proposed as part of the drainage scheme, it is not anticipated that the development is likely to increase the flood risk on the site and therefore it is believed that the proposal is acceptable under policy PS6 of the LDP and TAN 15.

Other matters

- 5.16 The eastern part of this site (approximately 500m² of the 2250m²) is within a site designated for housing in the LDP. Having said that, when considering the size of the housing allocation of approximately 28,000m² (for 95 houses), and the fact that no planning permission has been granted, despite the housing designation in the LDP in 2011, it is not believed that approving this application would have a significant impact on the supply of housing in accordance with policy TAI 1 over the development plan period.
- 5.17 Concern was raised about the impact of losing this site for community parking. However, informal parking happens on the site and it is not an official car park; therefore, there is no assurance that this site will be available for parking in the future. Parking matters constituted a part of the Transportation Unit's consideration of the scheme discussed above, but they did not have any objection to the proposal.
- 5.18 A number of comments were received, questioning this choice of site for the development, suggesting that better sites were available locally; however, it is required for the LPA to consider each planning application on its own merits and this site is the only one under consideration in this case.

6. Conclusions:

- 6.1 As a result of the above assessment, it is not considered that the proposal is contrary to any material planning policy within the LDP; it is considered that the proposed development is appropriate for the site and that it would help achieve an objective of strategic importance to the County Council. Consideration was given to all material issues raised during the consultation process and it is not believed that the proposal is likely to cause any unacceptable detrimental impact to nearby residents or the community in general.

7. Recommendation:

- 7.1 To delegate powers to the Assistant Head of the Environment Department to approve the application, subject to receiving positive comments from Natural Resources Wales relating to the Flood Consequence Assessment:

1. Time
2. Compliance with the plans
3. Highway conditions

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4. Landscaping conditions
5. Must act in accordance with the Initial Environmental Appraisal
6. An Environmental Construction Management Statement must be submitted
7. Other biodiversity conditions
8. Any necessary conditions to meet the requirements of Natural Resources Wales relating to the mitigation of flood impacts
9. Details of any lighting or CCTV scheme must be agreed.

Notes

1. Highways
2. Natural Resources Wales