

PLANNING COMMITTEE	DATE: 28/11/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 4

Application Number: C22/0898/42/LL

Date Registered: 28/09/2022

Application Type: Full

Community: Nefyn

Ward: Morfa Nefyn and Tudweiliog

Proposal: Construction of Chapel of Rest

Location: Land near a funeral director's building and existing public toilets Morfa Nefyn, LL53 6BW

Summary of the Recommendation: TO REFUSE

PLANNING COMMITTEE	DATE: 28/11/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

1. Description:

- 1.1 The proposal involves constructing a new building to be used as a Chapel of Rest.
- 1.2 The building would measure approximately 8.2m by 14.8m and 2.3m to the eaves, and 3.7m to the ridge and it would provide a floor surface area of around 121sq.m. It is proposed to finish the building with blue/grey steel panels on the roof and grey shiplap boards on the walls. The floor plan shows that there will be an office, cold store, toilet, loading and unloading area for vehicles and a space for a Chapel of Rest would be located within the building.
- 1.3 The location of the proposal in the middle of the village of Morfa Nefyn is located adjacent to the B4417 highway, around 50m away from the crossroads with the B4412. There are no other buildings on this side of the road in this location (except for the funeral director's building and existing public toilets) and it is located on the outskirts, but outside, the development boundary.
- 1.4 The application is a re-submission of a proposal that was refused under reference C22/0568/42/LL. The applicant's agent has provided a statement in response to the refusal reasons for the previous application. The statement notes the following points:
- The applicant runs a funeral director's business and he rents the existing workshop.
 - This workshop is located immediately adjacent to the proposal site.
 - There is no intention to use the proposed Chapel of Rest as a workshop, and the applicant intends to continue to rent the workshop.
 - The proposal is for the extension of the existing building and it would not affect other local businesses.
 - The agent is of the opinion that if the two buildings operate separately in the future, one would be a workshop, and the other would be a Chapel of Rest.
 - There would be equipment to store the deceased within a temperature-regulated area, and space would be provided for families to visit before the funeral. The existing workshop does not provide this service for the families.
 - The proposed Chapel of Rest would be located immediately adjacent to the existing workshop and this would enable a smooth operation between both buildings.
 - The proposed Chapel of Rest offers a space for loading and unloading.
 - It would not be possible to visit the Chapel without making a prior arrangement, and it would only provide a service for a small number of people; therefore, no more than two cars would visit.
 - The agent has provided examples of local buildings with similar finishes to what is proposed here.
- 1.5 Despite this information, it is unclear how the proposed building would operate with the existing building and there is no information about the exact current and proposed use of the existing workshop.
- 1.6 The application form confirms that the applicant owns the existing funeral director's building and the land that is the subject of the application and a blue line indicates this on the submitted plans. Nevertheless, the statement confirms that the applicant has a rent agreement for the workshop and the situation regarding the land where the proposed Chapel of Rest is to be built is unclear.
- 1.7 Correspondence was received from the owner of the building on the previous application, confirming that he rents the building to the applicant under a year-on-year agreement. We did not receive any observations from him on this application, despite the fact that a consultation letter was sent to him. As land ownership is not a planning matter, and since the site owner is aware that a planning application has been submitted, it is possible to press on to determine the application as submitted.

PLANNING COMMITTEE	DATE: 28/11/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

1.8 The application is submitted to the Planning Committee for a decision at the request of the Local Member.

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 Anglesey and Gwynedd Local Development Plan:

TRA 2: Parking Standards

TRA 4: Managing Transport Impacts

PS 5: Sustainable Development

PCYFF 1: Development Boundaries

PCYFF 2 - Development Criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and Landscaping

CYF 6 - Re-use and adapt rural buildings or a residential unit for business use or construct new units for business/industry.

2.4 National Policies:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

3 Relevant Planning History:

C22/0568/42/LL - Construction of Chapel of Rest – REFUSED - 09-08-2022

4 Consultations:

Community/Town Council: No objection

Welsh Water: We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dŵr Cymru Welsh Water's assets.

PLANNING COMMITTEE	DATE: 28/11/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Condition

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

As of 7th January 2019, this proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. In the event this proposed development amounts to a total impermeable area of 100sqm or more, approval of Sustainable Drainage Systems (SuDS) features will be required in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It would therefore be recommended that the developer engage in consultation with Gwynedd County Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dŵr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant may need to apply to Dŵr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dŵr Cymru Welsh Water to establish the location and

PLANNING COMMITTEE	DATE: 28/11/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

status of the apparatus. Under the Water Industry Act 1991 Dŵr Cymru Welsh Water has rights of access to its apparatus at all times.

Environmental Health:

Response 10.10.2022

I have viewed the above-mentioned planning application regarding the Construction of a Chapel of Rest. I note from the plan that a cold room will be located in the proposed building. Is it possible to obtain details as to whether any mechanical equipment will be installed as a part of the application, for the purposes of keeping the room cold?

Response 03.11.2022

Following the details below, it seems that the cooling unit will be installed inside the building and there will be no unit of any type outside the building. The Service does not have any further observations and it is satisfied that the unit will be installed indoors. No mechanical units should be installed outside the building.

Highways Unit:

Response 13.10.2022

I ask the applicant to provide additional information to enable us to assess whether the development complies with the adopted parking standards. The applicant should provide the number of proposed seats and/or the floor area of the prayer space in m2.

Response 09.11.2022

Paragraph 2.2.6 highlights that there will be two off-road parking spaces, but it appears that the applicant has chosen not to present the information sought, and therefore it is not possible for me to assess the compliance of the proposal. I also have concerns that this paragraph states that only two cars will be permitted on the site at once. How will this be implemented in reality? If more than two members of the family wish to go there at the same time, I believe that on-street parking will occur.

Public Consultation:

A notice was posted on the site and nearby residents were informed. The notification period came to an end and the following observations were received:

- Road safety and parking matters
- Location - should be in an industrial estate
- No need for this proposal due to the current provision.

5 Assessment of the material planning considerations:

The principle of the development

- 5.1 General planning policies within the Anglesey and Gwynedd Joint Local Development Plan support applications for the erection of agricultural buildings, provided that they are appropriately assessed.

PLANNING COMMITTEE	DATE: 28/11/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

- 5.2 The site is located in open countryside, outside but abutting the development boundary of the village of Morfa Nefyn. The site is located immediately adjacent to public toilets and a building that is already used by the applicant for a funeral director's business.
- 5.3 An application has been submitted to provide a Chapel of Rest, and it appears that this would be ancillary and would not replace the existing building, although there is no information about the floor layout of the existing building nor the use of the existing building after the proposed building is erected. The applicant states that the two buildings would be used but it is unclear how the business would operate from the two buildings.
- 5.4 The information submitted as part of the application form confirms that the applicant owns the application site and the existing building located immediately adjacent; however, the design and access statement confirms that the applicant rents the existing workshop. Land ownership is not a planning matter, but there is a need to be certain that the owner of any land is aware of the proposal, and to this end a consultation letter has been sent to the person who identified themselves as the workshop's owner on the previous application. Therefore, we must proceed to deal with the planning application.
- 5.5 When assessing the previous application, those who claim to be the owners of the existing building question the need for two funeral director businesses in the same village, should he decide to take over the business himself or rent the building to someone else. It is noted that this reiterates the concern about how the two buildings would operate as a part of the applicant's business.
- 5.6 To this end, and since the site is located outside the development boundary and as it is a previously undeveloped site, there is insufficient justification or logic to erect a business building in open countryside and the proposal is contrary to the requirements of policy PCYFF 1 and criterion 2 of policy PS 5.
- 5.7 Policy CYF 6 applies as the site is located outside the development boundary. The policy permits proposals for new units for industry or business, provided that it meets the following criteria:
1. That the scale and nature of the development is acceptable considering its location and the size of the building in question - the building is substantial and although it is located within the village and on the outskirts of the development boundary, it is in open countryside and there is insufficient justification or logic for its need and there is no guarantee how the proposal will operate in relation to the existing building on the site as no information has been submitted to show the operational relationship (i.e. which operation will happen where, and whether the two buildings need to be located close together).
 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 - it is unclear how the proposal would operate with the existing building near the site and whether there would be a need for both business buildings should the two buildings operate separately.
 3. Not applicable.
- 5.8 Therefore, to this end, insufficient information has been provided to ensure that the scale and nature of the proposal are acceptable, considering its location and that it would not lead to use that would have an impact on the viability of similar uses located nearby. The proposal is therefore contrary to criteria 1 and 2 of policy CYF 6.
- 5.9 Also, as a result of this, the proposal does not comply with the requirements of criteria 1 and 2 of policy PCYFF 2 of the LDP either, because it does not comply with the requirements of the development plan's policies.

PLANNING COMMITTEE	DATE: 28/11/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Visual, general and residential amenities

- 5.10 Policy PCYFF 3 of the LDP states that proposals are expected to demonstrate a high-quality design that gives full consideration to its context in the natural, historic and built environment. The building is similar to an agricultural building in terms of its size and design, and although this type of building could be acceptable, there is no assurance that there is a need for the floor space for this specific building, bearing in mind that a relevant building is located immediately nearby. No information has been submitted regarding the use of the existing workshop and therefore regarding the need for this extra floor area. It is acknowledged that the agent has provided examples of uses made of grey shiplap boards in the local area, however, it is noted that these are examples of clad sections of residential houses, and it is considered that finishing a substantial building in this way would continue to be a feature that is out of character with the area. Nevertheless, it is acknowledged that a condition could be imposed regarding the finish of the building, should the principle of providing the building be acceptable.
- 5.11 Bearing this in mind, the proposal is acceptable and complies with the requirements of policies PCYFF 3 and 4 of the LDP.

Highways Matters

- 5.12 The site is located outside the village boundary and faces the B4417 highway. The existing building is located immediately adjacent and is used by the applicant to run a funeral director business. It appears that there is informal space for approximately two vehicles in front of the existing building. The design and access statement and plans state that there are two parking spaces available in front of the existing building.
- 5.13 It is also noted that there is space within the proposed buildings for loading and unloading from an ambulance or hearse. It is considered that the door for this space would be sufficient for a hearse, but maybe not for an ambulance, and therefore the ambulance may have to unload in front of the building and across the parking spaces.
- 5.14 As the parking spaces are set in front of the access doors to the loading/unloading space, it is unclear what the arrangement would be should the doors need to be used when the parking spaces are in use. Also, there is no information available about parking for staff.
- 5.15 The Transportation Unit had made observations on the proposal, and the response to their observations has been received from the agent for the application. The Transportation Unit continues to be concerned about the parking situation.
- 5.16 To this end, there is concern about the parking and loading/unloading arrangements for the building and therefore there is no assurance that the proposal would not have a detrimental impact on road safety. To this end, the proposal is contrary to the requirements of policies TRA 2 and 4.

6 Conclusions:

- 6.1 It is acknowledged that funeral director use exists immediately adjacent to the application site, but insufficient information has been submitted to secure how the proposal would operate as a single unit and the need for the floor space, or for the proposed parking and loading and unloading arrangements. It is noted that the finish of the building is not in keeping with the local area but that it is possible to impose a planning condition to secure an acceptable finish. To this end, the proposal is contrary to the requirements of the policies as noted above. There is, therefore, no option but to refuse the application.

7 Recommendation:

To refuse – reasons

PLANNING COMMITTEE	DATE: 28/11/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

1. Based on the information submitted as a part of the application, and since the site is located outside the development boundary and as it is not a previously developed site, the Local Planning Authority is not convinced that there is justification for this proposal at this location, contrary to the requirements of policy PCYFF 1 which requests proof that it is essential for a development to be located in the countryside. For this reason, the proposal also fails on criterion 2 of policy PS5 and criteria 1 and 2 of policy PCYFF 2 of the Anglesey and Gwynedd Joint Local Development Plan (2011-2026).
2. The information submitted as a part of the application does not confirm clearly the proposed parking, loading and unloading arrangement, and as a result, there is no assurance that the proposal would not have a detrimental impact on road safety. To this end, the proposal is contrary to the requirements of policies TRA 2 and 4 of the Anglesey and Gwynedd Joint Local Development Plan (2011-2026).