

PLANNING COMMITTEE	DATE: 22/05/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 1

Application Number: C23/0116/09/LL

Date Registered: 09/02/2023

Application Type: Full

Community: Tywyn

Ward: Morfa Tywyn

Proposal: Resubmission: Change the use of land to create storage / sales yard associated with the existing commercial premises, together with the erection of security fence, install hard standing area and alterations to the agricultural access to create vehicular access to the yard

Location: 1 Idris Villas, Tywyn, Gwynedd, LL36 9AW

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1 The application was deferred at the Planning Committee on 17 April 2023 for the Members to undertake a site visit.
- 1.2 The application is for the change of use of land to create a storage / sales yard on land adjacent to Idris Villas, Tywyn that would be associated with the existing commercial premises located on the High Street. The proposal would also include erecting a security fence, installing a hard standing area and alterations to the existing agricultural access to create a suitable vehicular access to the sales yard.
- 1.3 The application site is agricultural land located behind the High Street's buildings and adjacent to a class 3 road, Idris Villas. The site is located outside the Tywyn development boundary but it is adjacent to it. It is noted that the majority of the site is within a C1 Flood Zone and the site is within the Dyffryn Dysynni Registered Historic Landscape.
- 1.4 A Planning Statement, Flood Consequence Assessment and an Initial Ecological Report were submitted as part of the application. More recently, on 29 March 2023, a Landscaping Plan was submitted for the area surrounding the boundary fence and following the previous Committee meeting the details of the swept path of heavy vehicles on the site were submitted on 28 April 2023.
- 1.5 The application is a resubmission of application C22/1050/09/LL that was refused for the exact proposal on 16 January 2023 with no changes to the plans or supplementary information. 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. (July 2017)**

PS 1: The Welsh Language and Culture

TRA2: Parking standards.

TRA4: Managing transport impacts

PS5: Sustainable Development

PS6: Alleviating and adapting to the effects of climate change

PCYFF 1: Development Boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping.

PCYFF 4: Design and landscaping

PCYFF 6: Water Conservation

MAN 6: Retailing in the countryside

AMG 5: Local Biodiversity Conservation

PS 20: Preserving and where appropriate enhancing heritage assets

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AT 1: Conservation areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens.

2.4 National Policies:

Planning Policy Wales, Edition 11
 Future Wales: The National Plan 2040
 Technical Advice Note (TAN): 15 Development and Flood Risk
 Technical Advice Note (TAN): 18 Transport

3. Relevant Planning History:

C22/1050/09/LL Change the use of land to create storage/sales yard associated with the existing commercial premises, together with the erection of security fence, install hard standing area and alterations to the agricultural access to create vehicular access to the yard: Refused 16 January 2023

Y22/0835: Pre-application enquiry regarding the development. It was explained that the site was within a flood zone and the proposal would be contrary to the requirements of TAN 15.

4. Consultations

Community Council Not received.

Highways Unit: Original observations 7 March 2023

We have no objection in principle to this development. We will ask the applicant to use tracking software to show the movements of heavy goods vehicles as they exit the site.

Observations on the additional information 2 May 2023

I'm happy with the plans that show the swept path for turning out of the site, therefore, there is no objection. I ask for the following conditions/notes to be included:

CONDITION: The access must be planned and built completely in accordance with the plan as submitted.

NOTE: The Highways Agency will not be responsible for any surface water run-off from the road that enters the site as a result of the development.

NOTE: The applicant is instructed to write to the Street Works Manager to obtain permission under Section 171/184 of the Highways Act, 1980 to undertake any work within the road/pavement/green verge which is required to construct the access. You may also contact Cyngor Gwynedd's Street Works Unit on 01766 771000 for the relevant forms.

Biodiversity Unit: It appears from the aerial photographs (2014 and 2020) that the field is not a habitat with a high value of biodiversity. It appears that the field is agricultural grassland with some variation and a low biodiversity value. There are drains/ditches along three sides of the field. The water

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courses are sensitive to pollution. What will be stored on site?
The proposal does not include a biodiversity improvement plan, this must be provided. I recommend that it should include planting indigenous hedging around the proposed new compound.

Water and Environment
Unit (Drainage):

Flood Risk and Land Drainage

The development is within a C1 Flood Zone. Consequently, NRW will need to offer observations on the flood risk matters facing the development.

SuDS Approval Body Comments

Since 7 January 2019, sustainable drainage systems (SuDS) are needed to control surface water for every new development of more than 1 house or where the construction area with drainage obligations is 100m² or more. Drainage systems must be designed and constructed in accordance with the minimum standards for sustainable drainage as published by Welsh Ministers.

These systems must be approved by Gwynedd Council in its role as SuDS Approval Body (SAB) prior to commencement of the construction work.

Due to the size and nature of the development, an application will need to be provided to the SuDS Approval Body for approval before construction work commences. The information provided shows that the developer intends to drain the site in a suitable sustainable manner; however, until an application is made to the SAB, there is no certainty that the site plan would enable compliance with the full suite of national SuDS standards. Early consultation with the SAB is recommended.

<https://www.gwynedd.llyw.cymru/cy/Trigolion/Cynllunio-a-rheolaeth-adeiladu/Cynllunio/System-Draenio-Cynaliadwy.aspx>

Natural Resources
Wales:

We have concerns regarding the application as submitted. However, we are satisfied that these concerns can be overcome if the document identified below is included in the approved plans and documents condition on the decision notice:

Document - Flood Consequence Assessment, KRS Environmental, dated September 2022, reference number KRS.0639.001.R.001.A Please note, without the inclusion of this document we would object to this planning application. More details can be seen below.

Flood risk

The planning application proposes a development that is less vulnerable to the change of use of land from agricultural land to create storage/sales yard associated with the existing commercial premises (agricultural merchants) and associated work. Our Flood Risk Map confirms that the site is mainly located within C1 Zone of the Development Advice Map (DAM) as included in TAN15 and the Flood Map for Planning (FMfP) indicates that the application site is at risk of flooding and falls within Sea Flood Zone 2/3. The site is located on the outskirts of the flood zone for Zone C1 of the MCD and Flood Zone 2/3

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of the FMfP.

Section 6 of TAN15 makes it a requirement for the Local Planning Authority to determine whether it is possible to justify the development in this location. Therefore, we refer you to the tests noted in section 6.2 of TAN15. If you consider that the proposal satisfies the tests noted in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate by submitting a Flood Consequence Assessment (FCA), that the potential flood outcomes can be managed to an acceptable level.

We have reviewed the FCA made by KRS Environmental, dated September 2022, reference number KRS.0639.001.R.001.A. Our advice to you is that the FCA, in demonstrating that the development site has flooding risks from tidal flooding, indicates that the risks and consequences can be managed to an acceptable level, if the development is undertaken in accordance with the FCA and the submitted plans.

A topography survey has also been submitted to support the development and indicates how the land rises from the north-west of the development site towards the south. It is noted that the land to the south (approximately 5.81m AOD) is evidently higher than the land to the north-west (approximately 2.01m AOD), with the nearby main road higher again (approximately 6.13 - 7.00m AOD). As part of the proposal, it is proposed to cut the high points and fill in the low points of the development site to elevate the site to 4.50m AOD, the LPA states that no material will be imported to the site as the amount of cutting and filling is equal.

The FCA has used the Coastal Flood Boundaries (2018) to establish the level of tidal flooding for a range of events. The LPA indicates that the level of tidal flooding for 2022 (current year) is roughly 0.5% (1 in 200 years) AEP event. 4.25m AOD, it is seen that the level of flooding increases to approximately 4.26m AOD in the 0.1% (1 in 1000 years) event. The LPA indicates that the level of tidal flooding in the 0.5% (1 in 200 years) event with a rough allowance for climate change. 4.97m AOD. With the proposed land changes that are part of this proposal, based on this figure the site would see flooding levels in the area of 470mm and therefore less than 600mm of flooding depth, indicating compliance with the tolerance thresholds as noted in TAN15 A1.15. However, this figure is based on tidal flooding levels only and it does not account for water leaking onto the floodplain, because of this it is likely that the flooding level would be lower than 470mm. Although the FCA indicates that there are risks to the development site from tidal flooding, the FCA demonstrates that the risks and consequences can be managed to an acceptable level and offer mitigation measures (such as a flood plan).

The FCA has considered the impact of the development on flooding risks in other places and have considered the flooding paths and floodplain storage. The FCA confirm that the development would not prevent the flooding paths and would not cause the displacement of the current floodplain.

Therefore, we advise that the FCA includes this in the approved plans and the approved documents condition on the decision notice.

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As it is a matter for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN 15, we recommend you consider consulting other professional advisers on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during flooding emergencies is restricted to issuing flood warnings to residents/users.

Protected Species

We note that the Preliminary Ecological Appraisal report submitted in support of the above application (Turnstone Ecology, September 2022, Revision 00) has identified that European Protected Species were not using the application site. We therefore have no further ecology comments to make on the application as submitted.

We have concerns regarding the application as submitted. However, we are satisfied that these concerns can be overcome if the document identified below is included in the approved plans and documents condition on the decision notice:

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Please note, without the inclusion of this document we would object to this planning application. Further details can be found below.

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Section 6 of TAN15 makes it a requirement for the Local Planning Authority to determine whether it is possible to justify the development in this location. Therefore, we refer you to the tests noted in section 6.2 of TAN15. If you consider that the proposal satisfies the tests noted in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate by submitting a Flood Consequence Assessment (FCA), that the potential flood outcomes can be managed to an acceptable level.

We have reviewed the FCA made by KRS Environmental, dated September 2022, reference number KRS.0639.001.R.001.A. Our advice to you is that the FCA, in demonstrating that the development site has flooding risks from tidal flooding, indicates that the risks and consequences can be managed to an acceptable level, if the development is undertaken in accordance with the FCA and the submitted plans.

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development site towards the south. It is noted that the land to the south (approximately 5.81m AOD) is evidently higher than the land to the north-west (approximately 2.01m AOD), with the nearby main road higher again (approximately 6.13 - 7.00m AOD). As part of the proposal, it is proposed to cut the high points and fill in the low points of the development site to elevate the site to 4.50m AOD, the LPA states that no material will be imported to the site as the amount of cutting and filling is equal.

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The FCA has considered the impact of the development on flooding risks in other places and have considered the flooding paths and floodplain storage. The FCA confirms that the development would not prevent the flooding paths and would not cause the displacement of the current floodplain.

Therefore, we advise that the FCA is included in the condition about the approved plans and documents condition on the decision notice. It is the responsibility of your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN 15, we recommend you consider consulting other professional advisers on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during flooding emergencies is restricted to issuing flood warnings to residents/users.

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We note that the Preliminary Ecological Appraisal report submitted in support of the above application (Turnstone Ecology, September 2022, Revision 00) has identified that European Protected Species were not using the application site. Therefore, there are no further species observations to make on the application as submitted.

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Welsh Water: We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Accordingly, if you are minded to grant planning permission for the above development, we would request that the following Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dŵr Cymru Welsh Water's assets.

Advisory Notes The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water Industries Act 1991.

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 Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries, please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Public Consultation: A notice was posted on the site and nearby residents were informed. The consultation period ended and no objection had been received.

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 indicate otherwise. The Gwynedd and Anglesey Joint Local Development Plan (LDP) is the adopted 'Development Plan'. This site is outside the Tywyn development boundary as shown in the Proposals Maps of the Gwynedd and Anglesey Joint Local Development Plan (JLDP) but does touch it, therefore, it is considered as site in the countryside. Policy PCYFF 1 of the LDP, states that outside development boundaries, proposals will be refused unless they are in accordance with specific policies in the Plan or national planning policies or that the proposal shows that its location in the countryside is essential.
- 5.2 Policy MAN 6 Retailing in the countryside is the relevant policy for the proposal. According to the information on the application, it is understood that an existing retail business in the town is considering relocation to the vacant 'Page Furnishings' building on the High Street as they have outgrown their current site. They propose to establish an external retail yard behind the former furniture store in order to further expand the business. Policy MAN 6 states that proposals to develop small-scale shops or extensions to existing shops outside development boundaries will be approved if they comply with all of the criteria:

1. The shop serves an existing business on the site.

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The proposal does not technically comply with criterion 1 as the proposal does not involve an existing business on the site.

2. The shop will not significantly affect nearby village shops.
It is not anticipated that the use will significantly affect other shops in the town.
3. That priority has been given to using an appropriate existing building;
The proposal to relocate the business and use a commercial building that was currently empty would be favoured; however, the need to extend the use to greenfield land in the countryside was a concern.
4. That the new use will not have a substantial impact on the amenities of neighbouring residents or on the area's character;
Extending industrial retail use to the countryside would have a detrimental impact visually and on the amenities of neighbouring adjacent residents, and this was discussed further in the report's amenities section.
5. That the development is accessible via sustainable modes of transport;
It must be acknowledged that the site is near the high street and convenient for various modes of transport.
6. That parking and access arrangements are acceptable and that the development will have no detrimental impact on highway safety.
A new access would be created to the retail yard and parking within the yard, but this is discussed further under road considerations.

Based on the criteria above and our arguments that are discussed further in the report, it is not considered that the proposal complies with criterion 1, 3 or 4 of policy MAN 6 of the LDP.

Flooding Matters

- 5.3 A vast section of the site lies within a C1 flooding zone as indicated in Welsh Government's Flood Risk Maps, therefore, flooding matters are among the main considerations of the application. Criterion 4 of Strategic Policy PS 6 states that new developments should be located away from areas where there is a flood risk, unless it can be shown clearly that no risk exists or that it is possible to control the risk.
- 5.4 The acceptability of the proposal must be assessed under national policy considerations, Technical Advice Note (TAN) 15 Development and Flood Risk in this case. A Flood Consequence Assessment was submitted as part of the application. The nature of the proposed development, namely 'storage/sales yard' associated with the business of agricultural providers falls within the category 'Less Vulnerable Development', that includes uses such as general industry, commercial employment and retail amongst others. TAN 15 makes it clear that 'Highly Vulnerable Developments', such as residential uses, should not be approved in zone C2, however, new developments can be approved in zones C1 and C2 when the Planning Authority determines that there is justification to locate it there. There can only be justification for such a development, when it can be shown:-
 - i. *Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement;*
 - ii. *Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;*
 - iii. *That the application concurs with the aims of Planning Policy Wales and meets the definition of previously developed land (Planning Policy Wales figure 2.1)*
 - iv. *That the potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and Appendix 1 found to be acceptable.*

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- 5.5 Maintaining and regenerating a settlement and promoting employment are part of the objectives of the local authority, therefore, it is considered that the proposal is acceptable in terms of tests i and ii above.
- 5.6 The site is currently green agricultural land that was not previously developed. It is realised that it has a close relationship with the back of the High Street buildings, however, it cannot be considered as previously developed land and is therefore contrary to point iii of the tests.
- 5.7 With regard to test iv. A Flood Consequence Assessment (FCA) was submitted as information on the application and Natural Resources Wales (NRW) were consulted. It appears that the Flood Consequences Assessment has considered the impact of the development on flooding risks and to consider the flooding paths and floodplain storage. The assessment indicates that there are flooding risks to the development site from tidal flooding, however, it indicates that the risks and the consequences can be managed to an acceptable level. It is noted from the comments of NRW that they have concerns regarding the application, but they believe that it is possible to overcome the concerns should specific documents be conditioned. Despite the satisfaction of NRW regarding the plans, the matter should be considered in terms of the relevant requirements of TAN 15. Paragraph 6.2 of TAN 15 clearly notes "*The only time where other new developments should be permitted in C1 and C2 zones is when the planning authority decides that there is justification to locate them there.*" Put simply, as explained in the refusal decision of the previous application C22/1050/09/LL and in our response to the Pre-application Enquiry for the proposal, the development does not meet with the specific justification tests iii of the TAN and is therefore contrary to policy and part 4 of strategic policy 6 of the Gwynedd and Anglesey Joint Local Development Plan. No new information has been submitted in this resubmission.
- 5.8 It is noted that the Flood Maps for Planning (FMfP) in the revised Technical Advice Note that is proposed to be adopted later on in the year, indicates that the majority of the site is within Zone 3. The proposed TAN 15 is harsher regarding the development rules for flood zones 3 and only in exceptional cases will development be permitted there and this if it falls under the definition of previously developed land. Therefore, the proposal would also be contrary to the proposed TAN tests and it is deemed that no exceptional reason exists in this case to develop the site.
- 5.9 Based on the above considerations, it is considered that the principle of the proposal is contrary to policies PCYFF 1, multiple criteria in policy MAN 6, Strategic Policy 6 and the justification tests of Technical Advice Note (TAN) 15 Development and Flood Risk.

Visual Amenities

- 5.10 The proposal entails the change of the use of a section of an agricultural field to create storage/sales yard that would mean erecting a surrounding security fence, installation of a hard standing area and create a new vehicular access. The application form notes that the fence would measure 2.4 metres high with a green finish. There are open views over the field and the fields beyond in the direction of the mountains of the Eryri National Park. There is concern that the development would introduce a hard industrial element in a prominent and open location in the town, where there are pleasant vistas of extensive fields and mountains in the background. Despite the site's proximity to the backs of High Street buildings, it is considered that the introduction of a high security fence and an industrial use in nature, with external storage would be harmful to the area's visual amenities. Visual impact was among the reasons for refusal on the previous application C22/1050/09/LL and the same concerns remain relevant. An additional information plan was received on 29 March 2023 indicating a proposal to landscape the external side of the security fencing, and it is considered that the proposal would mitigate the development's visual impact to some extent. However, it does not fully alleviate our concerns that neither the setting, scale and appearance of the proposal would add positively or enhance the area's character or the open rural landscape beyond. It is considered that the proposal would be inappropriate and would be likely to have a detrimental effect on the area's visual amenities, and is therefore contrary to the requirements of policy PCYFF 3 of the LDP.

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Residential Amenities

- 5.11 The field in question is located in a central location within the town, north of the High Street buildings. There is a mix of shops and residential dwellings in the nearby vicinity and extensive open fields. The proposal would involve creating a new vehicular access to the field that would be used by lorries and heavy vehicles. The Idris Villas terrace is directly opposite the field. One objection was received from a resident of one of the houses on the previous application stating that their windows would be directly opposite the entrance and would affect their privacy. Up to the time of preparing this report, no objection to the application was received from local residents. Although the terrace is situated parallel to a road, in a town centre location, currently the houses themselves face open, tranquil green fields. The proposal would introduce a use of industrial nature to the field, with retail use / heavy storage and daily coming and going by HGV vehicles and the potential to cause noise disturbance. Therefore, it is considered that there are grounds to the neighbour's concern, perhaps not from the perspective of privacy but the nature of the activity, the constant back and forth and the noise is likely to cause noise disturbance and the busy nature of the site to the neighbours opposite.
- 5.12 Although we acknowledge that noise nuisance is controlled by separate legislation, the development has the potential to cause an unacceptable level of disruption considering the proximity of the houses to the site. The closeness of the site and the increase in the numbers of the type of vehicles passing within a short distance to the terrace would also be detrimental to the living conditions of residents as a result of noise and disruption. Considering the current tranquil, rural nature of the site, the change of use and the new associated entrance there is potential to cause a nuisance and a significant adverse impact so close to nearby residents. Again, there is no change to the plans since the previously refused application, therefore, we are of the same opinion that the proposal is contrary to the principle of policy PCYFF 2 of the LDP and criterion 4 of policy MAN 6 that, amongst other matters, seek to prevent unacceptable adverse impact on the occupiers of local residences due to increased activity, disturbance and noise. It may be argued that such a use would be more suitable in an industrial estate.

Transport and access matters

- 5.13 The site is served by an existing two-way class 3 county highway, namely Idris Villas road with the proposal to open a new vehicular access to the development. There is a small existing access from the road to the small substation and the proposed access would be located adjacent and of a two-way design. Detailed plans of the access and 'swept path' paths for vehicles and heavy vehicles into the site were submitted. Since the last Committee meeting on 17 April 2023, in light of the Highways Unit's observations, we have also received plans of the exit paths of heavy vehicles from the site in addition to details of how the vehicles turn into the site. The site is central in the town and the access would be on the external side of the road's arch. Following a site inspection, it was considered that there was satisfactory open visibility in both directions. There would be parking within the site for customers and is considered acceptable to satisfy the requirements of TRA 2 of the LDP. The observations of the Transportation Unit on the latest additional information, which state their satisfaction with the plans that show the movements of vehicles leaving the site and they have no objection. Based on the latest observations of the Transportation Unit, it is considered that the proposal is acceptable to ensure the safe operation of the highway and to comply with policies, TRA 4, criterion 6 of policy MAN 6 of the LDP and TAN 18: Transportation.

Biodiversity Matters

- 5.14 An Initial Ecological Survey was received as information on the application and the Biodiversity Unit was consulted. Observations were received from them noting that it does not appear that the agricultural land is a habitat of high Biodiversity value and that the ditches along the side of the field may be sensitive to pollution. Point 4.3.2 of the Initial Ecological Report recommends that

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trees and shrubs are planted around the site boundaries, and the Biodiversity Officer also suggests this as Biodiversity improvements. An additional information plan was received from the agent on 29 March 2023, indicating a proposal to plant mixed hedging outside the fence boundary and this is considered an improvement. With site boundary planting conditions, it is considered that the proposal can meet the requirements of policy AMG 5 of the LDP; however, this does not outweigh the fact that the principle of the proposal in essence is contrary to policy.

6. Conclusions:

- 6.1 Having weighed up the resubmission, we conclude that the development remains unacceptable based on concerns regarding flooding, impact on the area's visual amenities and the amenities of nearby residents. Although some elements are acceptable, they do not outweigh the fact that the proposal fails to satisfy the national policy justification tests of Technical Advice Note 15. These concerns have already been raised in our response to the Pre-Application Enquiry where it was recommended against the submission of an application, on the grounds that locating the proposal in a C1 flood zone could not be justified. A landscaping plan has now been submitted which will involve a slight improvement in terms of visual amenities, however it does not overcome all of our concerns. The additional information relating to the swept path of vehicles accessing and exiting the site has alleviated our original concerns regarding road safety and therefore reason 4 can be deleted from the reasons for refusal. However, in essence, the proposal is still similar to the details of the application that was refused earlier this year under application C22/1050/09/LL which is a material consideration. Members have had time to visit the site and familiarise themselves with the location and the context of the site. Based on the assessment and previous history, there is no option but to refuse the application again for the following reasons.

7. Recommendation:

- 1 Locating the proposed development on this site would be contrary to the guidance provided in Technical Advice Note (TAN) 15: Development and Flood Risk as the majority of the site is within a C1 flood zone as identified by the 'Development Advice Maps' and Flood Zone 3 (Sea) as indicated on the Flood Map for Planning (FMfP). The site does not meet justification tests for locating, point iii in section 6 of the TAN as it cannot be deemed as previously developed land. Therefore, the proposal is contrary to the requirements of Technical Advice Note 15, as well as policy PS6 of the Gwynedd and Anglesey Joint Local Development Plan, which states that new developments should be located away from areas at risk of flooding, and policy PCYFF 1 that restricts developments outside boundaries where it cannot be proven that a location in the countryside is essential.
- 2 The proposed use does not serve an existing business on the site and its setting and scale in the countryside outside a development boundary would not respect or enhance the open rural character of the site. The use and associated activity would be an inappropriate addition that would have a substantial detrimental effect on the landscape and visual amenities of the area. Therefore, it is considered that the proposal is contrary to the objectives of criterion 1 of policy MAN 6 and policy PCYFF 3 of the Gwynedd and Anglesey Joint Local Development Plan.
- 3 Establishing a sales yard/storage along with associated coming and going activity, would be likely to cause noise disturbance that would have a substantial detrimental impact on the amenities of neighbouring residents, and is therefore contrary to the principles of criterion 4 of policy MAN 6 and policy PCYFF 2 of the Gwynedd and Anglesey Joint Local Development Plan (July 2017).

PLANNING COMMITTEE	DATE: 22/05/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	