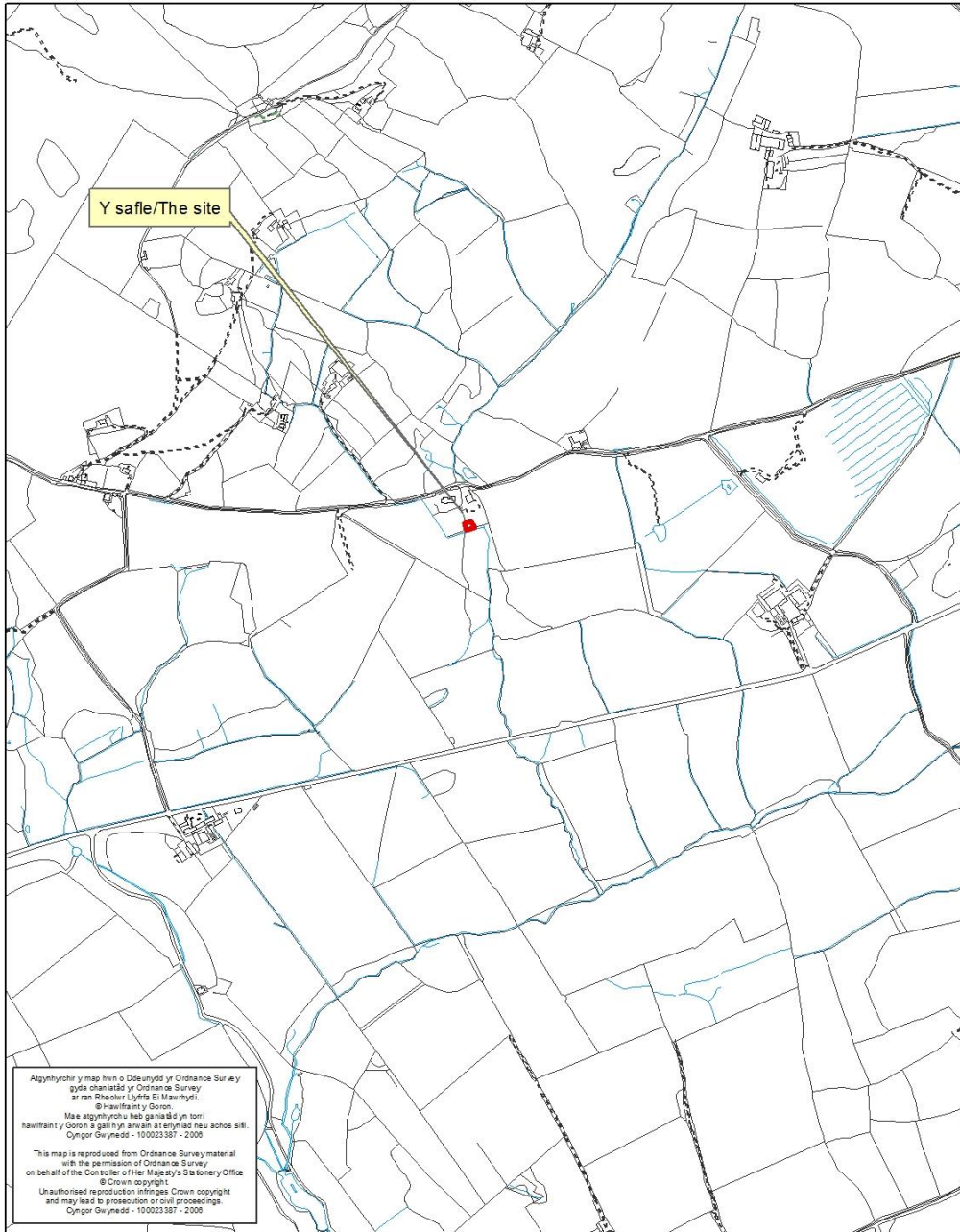


Number: 2



Rhif y Cais / Application Number : C16/0410/33/LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.
Location Plan for identification purposes only. Not to scale.



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Application Number: C16/0410/33/LL
Date Registered: 19/04/2016
Application Type: Full - Planning
Community : Buan
Ward: Efailnewydd/Buan

Proposal: CONSTRUCTION OF SHED FOR STORING MATERIALS AND MACHINERY IN CONNECTION WITH CONSTRUCTION BUSINESS.

Location: TIR GLANRHYD, MYNYDD NEFYN, PWLLHELI, GWYNEDD, LL536TL

Summary of the Recommendation: TO APPROVE

1. Description:

- 1.1 The application was deferred at the Planning Committee on 4 July 2016 in order to give the applicant an opportunity to try to regulate the use of the existing shed and yard, which are used for the builder's business rather than for agricultural use as originally approved. Since the Committee, a Legal Use Certificate application, ref. no. C16/0863/33/TC, was submitted together with evidence to state that the use as a shed/workshop and builder's yard had happened for over ten years. The application has received permission, therefore, the use of the existing shed and yard has been formally regulated. The application submitted can therefore be determined now.
- 1.2 The proposal involves constructing a new shed on land at Glanrhyd, Mynydd Nefyn to store materials and machinery in connection with the applicant's construction business. The shed would measure 18.3m long, 12.3m wide and 6.8m high with a floor surface area of 225m² and it would be located at the rear of the existing yard adjacent to the Glanrhyd property. The shed would be finished with a dark green box profile roof and Yorkshire panel timber wall cladding. The proposed shed would be located further back to the rear of the yard and visible from the county road, between the existing shed and huts in the property's curtilage.
- 1.3 The property is located in Mynydd Nefyn, in the countryside and lies within a Landscape Conservation Area designation and is nearby an Area of Outstanding Natural Beauty. The property is served by an unclassified county road.
- 1.4 The application is submitted to 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 in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. 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 making the recommendation the Council has sought to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is

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considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

2.3 **Gwynedd Unitary Development Plan 2009:**

POLICY B8 THE LLŶN AND ANGLESEY AREAS OF OUTSTANDING NATURAL BEAUTY (AONB) Safeguard, maintain and enhance the character of the Areas of Outstanding Natural Beauty by ensuring that proposals conform to a number of criteria aimed at protecting the recognised features of the site in accordance with the statutory requirements of the Countryside and Rights of Way Act 2000.

POLICY B10 PROTECT AND ENHANCE LANDSCAPE CONSERVATION AREAS Protect and enhance Landscape Conservation Areas by ensuring that proposals conform to a series of criteria aimed at avoiding significant harm to recognised features.

POLICY B12 PROTECTING HISTORIC LANDSCAPES, PARKS AND GARDENS Safeguard landscapes, parks and gardens of special historic interest in Wales from developments which would cause significant damage to their character, their appearance or their setting.

POLICY B22 – BUILDING DESIGN – Promote good building design by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and character of the local landscape and environment.

POLICY B25 BUILDING MATERIALS - Safeguard the visual character by ensuring that the building materials are of high standard and in keeping with the character and appearance of the local area.

POLICY B27 LANDSCAPING PLANS Ensuring that permitted proposals incorporate soft/hard landscaping of high standard which is appropriate for the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

POLICY C1 LOCATING NEW DEVELOPMENT Land within town and village development boundaries and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

POLICY CH33 - SAFETY ON ROADS AND STREETS Development - proposals will be approved provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

POLICY D8 – EXPANSION OF EXISTING ENTERPRISES - Proposals to extend/expand/intensify industrial enterprises and existing businesses or other enterprises will be approved if they conform with specific criteria regarding the appropriateness of the existing use in relation to the surrounding area and adjacent uses and how relevant it is to the existing work.

The Gwynedd and Anglesey Joint Local Development Plan which is currently being prepared is subject to an ongoing Public Examination. At present, it is not a relevant planning consideration for making decisions on planning applications.

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2.4 National Policies:

Planning Policy Wales, Edition 8 (2016)
 Technical Advice Note 6: Planning for Sustainable Rural Communities
 Technical Advice Note 12: Design

3. Relevant Planning History:

- 3.1 C16/0863/33/TC Application for Legal Use Certificate to retain the existing building and associated yard as builder's workshop / shed use and agricultural use: Approved 20 September 2016
- 3.2 C15/1046/33/LL Construction of steel frame agricultural shed: Refused 26 November 2015
- 3.3 C13/0636/42/LL First floor extension to the house and change existing flat roof for a pitched roof: Approved 31 July 2013
- 3.4 C12/0082/42/TC Legal use certificate in order to establish use as a self-contained residential unit: Approved 21 February 2013
- 3.5 C09D/0052/42/LL A single-storey and two-storey extension to an existing granny flat: Refused 27 May 2009
- 3.6 C03D/0349/42/LL Application to construct a shed and a garage: Approved 26 September 2003 (condition that the shed was for agricultural use only)
- 3.7 Y16/000268: Following the refusal of application C15/1046/33/LL for an agricultural shed, the applicant wrote to the Planning Unit explaining his reasons why he required a new shed on the site. The letter received a reply explaining that the application had been refused based on information submitted in the application and in light of the evidence of use discovered on the site. Planning Officers had not been convinced that a genuine agricultural need for a new shed existed on the site, bearing in mind the construction activities and use made of the existing shed and yard.
- 3.8 If there was an intention to re-submit the application, it was explained that the applicant would need to submit evidence to convince the Council of a genuine need for an agricultural shed. It was suggested that the shed's location should be close to the existing building and that the design should be suitable for an agricultural shed. It was emphasised that the unauthorised use of the existing 'agricultural' shed did not assist their position to justify a new shed. Prior to re-submission, it was suggested that the applicant should firstly consider regulating the use of the existing shed by applying for a legal use certificate, if they could prove that the shed had been used as a builder's workshop for 10 years or more.

4. Consultations:

- Community/Town Council: No objection.
- Transportation Unit: No objection, the development would not have a detrimental impact on any road or proposed road.
- Biodiversity Unit: No Biodiversity concerns and no observations to be made.

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Natural Resources Wales: No objection. The site is within Llŷn's Registered Historic Landscape and it should be considered when determining this application. The site is within 70m within the boundary of the Llŷn Area of Outstanding Natural Beauty, and it is reminded that it should be protected. Views from public footpaths from the AONB are more than 300m from the site and from low points in the landscape, which limits potential views from the site and the proposed development. Therefore, it is considered that the development is unlikely to lead to significant visual harm on the character of the AONB. However, it is suggested that you recommend that an indigenous hedge is planted along the front of the site which abuts the road in order to re-establish the traditional boundary. This would help to improve the site's relationship in the countryside as proven by the nearby road to reduce the impact of land use on the landscape.

Public Consultation: A notice was posted on the site. The advertising period ended on 18 May 2016, no correspondence was received on the application.

5. Assessment of the material planning considerations:

Background of the site

5.1 There is an existing shed near the site entrance which was approved in 2003 for agricultural use only. Whilst undertaking a site inspection during the previous application (C15/1046/33/LL) to 'erect a new agricultural shed', it appeared that neither the existing shed nor the adjacent yard were used for agricultural use, but rather for the use of a construction business. The application was refused as agricultural need for the shed had not been proven. The application was resubmitted, namely this application, but a request is now made for a shed in connection with the builder's business. The application was submitted to the Planning Committee on 4 July 2016, when the committee decided to defer the application in order to give the applicant time to seek to regulate the use as a builder's yard as it appeared that the use had been in place for several years. Following the Committee, a legal use certificate application, ref. no. C16/0863/33/TC, was submitted in order to retain the existing building and associated yard for the builder's workshop/yard use and agricultural use and it was approved on 20 September 2016. As the use is now regulated, the application can be considered under different policies, namely to extend the existing enterprise rather than an application to construct a building for a new business in the countryside.

The principle of the development

5.2 Policy C1 of the Gwynedd Unitary Development Plan attempts to ensure that a new development is located in sustainable locations within towns and villages and on land within development boundaries. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of developments that are permitted under another policy.

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5.3 Policy D8 of the Gwynedd Unitary Development Plan states that proposals involving the expansion/extension/intensification of industrial enterprises and existing businesses or other enterprises if they conform to the following criteria:

1. that the proposal does not involve an existing use that already is causing significant damage to the surrounding area and/or to existing nearby uses
2. that the proposal is located in an existing development or abuts it;
3. that the proposal is ancillary to the current existing work;
4. the scale of the existing development along with the proposal will not cause significant damage to the amenities, the environment and the local roads network;
5. in order to reduce the visual impact on the surrounding area, the proposal will include sensitive landscaping measures and appropriate measures to deal with the new boundaries of the development.

5.4 Though the use as a builder's yard is not ideal in the countryside, it does not appear that the existing use, in this case, causes significant harm to the surrounding area as views of the site are limited to locations close to it only and the property is a considerable distance from neighbours also. The shed would be located to the rear of the existing yard close to the applicant's dwelling and to the rear of the existing shed. As the existing shed and the associated yard have now been authorised for builder's use via a legal use certificate, the proposed builder's shed would now be considered ancillary to the work currently on the site. As the site stands alone, over 225m away from the nearest neighbour, it is not believed that adding one other shed would cause significant harm to amenities nor would it be an over-development of the site. In relation to traffic levels, erecting a new shed to store building equipment would not likely increase the traffic levels from what is currently experienced, as the applicant already lives near the site and the nature of the use does not attract customers. Concerns have been raised by Natural Resources Wales and us regarding the visual impact of the proposal on the landscape, and it is believed that a new shed would ideally be better closer to the existing one. However, as views are limited to close locations only, it is believed that there could be a way of reducing the visual impact of the land use on the landscape via landscaping measures. Soft and sensitive landscaping on the front boundary would be a visual improvement and would help to screen the use from the adjacent road. With such a landscaping condition, it is believed that the proposal to erect a new shed on an existing enterprise site complies with the requirements of the criteria noted above, and is therefore in accordance with policy D8 of the GUDP.

Visual amenities

5.5 The property is located in the countryside within a Landscape Conservation Area designation and is within 70m of an Area of Outstanding Natural Beauty designation. The shed that resembles an agricultural shed would be set at the rear of the plot, and it would be visible from the access, between the existing shed and huts and containers within the curtilage of the Glanrhyd property. Ideally, it is believed that, in relation to visual amenities, that the proposed new shed would be better located closer to the existing shed, as there is concern about creating a very built-up area in the countryside. However, with the landscaping conditions already discussed it is believed that it is possible to alleviate our concerns regarding the visual impact. It is

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also believed that the use of timber board walls and a green roof would be a suitable finish for its rural location, and similar to the materials used on the existing shed. Subject to conditions in relation to finish and landscaping, it is believed that the proposal can now be acceptable in respect of policies B8, B10, B22, B25 and B27 which involve design, landscape and the visual amenities of the area.

- 5.6 The site is located within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest. Policy B12 states that consideration will be given to the information about the historical landscapes where the impact of proposals that are of such scale and magnitude that their impact would be greater than merely a local impact, are assessed. In terms of its location and size, it is considered that the proposal would only have a local impact and that it would not have a broader impact on the historic landscape. Therefore, it is considered that the proposal is contrary to Policy B12 GUDP.

Transport and access matters

- 5.7 A rural unclassified road serves the site and there is an existing wide entrance into the yard in question. Given that this is a family business with the applicant and his son living opposite the application site, it is not anticipated that the development would generate a substantial increase in traffic to what is currently experienced on the site. The nature of a builder's activities mean that they work away from the site therefore, customers will not be visiting the site. The Transportation Unit has no objection to the application. Therefore, the proposal is considered acceptable in terms of policy CH33 of the GUDP on road safety.

6. Conclusions:

- 6.1 The policy considerations have changed since the original application was submitted to the committee as the use of the existing shed and the associated yard has been authorised for builder's use via a legal use certificate application. Having assessed the proposal under the principle of the policy to extend an existing enterprise, it is considered that the proposal does now comply with the requirements of the policy and is acceptable to be approved. It is believed that the conditions in relation to finish and landscaping are adequate to alleviate our concerns regarding the impact on visual amenities and landscape and there are now traffic concerns. Therefore, the proposal is acceptable to be approved by now with the conditions noted below.

7. Recommendation:

- 7.1. To approve
1. 5 years
 2. In accordance with the plans
 3. Shed to be used in connection with the existing business only
 4. Finishes
 5. Landscaping near the entrance in the next planting season.