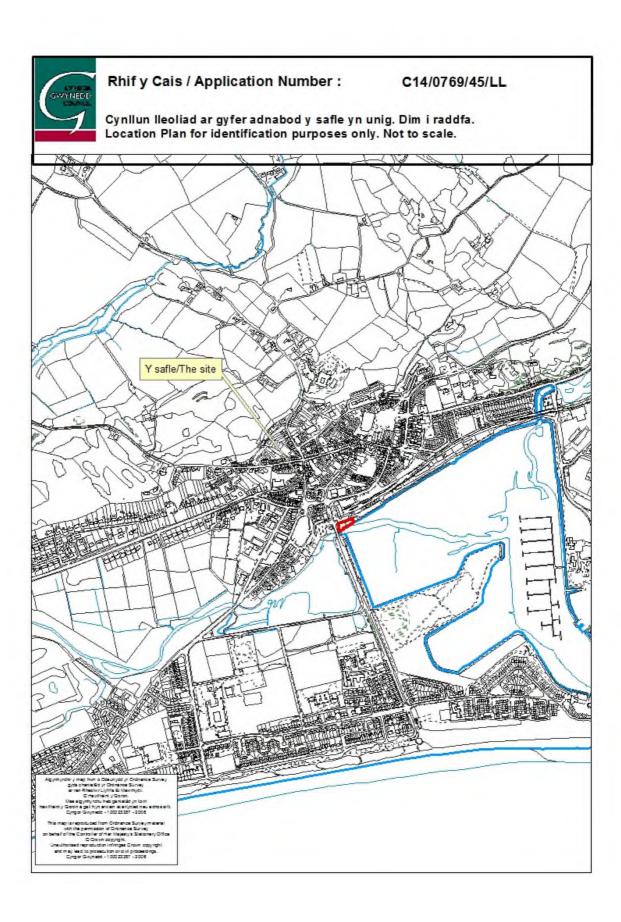
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Application Number: C14/0769/45/LL

Date Registered: 11/12/2014

Application Type: Full - Planning

Community: Pwllheli

Ward: Pwllheli North

Proposal: Change of use of building from a1 retail to mixed use with

RESTAURANT, LOUNGE BAR AND DANCE BAR

Location: FORMER L S CARPETS LTD, MAES YR ORSAF, PWLLHELI LL53 5HG

Summary of the Recommendation:

TO APPROVE WITH CONDITIONS

1. Description:

- 1.1 This proposal is for the change of use and adaption of a building for a mixed use with a restaurant, lounge bar and dance bar. The existing building use is as a shop (A1 class use). The ground floor would comprise a lounge, dance floor, bar, area for mobile stage, terrace, facilities such as toilets and food preparation and storage areas. On the first floor there would be a lounge, bar and storage, a terrace, toilets and plant room. Externally it is proposed to clad the building with blue 'colonial' coloured 'Fortex' material and install windows with aluminium frames. On the western side it is proposed to close the open stairs within the building. It is not proposed to make any changes to the building's roof. It is proposed to construct a slate wall on the eastern elevation to create the ground floor terrace. This wall would be built near the canopy proposed to be installed on the building above the main entrance. The main entrance would therefore by set on the eastern side of the building where the site's existing car park is situated. It is proposed to install stainless steel handrails with glass panels to the front of the terraces on the ground and first floor. There would be nine parking spaces available on the site and one of these would be for the disabled.
- 1.2 The site lies within the Pwllheli development boundary. North of the site is the railway station and the taxi rank. To the west are dwelling houses and a bus station. There is a mixture of businesses with residential units above to the north west. East of the site is a car park and north east is a row of dwelling houses. The Pwllheli Conservation Area is situated north of the site. South is a section of the harbour. The site forms part of the North Quay area designated in the Unitary Development Plan as a redevelopment site. A C1 flooding zone borders the site to the south. Currently, the site consists of an empty shop with an associated car park.
- 1.3 A design and access statement, noise assessment, flooding consequences assessment, community and linguistic statement and a code of conduct for responsible retailing have all been submitted as part of the application.
- 1.4 The application is submitted to Committee as it deals with a commercial, industrial or retail proposal that is over 500 m³ and also as three or more observations have been received that are contrary to the recommendation.

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 planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

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2.2 Gwynedd Unitary Development Plan 2009:

POLICY A2 – PROTECT THE SOCIAL, LINGUISTIC AND CULTURAL FABRIC OF COMMUNITIES - Safeguard the social, linguistic or cultural cohesion of communities against significant harm due to the size, scale or location of proposals.

POLICY B4 – DEVELOPMENT WITHIN OR AFFECTING THE SETTING OF CONSERVATION AREAS – Ensure that proposals within conservation areas, or which affect their setting, are refused unless they aim to maintain or enhance the character or appearance of the conservation area and its setting.

POLICY B20 – SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT – Refuse proposals which are likely to cause disturbance or unacceptable damage to protected species and their habitats unless they conform to a series of criteria aimed at safeguarding the recognised features of the site.

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 B23 – AMENITIES - Safeguard the amenities of the local neighbourhood by ensuring that proposals must conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area.

POLICY B24 - ALTERATIONS AND BUILDING EXTENSIONS WITHIN DEVELOPMENT BOUNDARIES, RURAL VILLAGES AND THE COUNTRYSIDE - Ensure that proposals for alterations or extensions to buildings conform to a series of criteria aimed at protecting the character and amenity value of the local area.

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

POLICY B29 – DEVELOPMENT ON LAND AT RISK OF FLOODING - Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A unless they conform with a series of criteria relevant to the features on the site and to the purpose of the development.

POLICY B33 – DEVELOPMENTS THAT CREATE POLLUTION OR NUISANCE - Protect public amenities, health and the natural or built environment from high levels of pollution.

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 C3 – RE-USING PREVIOUSLY DEVELOPED SITES - Proposals that give priority to reusing previously developed land or buildings and which are located within or adjacent to development boundaries will be permitted provided the site or the building and use are appropriate.

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POLICY C4 – ADAPTING BUILDINGS FOR RE-USE – Proposals to adapt buildings for re-use rather than demolish them will be approved provided that specific criteria can be met. These relate to the suitability of the building for the proposed use, visual considerations and that the design respects the original building and the surrounding area. Buildings in the countryside must be permanent and structurally sound. Their conversion should be possible without the need for substantial construction work. They should not disperse activities on such a scale as to harm the vitality of towns and villages.

POLICY C5 – REDEVELOPMENT SITES - Development proposals on sites identified on the Proposals Maps as redevelopment sites will be permitted provided they are consistent with the relevant development brief and/or any master plan for the site approved by the Local Planning Authority.

POLICY CH30 – ACCESS FOR ALL – Refuse proposals for residential/business/industrial units or buildings/facilities for public use unless it can be shown that full consideration has been given to the provision of appropriate access for the widest possible range of individuals.

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 CH36 – PRIVATE CAR PARKING FACILITIES - Proposals for new developments, extension of existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council's current parking guidelines. Consideration will be given to the accessibility of public transport services, the possibility of walking or cycling from the site and the proximity of the site to a public car park. In circumstances where there is an assessed need for off-street parking and where the developer does not offer parking facilities on the site, or where it is not possible to take advantage of the existing parking provisions, proposals will be approved provided the developer contributes to the cost of improving the accessibility of the site or providing the number of necessary parking spaces on another site nearby.

POLICY D10 – CONVERSION OF BUILDINGS FOR INDUSTRY OR BUSINESS USE - Proposals to change the use of buildings to small scale industrial or business use will be approved provided that the chosen location can be justified and they conform to specific criteria regarding the scale and nature of the development, and the relationship of the development with nearby buildings/uses.

Strategic Policy 16 – Employment

Strategic Policy 18 – Service Centres

Supplementary Planning Guidance: Development Briefs Llŷn Dependency Catchment Area – November 2009

Supplementary Planning Guidance: Planning and the Welsh Language – November 2009

2.3 **National Policies:**

Planning Policy Wales (Issue 7, July 2014) Technical Advice Note 11 - Noise (1997)

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Technical Advice Note 12 - Design (2014)

Technical Advice Note 15 – Development and Flood Risk (2004)

Technical Advice Note 20 – Planning and the Welsh Language (2013)

Technical Advice Note 23: Economic Development (2014)

3. Relevant Planning History:

- 3.1 2/25/462 Extend a shop and additional parking spaces Supermarket, Station Square, Pwllheli Approved 3 June 1985.
- 3.2 2/25/462A Amusements arcade, bingo and restaurant Old Co-operative Shop, Pencob, Pwllheli Refused 28 June 1989.
- 3.3 2/25/462B Modify a shop into a nightclub Old Co-operative Shop, Pencob, Pwllheli Refused 17 October 1989.
- 3.4 2/25/462C Adaptations to create a restaurant, shop and workshop Old Cooperative, Shop Pencob, Pwllheli Approved 18 January 1990.
- 3.5 2/25/462D Modify a shop into a nightclub Old Co-operative Shop, Pen Cob, Pwllheli Refused 22 December 1989.
- 3.6 C97D/0237/25/R3 Scheme to redevelop the North Quay, Pwllheli Approved 18 July 1997.
- 3.7 C97D/0314/25/R3 Detailed application redevelopment scheme North Quay, Pwllheli Approved 15 September 1997.

4. Consultations:

Community/Town Council: With a majority vote it was resolved to recommend approval.

Transportation Unit: No objection to the proposal. The site is central within the town and

close to many car parks, bus and train stations and opposite the taxi rank therefore I presume that it will have no detrimental impact on the

network of local roads.

Welsh Water: Suggest that conditions should be imposed on any planning

permission.

Natural Resources Wales: Protected species issues

Recommend we contact the Council's Biodiversity Unit to see if a

survey of protected species is required.

Flooding matters

The flooding consequences assessment (Cadnant Planning December 2014) submitted to support the application was considered. The flooding consequences assessment has considered climate change over a period of 75 years that is acceptable in terms of the development's lifetime. Based on this information it is advised that if the recommendations and mitigation measures are implemented then it is considered that the flooding consequences can be sufficiently controlled. Therefore, we have no objection to the development on the grounds of flooding risk.

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Biodiversity Unit:

No observations to submit.

Public Protection Unit:

Further to the above application and to the additional information provided following my original response dated 29 August 2014. By now we have had an opportunity to examine the additional information provided in the form of a report by ADC Acoustics and following further discussion with the report's author we have cleared some technical points.

The property nearest to this development is 20 metres across the road on the western side of the building. In order to protect the residents of the nearby property, we have already stated that we desire and require assurance that noise from the development will not be heard from inside the nearby property.

The applicant and his representatives in turn have provided a noise report that states that this will be possible by a combination of undertaking insulation work on the building and strict control of entertainment noise levels that will emanate from the development.

Having discussed and received the report, I wish to propose the enclosed conditions in order to control noise from the development. The noise conditions set a strict level for noise from the development where noise levels will not increase outside any nearby residential property as a result of noise from the development. As well as this main noise condition the conditions also include the need to install a device to control entertainment noise levels within the development's sound system and also the need for an independent third party company to undertake an assessment of the noise levels to confirm that they comply with the main noise condition.

As an additional step to safeguard local residents, we also recommend that the open air terrace use on the development's first floor closes at 23:00 hours to prevent customers' voices impairing on nearby property.

Food Health and Safety Team, Public Protection Unit The development needs to comply with all the requirements of legislation dealing with health and safety in the workplace and food hygiene and safety regulations. We notice that the plan indicates a food preparation kitchen and we are of the view that the space shown is small. The applicant has to ensure that the space provided for food preparation is sufficient for the type of food that will be prepared in order to comply with current Food Safety regulations. If successful, the applicant is advised to contact the department to discuss the matters further.

Economy and Community Department:

The proposed plan would include a private sector investment to restore an empty building in a prominent location creating economic activity and accompanying jobs. The application site is located within a redevelopment area and contributes to the range of facilities in the centre of Pwllheli. The Economy and Community Department support the application.

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Public Consultation:

A notice was posted on the site and nearby residents were notified. The consultation period expired on 28 November 2014 and ten letters / items of correspondence were received objecting to the application on the following grounds:

- Number of residential properties available near the site and the possibility of disturbance very likely.
- Not a suitable use and not in keeping with an area that is now a residential area.
- Matters concerning noise levels until the early hours of the morning music, people gathering outside, coming and going to parking areas located directly opposite dwelling houses, people convening to smoke outside.
- The main entrance should be located on the western side of the building rather than the eastern side as there is a wide pavement, another public house/restaurant over the road and the street is under the supervision of safety cameras with one house nearby rather than eight.
- Considers that there are errors in the Noise Report submitted.
- Risk of anti-social behaviour.

In addition to the above objections, objections were received that were not valid planning objections which included:

- Health and safety issues as a result of the proximity of the premises to the harbour wall and the possibility that a drunk person could fall into the harbour.
- Risk of causing damage to property and vehicles nearby.
- Impact on the value of property in the vicinity.
- The development in question should not have an impact on other important developments taking place in Pwllheli e.g. in the Marina, Plas Heli, Travelodge.

63 letters/ items of correspondence were received supporting the application on the grounds of:

- This is now only empty building in the town and any development on the site would be good.
- Will improve the appearance of the area and make it more attractive to visitors.
- The proposal will renovate an unsightly building but deploring the fact that the roof will not be changed.
- Use of a derelict building in a key location in the town.
- Good location for the proposal.
- Need to look at re-developing all the way down from this building towards the Marina.
- The development would benefit the economy.
- Offering employment
- Giving the town a boost
- Attracting additional visitors
- Offers a resource that would compete with other towns and attract people throughout the year.
- This development with other developments in the town are

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- encouraging and a means to invigorate the town centre.
- This development with other developments in the town are encouraging and a means to invigorate the town centre.
- The area has no entertainment resource of high quality for the younger generation and also for people who are looking for a place to relax and unwind.
- I visit the area on holiday often and there is not much to do at night and a development of this type would be good for this.
- The proposal would be an asset and addition to the local area and would be used by local people and visitors alike.
- Pen Cob has shown that the people of Pwllheli need meeting places for entertainment.
- Good to see something for the town's youth and not for the marina people.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The site is located within the Pwllheli development boundary, as indicated on the GUDP proposal maps. Policy C1 of the GUDP states that land within town and village development boundaries and the developed form of rural villages will be the main focus for new developments. Furthermore, the policy states that new buildings, structures and ancillary facilities in the countryside (i.e. outside development boundaries and outside the developed form of rural villages) will be refused with the exception of development that is permitted by another policy of the Plan.
- 5.2 The site is also considered to be one that has been previously developed. Policy C3 of the GUDP states that proposals that give priority, wherever possible, to reusing previously developed land or buildings that are located within or near development boundaries, rather than using Greenfield sites, will be approved provided that the site or building and the proposed use are suitable and conform to the Plan's objectives and development strategy. The site is allocated as land for re-development in the GUDP and the development brief promotes plans that provide work opportunities. The proposal would therefore make acceptable use of previously developed land.
- When converting buildings into any use, it must also be considered under Policy C4 of the GUDP. This policy states that proposals to convert buildings for re-use rather than for demolition will be approved provided that all the criteria contained in the policy can be complied with. Criterion 3 requires that the design respects the structure, form and character of the existing building and its surroundings and that it retains any inherent traditional, historic or architectural features of merit in the building. The proposal would make alterations to the building's appearance and it is not considered that the building has any traditional, historic or architectural features of value as it stands. Full attention will be given to the external alterations further on in the report. However, on the whole it is considered that the proposal in principle complies with Policy C4 of the GUDP. It is also considered, from the aspect of Policy C4, that the proposed use is acceptable for the building and the use as a holiday unit is economically suitable for the area. It is, therefore, considered that the proposal is acceptable in relation to Policy C4 of the GUDP.
- 5.4 As noted above, the site also forms part of the wider North Quay area designated as land for re-development in the GUDP. Policy C5 deals with redevelopment sites and states that development proposals on sites identified on the Proposals Maps as redevelopment sites will be permitted provided they conform to the development briefs prepared for the sites.

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The development brief of the North Quay site refers to the fact that land uses should reflect that the site is near the centre of the town and in a prominent site at the side of the harbour. It is noted that the activities may include some that are associated with the uses of sailing / seaside activities, leisure and commercial and offices. Therefore in terms of principle it is considered that the proposal would create a leisure / commercial facility that would correspond with the development brief and is therefore acceptable in principle in terms of Policy C5.

The economy

5.5 The proposed development would make use of an unit that has been vacant for some time and would therefore be a positive contribution to the town's economy. The Design and Access Statement states that the development would lead to significant improvements in the building's fabric, improve the area's character and would invest 1 million in the enterprise during the first year and create 20 jobs targeted to local people. The proposal would also give the town a new attraction that would be of benefit to the tourism and leisure sector as well. Many letters have been received in support of the proposal on the grounds that the enterprise would invigorate the town and give a boost to the economy, tourism and create new jobs. It is considered that the proposal agrees with strategic policies 16 and 18 of the GUDP that encourage a wide range of facilities and activities, shops, commercial, employment, transport, entertainment, leisure and culture in appropriate locations.

Visual amenities

- 5.6 The proposal would entail making alterations to the external appearance of the existing building. This would include cladding the building with blue 'colonial' coloured 'Fortex' material and the installation of windows with aluminium frames. On the western side it is proposed to close the open stairs within the building. It is proposed to construct a slate wall on the eastern elevation to create the ground floor terrace together with the installation of a canopy above the main entrance. It is also proposed to install stainless steel handrails with glass panels to the front of the terraces on the ground and first floor. It is not proposed to make any changes to the building's roof. These alterations would therefore change the appearance of the building situated in a prominent site within the town. Although the proposal would change the building's appearance it should be noted that the existing building is fairly insignificant in terms of its design and does not have any obvious architectural features that should be retained. It is considered that the alterations proposed to the external appearance of the building would improve the building's look in the street scape and the type of cladding and colour proposed are suitable for its location near the harbour. It is therefore considered that the proposed alterations to the building are acceptable and a means to improve the area's visual appearance. Therefore, the proposal's design is considered acceptable together with the proposed materials and the proposal is acceptable in terms of Policies B22 and B25 GUDP.
- 5.7 The site is situated opposite the conservation area. It is considered that the proposed external alterations to the building would not impair on the character of the conservation area and that the proposed alterations would in reality contribute to enrich the appearance of the conservation area and views in and out. It is, therefore, considered that the proposal is acceptable in relation to Policy B4 of the GUDP.

General and residential amenities

5.8 Policies B23 and B33 are the relevant policies to assess the impact of the development on amenities. One dwelling house stands 21m west of the site, north west of the site are a mixture of businesses with residential units above and to the north east is a row of dwelling

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houses and therefore consideration has to be given to the impact of the development on their amenities. Due to the nature of the proposed use, the main issue would be the noise potential, disturbance, anti-social behaviour and concern about the worry these concerns have raised in the objections. No problems arise with losing privacy.

- 5.9 The Environmental Health unit was consulted and they expressed significant concern in terms of the impact of entertainment noise on the nearest dwelling and consequently a noise report was requested. The noise statement states that it will be possible via a combination of insulation work on the building and strict control of noise levels, to overcome the concerns. It is therefore suggested that strict noise control conditions are imposed whereby the noise level should not increase in any nearby residential property together with the installation of a noise level control device on the sound system. It is also considered appropriate, as an additional measure, to control the time the terrace is used up to 11 at night in order to keep the possible noise level within the building during unsocial hours.
- 5.10 As this is a site in the town centre the same degree of peace cannot be expected as in a totally residential neighbourhood and visitors to the town centre have the right to expect reasonable entertainment facilities to be available in the evening, therefore a degree of noise and disturbance would be expected. Although several objectors have expressed concern regarding the potential of the development of another public house, in addition to Pen Cob Tavern, leading to anti-social behaviour there is no evidence that current problems exist or certainty that the situation would exacerbate. It should be borne in mind that this is a central site near a bus station, train station and taxi rank where people gather at the end of the night. It is not considered that the proposal would exacerbate the existing situation to the extent that it would lead to the refusal of the application on this basis only. Therefore, it is not considered that there is any policy grounds to refuse the application on the basis of an increase in use considering the location in the town centre.
- We are of the opinion that via the proposed strict conditions that the proposal is acceptable in terms of policy B23 and B33 of the GUDP.

Transport and Access Matters

5.12 The site is situated close to the town centre. Car parks, a taxi rank, a bus station and a train station are located within a stone's throw of the site and therefore it is a central and convenient site that can be reached using various types of transport. The Transportation Unit was consulted on the proposal. In their comments they support the fact that it is a central site within the town and close to car parks, a bus station and train station and opposite a taxi rank. The Transportation Unit did not consider that the proposal would have a detrimental impact on the local road network, and they had no objection to the proposal. It is therefore considered that the proposal is acceptable in respect of Policies CH33 and CH36 of the GUDP.

Biodiversity matters

5.13 When we consulted with Natural Resources Wales on this proposal they recommended that we should contact the Council's Biodiversity Unit to see if a protected species survey was required. We consulted the Biodiversity Unit and they had no observations to make on the proposal. It is therefore considered that the proposal has no implications in terms of impact on biodiversity. The proposal is therefore in accordance with policy B20 of the GUDP.

Flooding matters

5.14 The site lies directly nearby a C1 flooding zone. Following the initial observations of Natural Resources Wales, a flooding consequences assessment was submitted as part of the

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application and NRA were re-consulted regarding that assessment. Confirmation was received from NRA that they considered that the flooding consequences could be controlled sufficiently if the recommendations and mitigation measures are implemented and therefore they had no objection to the development on the grounds of flooding risk. Therefore it is considered that there are no flooding concerns stemming from the proposal and that it is acceptable in terms of Policy B29 and TAN 15 Development and Flooding Risk.

Relevant planning history

5.15 It is noted from the previous planning history that an application for a nightclub was refused in the 80s, under application 2/25/462D on the grounds that the development was contrary to policy at the time, impairing on road safety and having a detrimental impact on nearby property. The policy situation has changed significantly since then with the adoption of GUDP in 2009, therefore there are different policy considerations to be considered. The attached document with the current application indicates that the proposal could be operated without having an unacceptable impact on the amenities of nearby residents. The fact that the previous application has been refused for the same use does not justify the refusal of the current application and this application is assessed on its own merit.

6. Conclusions:

6.1 Having weighed up the proposal against the responses to the consultations, public observations and relevant policies, it is considered that the change of use of the building to a mixed use of restaurant, bar lounge and dance bar is acceptable for approval subject to the proposed noise conditions. The site will make use of the existing derelict building within the development boundary, will benefit the local economy and improve the look of this prominent site in the town centre. The issues concerning design, visual amenities, transport, flooding are acceptable. Via the proposed strict noise conditions the Council can be satisfied that the noise levels produced on the site will be controlled and monitored appropriately and therefore the application is suitable for approval.

7. Recommendation:

- 7.1 To approve with conditions
 - 1. Five years
 - 2 In accordance with the amended plans
 - 3 Finish to be agreed
 - 4 Noise level conditions
 - 5 Complete a noise monitor assessment prior to building use
 - 6 Install a noise control device in the noise system prior to building use-{}-
 - Restrict the hours to use the terrace up to 11pm at night
 - 8 Welsh Water conditions

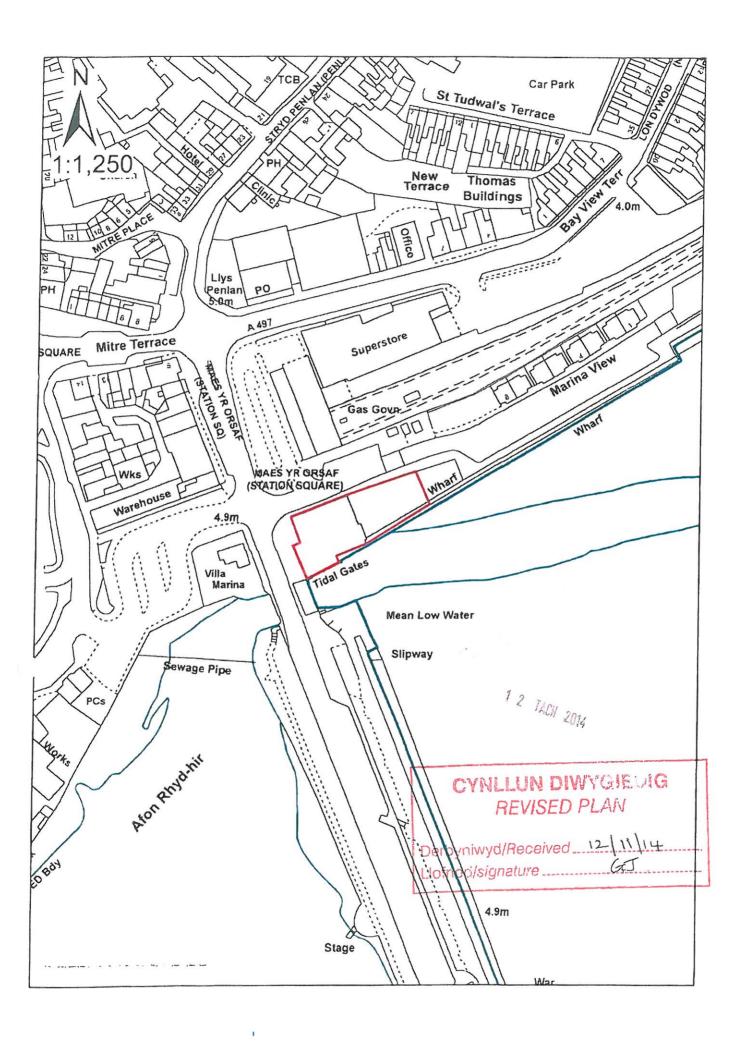


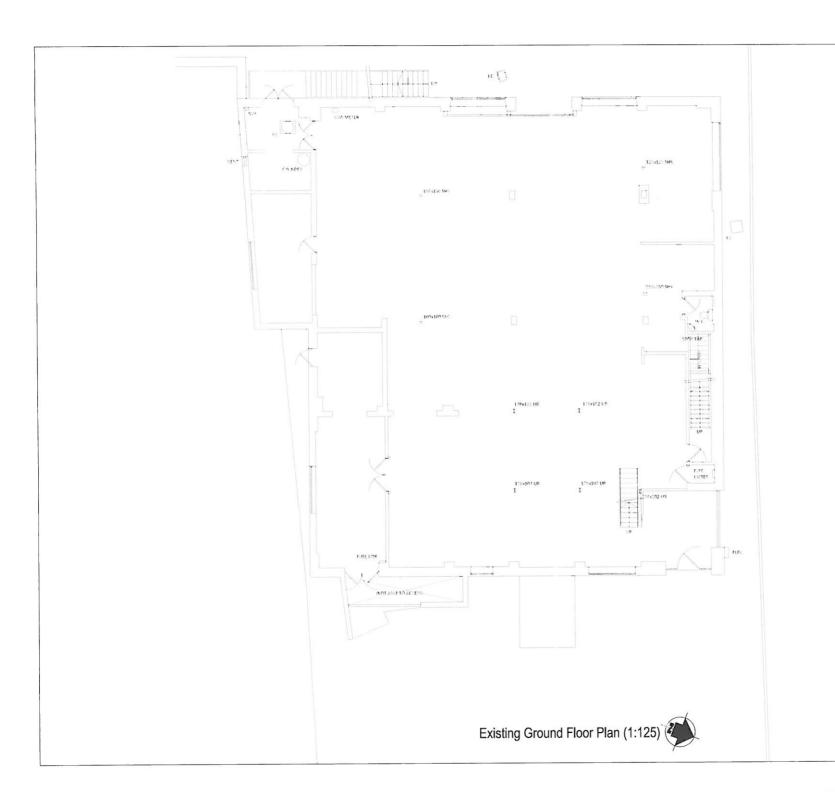
Rhif y Cais / Application Number :

C14/0769/45/LL

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Existing ground floor plan

1752-EX-01 Planning Submission

Venu Bar Company Limited

Venu Lounge and Dance Bar Maes yr Orsaf Pwllheli.

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Jun 14

Welr&Co
Chartered Building Surveyors
Construction Consultants



Well r&Co
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Construction Consultants

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Existing first floor plan

1752-EX-02

Planning Submission

Venu Bar Company Limited

Venu Lounge and Dance Bar Maes yr Orsaf Pwlheli.

1:125 & 1250 A3

DATE CREATED: Jun 14

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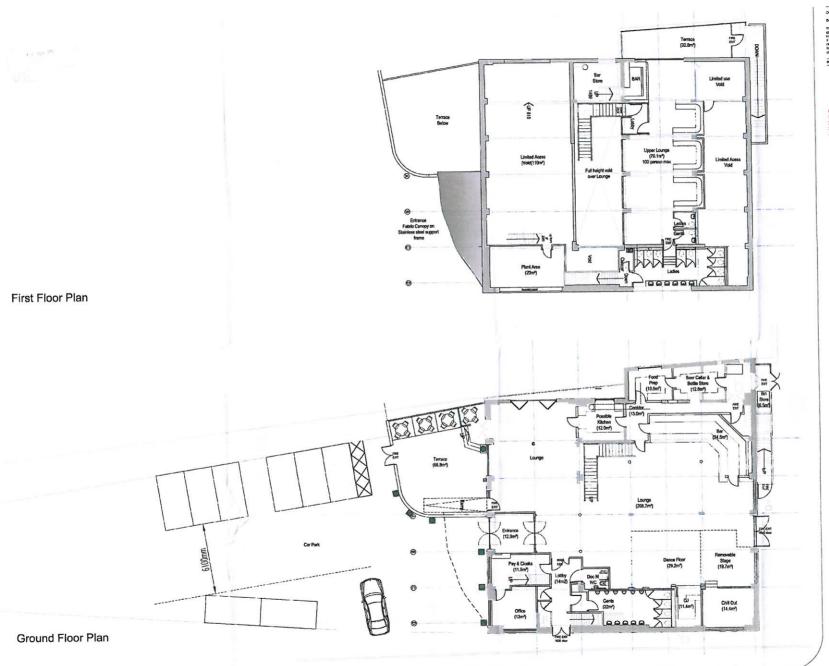
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CPTION 3

1 bar area services
2 DDA are male we access amended
3 Female Towels amended
4 General seent amendments

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Location Plan 1:1250



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Venue Lounge and Dance Bar

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Proposed Ground and First Floor Plans

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