

Number: 7

Application Number: C16/1571/39/LL

Date Registered: 05/12/2016

Application Type: Full - Planning

Community: Llanengan

Ward: Abersoch

Proposal: Change of use of Bank (A2) to Shop (A1) and ice-cream parlour and café (A3) on ground floor with seating area and servery to the rear and a self-contained flat (C3) on the first floor together with an extension and alterations to building

Location: Former Natwest Bank, Abersoch, Pwllheli, LL537WY

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. **Description:**

1.1 This is a full application to change the use and adapt a former bank into a shop and ice-cream parlour on the ground floor with a residential flat on the first floor. It is also proposed to erect a single-storey servery, create a seating area and install an underground oil tank in the back yard. The servery measures approximately 7.5 metres long, 4.2 metres wide and 4 metres to the ridge and includes a kitchen and an ice-cream parlour. It is also proposed to replace one of the ground floor windows on the front elevation with a door to serve the building and create a folding glazing window to develop an open front elevation. Further information was received on 13 January 2017 showing that the air extractor could be installed either within an existing chimney or on the back elevation. The back yard of the property is served by an access to a public footpath which is also a vehicular access for properties in the vicinity of the site.

1.2 The property lies in a prominent location near Abersoch High Street and the front elevation of the proposed shop faces an adjacent unclassified county road. The property is located among two-storey buildings and is within the village boundary.

1.3 The site is located within an Area of Outstanding Natural Beauty.

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 Unitary Development Plan.

2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the 7 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 set out below, 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 Unitary Development Plan 2009 GUDP:**

POLICY B8 - THE LLŶN AND ANGLESEY AREAS OF OUTSTANDING NATURAL BEAUTY (AONB) - Safeguard, maintain and improve the character of the Area of Outstanding Natural Beauty by ensuring that proposals conform to a number of criteria aimed at protecting 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 conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

POLICY B24 - ALTERATIONS AND BUILDING EXTENSIONS WITHIN DEVELOPMENT BOUNDARIES, RURAL VILLAGES AND THE

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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 the building materials are of a high standard and in keeping with the character and appearance of the local area.

POLICY B26 – SHOP FRONTS AND COMMERCIAL UNITS IN TOWN CENTRES - Ensure that proposals that are approved respect the scale, size, materials and architectural style of the building and the local vicinity.

POLICY C4 – ADAPTING BUILDINGS FOR RE-USE – Proposals to adapt buildings for reuse rather than demolish them will be approved provided they conform to specific criteria regarding the aptness of the building, visual considerations, design and the effect on the vitality of neighbouring towns and villages.

POLICY CH33 – SAFETY ON ROADS AND STREETS – Development proposals will be approved if 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 and having given due consideration to accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

POLICY D29 – NEW SHOPS IN VILLAGES – Proposals for the change of use of buildings to a shop, or proposals for new shops or extensions to existing shops will be approved provided they comply with criteria relating to suitability of the building; its location and impact on the amenities and character of the area.

2.4 **National Policies:**

Planning Policy Wales, Edition 9, 2016.

Technical Advice Note (TAN) 12 Design
 Technical Advice Note (TAN) 18 Transport

2.5 **Gwynedd and Anglesey Joint Local Development Plan. (Composite Version including Matters Arising Changes, January 2017)**

PCYFF 1: Development Criteria.

PCYFF 2: Design and Place Shaping

PS12 - Town Centres and Retail

MAN 1 - Proposed developments in town centres

TRA 2 : Parking Standards

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TRA 4: Managing Transport Impacts

3. **Relevant Planning History:**

- 3.1 Application number - C04D/0417/39/LL - New lights, parking space for disabled people and resurfacing of steps - Approved on 23 September 2004

4. **Consultations:**

Community/Town Council: Support

Transportation Unit: No objection

Public Protection Unit: Agree to locate the air extractor unit within the existing chimney with conditions to manage the requirements of installing equipment on the building to reduce any noise that would emanate from them.

Welsh Water: That conditions are imposed on any permission, should the application be approved, stating that a grease trap will need to be included as part of the development.

Area of Outstanding Natural Beauty: The former bank is empty. The proposal to have a new commercial use to the building is supported and it is believed that alterations to the elevation would maintain the original character of the building well and that it would not have an impact on the AONB.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period has expired and several items of correspondence were received objecting on the following grounds:

- The proposed first-floor flat, shop or café will have no parking spaces for vehicles as a result of constructing the extension and seating area at the rear.
- Parking spaces are required for the residential and commercial properties.
- Parking vehicles at the rear of the property will have an impact on the safety of customers on site.
- Proposal affects the parking provision of the village.
- A substantial lack of parking in the village for visitors and staff of local businesses.
- The proposal would use existing parking spaces for four cars at the rear of the property.
- Sufficient provision of A3 (restaurant) use within the village.
- The village suffered as a result of traffic congestion and a lack of parking spaces.
- Opening the front door and the rear extension would impact the appearance of the building.

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As well as the objections above, objections were received which were not valid planning objections and these included:

- Questioned the café's future as a café - would it sell alcohol in future and consequently have an impact on the amenities of neighbouring residents.
- Disappointment that another café would open in the village.
- It would be foolish to hope that the shop would be of any use for local people.
- An ice-cream shop had already closed within the village.

5. **Assessment of the material planning considerations:**

The principle of the development

- 5.1 It is a requirement that planning applications are determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The current 'Development Plan' is the Gwynedd Unitary Development Plan (2001-2016) and the Joint Local Development Plan for Gwynedd and Anglesey (Joint LDP) replaces the UDP as the 'development plan' once it is adopted. It is hoped that the Joint LDP will be adopted during July 2017.
- 5.2 When dealing with any planning application the statutory test should be your first consideration at all times, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other relevant considerations state otherwise. The Joint LDP is now a material planning consideration for the purposes of development control - see paragraph 3.1.3 Planning Policy Wales that states: "Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies ...".
- 5.3 Although many policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not know for certain what the contents of the Plan will be until the Inspector submits his binding report.
- 5.4 Paragraph 2.14.1 of Planning Policy Wales states:
"...thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances."
In this case, the Joint LDP policies as noted in 2.4 above are material and as these policies are fairly consistent with the policies of the Unitary Development Plan and the relevant National Advice, it is considered that the above assessment and the recommendation of this report is consistent with the emerging policy.
- 5.5 Policy C4 states that proposals to adapt buildings for re-use rather than for demolition will be approved, provided that the building is suitable for use and that the design respects the structure. The proposal involves change of use and adapting the building, which will involve internal development work, changes to the front elevation along with erection of a rear building. It is considered that the changes to the building are acceptable and, therefore, comply with policy C4 of the GUDP.

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- 5.6 Policy D29 approves proposals to change the use of buildings into shops, if they can comply with the criteria. These include the need for the proposal to make suitable use of the existing building, that the building is within the development boundary of the village and that the development will not harm the amenities of nearby residents or the character of the area. The proposal includes changing the use and adapting a former bank into a shop and ice-cream parlour with a flat on the first floor. The adaptation is limited to the inside of the building with the exception of replacing one of the ground floor windows on the front elevation with a door and creating a folding glazing window to develop an open front elevation and constructing a single-storey building and a seating area in the back yard. Internal changes include re-arranging the internal layout of the ground floor to create the shop and ice-cream parlour and create a residential flat on the first floor. The building appears to be in good condition, is of traditional design and occupies a prominent location in the centre of the village. It is considered that the proposal meets the criteria of policy D29 of the GUDP.
- 5.7 The applicant has proposed opening hours for the proposed use, namely:
- Monday to Friday - 09:00 – 18:00
Saturday - 09:00 – 18:00
Sunday and Bank Holidays - 09:00 – 18:00
- 5.8 It is felt that the opening hours above are reasonable. The applicant has stated his willingness to accept a condition on any permission restricting the opening and closing hours of the property to the above hours along with a condition to prevent extending the use of the ice-cream parlour to a full restaurant or any wider activities within class A3 use. However, the site occupies a location in the centre of the village where a variety of local businesses are located such as a shop, restaurant, garage and public house and, as a result, it is felt that it would be difficult to justify a condition on the permission restricting the opening hours and use of the property in such a situation.
- 5.9 The servery is located in the back yard and the building's openings face the entrance. The applicant states that use of the servery would be ancillary to the main building and it is felt that its design and use would be unlikely to have a substantial impact on the amenities of nearby residents.

Visual amenities

- 5.10 The building is located in a prominent location on the village's High Street. The building is of substantial size with stone finish to the lowest half of the front elevation and white render for the remainder of the building. External changes have been restricted to opening a new door in the front elevation with a canopy above along with a folding glazing window to create an open front elevation and constructing a single-storey rear building. A photograph dating from the 1930s was submitted with the application indicating a door with a canopy on the front elevation and the proposal emulates this design. The rear building would be of single-storey design with a stone finish to the walls and slates on the roof. The rear building is located near the property's boundary wall and it would not be visible from the High Street. The building is located in the centre of the village and is amongst existing buildings. Observations were received from the AONB officer supporting the application. It is considered that the proposal complies with the criteria and aims of Policies B8, B22, B24, B25 and B26 of the GUDP.

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General and residential amenities

- 5.11 The application was advertised on the site and neighbouring residents were notified and seven objections were received expressing concern about the impact of the proposal on the parking provision of the site and the village, the proposed design of the front elevation would impact the appearance of the building, concern regarding the suitability of the shop for local people, competition matters and that an ice-cream shop had recently closed in the village. Objections regarding design and road issues are discussed under the relevant headings within the report and it is not considered that other objections relating to the shop's future, competition and that a former ice-cream shop has closed are material planning considerations. The internal layout of the proposed flat includes locating a bedroom, living room and dining room in the front part of the building with windows overlooking the high street and locating a kitchen, bathroom and bedroom in the rear part with windows overlooking the back yard. There is some concern regarding the impact of overlooking from the back kitchen window, but the plan indicates that the view from the kitchen of the back yard and a property beyond the site will be overshadowed by the roof of the servery and, therefore, it would reduce any potential impact on the amenities of nearby residents. It is not considered that the proposal is contrary to policy B23 of the GUDP.
- 5.12 With regards to an element of the application relating to the installation of an air extraction system for the development, additional information was submitted by the applicant indicating a choice of two potential systems; installing the air extractor on the back elevation, or within the existing chimney. The Public Protection Unit was consulted on the extraction system details and their observations were received confirming that they favoured using the chimney for the extraction system. It was felt that installing the extraction system in the existing chimney would also satisfy planning considerations and policies as it would do away with the need for external equipment.

Transport and access matters

- 5.13 The proposal involves changing the use and adapting a former bank into a shop and ice-cream parlour on the ground floor with a residential flat on the first floor. It is also proposed to erect a single-storey servery, create a seating area and install an underground oil tank in the back yard. The servery measures approximately 7.5 metres long, 4.2 metres wide and 4 metres to the ridge. This property lies in a prominent location with access to the shop and ice-cream parlour within the existing building from the high street. The servery in the back yard is served by an access from an adjacent public footpath which is also a vehicular access for properties in the vicinity of the site. The plan indicates that the property is only used by people on foot and it is not considered that this would create road problems bearing in mind the general activities of the area. The proposal does not include providing parking space for the new use and this element of the application has raised objections locally. Objectors state that the proposed development would deprive the site of four parking spaces and consequently, force site users to use the sparse parking provision of the village. The applicant states that a parking space is available for one car within the existing back yard and although no parking space is part of the proposal, he deems that there would be no substantial difference in traffic levels between previous use and proposed use to the extent where it would substantially impact the level and safety of traffic in the village. The applicant's statement regarding existing parking spaces is noted; however, the size of the back yard suggests that more than one car could be parked on the site. It is realised that Policy CH36, amongst other things, states that applications for new developments, to extend existing developments or change the use will be refused unless off-street parking is provided. The proposal was

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discussed with the Council's Transportation Unit and although the concerns of local residents are recognised, it is considered that it would be difficult to justify refusing the application on the grounds of a lack of parking bearing in mind that customers would be on foot and that the needs of the site/ice-cream parlour manager and occupier of the residential flat on the first floor would not add substantial pressures on the village's existing provision. The observations of the Transportation Unit were received confirming that it had no objection to the proposal. In this case, it is considered that there is insufficient justification to refuse the application on the grounds of a lack of parking. Therefore, it is not considered that the proposal is contrary to policy CH33 or CH36 of the GUDP.

6. Conclusions:

- 6.1 The proposal involves using an existing building of substantial size as a shop and ice-cream parlour. The building is located amongst buildings and is near the village's High Street. External changes have been restricted to creating a new door and a folding glazing window in the front elevation and constructing a building in the back yard. Building materials would be in-keeping with the appearance and finish of the existing building and it is considered that it would not have a substantial impact on the character of the building or the AONB. There is some concern regarding the lack of parking space at the rear of the property; the proposal was discussed with the Council's Transportation Unit and although the concerns of local residents are recognised, it is considered that it would be difficult to justify refusing the application on the grounds of a lack of parking. It is considered that the proposal would be a way of ensuring appropriate use of a dormant building in a prominent location in the village of Abersoch.

7. Recommendation:

- 7.1 To approve – conditions
1. Five years to commence the work.
 2. Slates on the roof of the rear building.
 3. Stone finish of the rear extension to be in-keeping with the main building.
 4. Install the air extraction system within the existing chimney in accordance with the plans dated 13 January 2017 prior to commencing the permitted use.
 5. In accordance with the plans.