

PLANNING COMMITTEE	DATE: 06/11/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

Number: 3

Application Number: C16/0507/20/LL

Date Registered: 04/10/2017

Application Type: Full - Planning

Community: Y Felinheli

Ward: Y Felinheli

Proposal: Construction of two-storey extension to existing office to provide toilets, showers and more office space together with the construction of three retail units (A1) and extending the current car park.

Location: Offices of Menai Marina, Old Slate Quay, Felinheli, Gwynedd, L156 4JN

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1 The application involves the construction of a two-storey extension to the existing harbour master's office to provide new facilities for the users of the marina and port, and more office space together with the construction of three retail units (A1) and extending the current car park.
- 1.2 The site is located in an area with a mix of different uses including the Plas Dinorwig Hotel and part of the port to the north. To the west and south there is predominantly residential houses and a mix of small business units, residential houses and the remainder of the port to the east.
- 1.3 The Design and Access Statement explains that the building will facilitate natural supervision in a central location between the port to the south west and the port system to the east. It is also intended to operate the port gates from the building. The building would also provide new facilities including toilets and showers in a central location for marina users.
- 1.4 At the request of the applicant, the submission of the application to the previous Committee meeting was deferred. In the meantime, the site has been sold and a new certificate of ownership has been received in order to correct the details of the application. A letter was also received from the new owner stating his intention to continue with the application. The letter explains that the boats that are currently stored on the car park will be relocated from the site and they intend to retain the car park for use of the new shops and facilities and are willing for the Planning Authority to impose the appropriate considerations to ensure this, should the application be granted.

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 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 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 and Anglesey Joint Local Development Plan. (July 2017)**

SP 1: THE WELSH LANGUAGE AND CULTURE
POLICY ISA 1: INFRASTRUCTURE PROVISION

POLICY ISA 1: COMMUNITY FACILITIES

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STRATEGIC POLICY PS 4: SUSTAINABLE TRANSPORT, DEVELOPMENT
AND ACCESSIBILITY

POLICY TRA 2: PARKING STANDARDS

POLICY TRA 4: MANAGING TRANSPORT IMPACTS

STRATEGIC POLICY SP 5: SUSTAINABLE DEVELOPMENT

STRATEGIC POLICY PS 6: MITIGATE AND ADAPT TO THE IMPACT OF
CLIMATE CHANGE

POLICY PCYFF 1: DEVELOPMENT BOUNDARIES

POLICY PCYFF 2: DEVELOPMENT CRITERIA

POLICY PCYFF 3: DESIGN AND PLACE SHAPING

POLICY PCYFF 4: DESIGN AND LANDSCAPING

POLICY PCYFF 6: WATER CONSERVATION

POLICY MAN 5: RETAIL DEVELOPMENTS IN VILLAGES

POLICY AMG 5: LOCAL BIODIVERSITY CONSERVATION

POLICY PS 20: SAFEGUARDING AND ENHANCING HERITAGE ASSETS

2.4 **National Policies:**

Planning Policy Wales - Edition 9

Technical Advice Note 4: Retail and Commercial Developments

Technical Advice Note 5, Nature Conservation and Planning

Technical Advice Note 12: Design

Technical Advice Note 18: Transportation

Technical Advice Note 15: Development and Flood Risk

Technical Advice Note 23: Economic Development

Technical Advice Note 24: The Historic Environment

3. **Relevant Planning History:**

C07A/0465/20/LL - Extension to dock supervision building. Approved 18/02/07 (not implemented)

4. **Consultations:**

Community/Town Council: **NO OBJECTION** however, it was decided to send the following observations: It is felt that this development is large and could have a detrimental effect on the character of the area. Though the area is a mix of residential areas and business areas, increasing the business side could be at the expense of the residential site and, consequently, the council is of the opinion that the area is being over-developed. The finished size and height of the

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development (in accordance with the suggestion to raise the level of the land which we understand is noted in the engineer's report) will have an effect on the visual beauty of the area. The council also assumes that traffic levels will increase, on top of the traffic which emanates from the existing developments in the area. The Council feels that there is insufficient information regarding the entire vision for the area and, consequently, it is difficult to provide a balanced response where the positive benefits and negative elements have been considered.

Transportation Unit: I refer to the above application, and confirm that I have no objection to the proposal.

The proposal to extend the car park mitigates the effect of the proposed commercial units. However, I recommend considering including a note or condition which prevents the use of the car park as boat storage rather than for parking vehicles.

Natural Resources Wales: Initial Response:
Further assessment needed. The flood consequence assessment does not reflect the actual risk of the development

Second Response:
No objection subject to conditions.

Third Response:
Confirm that their previous observations remain pertinent although the flooding category for the land has changed from C1 to C2.

Emergency Planners:
Fire Service - No objection
Police - not received
Health Service - not received

Land Drainage Unit:
Not received

Welsh Water: Not received

Senior Conservation Officer: No objection

Biodiversity Unit: The building to be adapted is not suitable for bats and there will be no impact on them. This development is approximately 110 metres from the Menai Strait and Conwy Bay Special Area of Conservation. In this case, I cannot anticipate any route that would affect the site and its features. Therefore, there is no need to carry out a Habitats Regulations Assessment.

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Public Protection Unit:

Not received

Public Consultation:

The application was advertised in accordance with the requirements and the statutory consultation period ended on 08/06/16. The application was re-advertised in response to the new land ownership details and the consultation period will end on 27/10/2017. At the time of writing the report, several objections were received raising concerns about:

- Impact on parking and transport, problems in this area already, no public car park in Felinheli.
- Overdevelopment / incongruous
- No proven need / no real need for the development.
- This development together with other approvals that have not yet been implemented would be an over development.
- Harmful impact on residential amenities.
- Too close to residential houses.
- Too large.
- Dominant development/dominate nearby buildings
- Recycling facilities too close to houses.
- Disturbance.
- Loss of trees.
- Loss of light.
- Negative effect on the occupants of houses
- Negative impact on the character of the marina - listed buildings.
- Cause more traffic especially when the bridge is raised.
- Cause an unsuitable level of traffic for the narrow roads.
- Parking spaces are already being lost due to the boats.
- Where will the boats go?
- The proposal would increase traffic and parking problems.
- Contrary to the development pattern.
- The commercial element of the proposal will increase traffic problems.
- No evidence of need for any maritime commercial units.
- Need conditions to ensure that the units are for shops that are related to maritime activity.
- Need to set parking restrictions to resolve the current on street parking problems.
- The car park should not be used to store boats.
- Car park to be available to the users of any of

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the nearby commercial units.

- Lead to loss of trees.

Letters / correspondence were received supporting / providing observations on the application on grounds of:

- Happy with the development provided there will be additional parking to prevent additional traffic around the marina.
- Observations acknowledging recent improvements around the site and supporting the proposal.
- Welcome the improvements to the marina facilities as this element of the proposal will not increase traffic.
- Only supportive if boats will not be kept on the car park.
- Benefits the economy.
- The area needs the investment that is being proposed.
- The area will be much more attractive.
- Disagree with the claims of traffic problems.
- Offers a visual improvement.
- Improvement by getting rid of the mobile cabins.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 A number of policies relate to the principle of this application due to its location, proposed land uses (extending the offices, providing amenity facilities and the three retail units). The application site is entirely within the Felinheli development boundary and from this perspective the plan complies with policy PCYFF 1 which supports developments within the development boundaries. Nevertheless, the policy recognises that plans must comply with other relevant policies, giving sufficient thought to material planning consideration. The application site also makes use of previously developed land and this is encouraged through Planning Policy Wales and the Local Development Plan.
- 5.2 Policies ISA 1 and ISA 2 support developments that improve leisure facilities, employment opportunities and community facilities. Policy ISA 2 recognises that leisure facilities are important to the health, social, educational, linguistic and cultural needs of the area, along with its economic welfare. The policy supports developments that improve existing facilities. In terms of the elements of the proposal that relate to extending the offices and providing additional facilities to the users of the marina and port, it is considered that the proposal complies with policies ISA 1 and 2.
- 5.3 Policy MAN 5 and Technical Advice Note 4 apply to new retail units in villages. Policy MAN 5 supports developments of new shops on a small scale within village development boundaries. The policy and TAN 4 require assurance that new retail

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developments do not undermine the retail hierarchy within the Local Plan and that it would not have a negative impact on the vitality of any Sub-regional Retail Centre, Urban Retail Centre or any Local Retail Centre.

- 5.4 The policy explanation interprets small scale as shops of less than 200 square metres net. Although this proposal is for three retail units, the scale of the units is very small with a total of approximately 95 square metres net between the three units. Due to the small scale of the retail element in its entirety and having considered each and every unit alone, it is not considered that the proposal would undermine the retail hierarchy or that it would have a negative impact on other retail centres. To ensure this and to ensure that the nature of the development does not change in future, should the application be approved, it is considered necessary to impose conditions to prevent them from being split into smaller units and to restrict the net retail floor surface area. With appropriate conditions, it is considered that the proposal complies with policy MAN 5 and TAN 4.
- 5.5 Given the policies discussed above, it is considered that the principle of this proposal is acceptable.

Design and Visual amenities

- 5.6 Policies PCYFF 3, 4 and SP 20 all apply to this aspect of the application. Policy PCYFF 3 asks developments to offer a design of high quality that gives full consideration to the context of the natural, historic and built environment and which creates attractive and sustainable places.
- 5.7 The application has been described as an extension to the existing office, however, the extension element is substantial to the degree that the proposal to all intents and purposes is a new building. It is intended to retain the original building; however, it is not considered that any architectural features of value will be lost in adapting the building.
- 5.8 A vast part of the building will be two-storey and the retail units will be single-storey. The roof and shape of the building is relatively traditional and reflects the general shape of buildings in the vicinity only with some more modern elements. It is intended to finish the building with a slate roof, grey aluminium windows, a mixture of slate and timber cladding and coloured render.
- 5.9 The site is located within the setting of listed buildings which include the port system, walls and the port to the south, former port office and the Faenol wall. Planning Policy Wales states that there should be a general presumption in favour of safeguarding listed buildings and their settings that could extend beyond their curtilage. Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
- 5.10 A number of comments have been received objecting on the grounds that the building is a domineering development, which is too big and would have a negative impact on the character of the marina which includes listed buildings. On the other hand, comments have been received in favour of the development which acknowledge that the proposal would offer a visual improvement to the area by getting rid of the mobile cabins and the area would be much more attractive.

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- 5.11 In assessing the location, height and bulk of nearby building that include three-storey houses, a block of flats and a substantial hotel in the context of the natural level of the landscape, it is not considered that the development would be a dominant structure or that it is too big for the site. It is also considered that the design and the materials are acceptable to the location. It is acknowledged that constructing a two-storey building on the site would mean losing some of the open nature of the site, but it is not considered that the impact would be harmful to the area's visual amenities. Neither is it considered that the development is harmful to the setting of the nearby listed buildings and the Council's Senior Conservation Officer had no objections to the proposal.
- 5.12 It is considered that the development is acceptable in its entirety as a single development. The retail units are very close to the new offices but in a separate building. Should only the retail units be built, it is considered that the building would create an incongruous feature as it would not respond positively to its surroundings and development patterns. It is therefore considered that it is reasonable and necessary to impose a condition and to ensure that the retail units are not constructed without the officer to ensure a satisfactory appearance to the development and to protect the area's visual amenities.
- 5.13 Policy PCYFF 4 relates to design and landscaping. The policy states that proposals should integrate with their surroundings and will refuse proposals that do not show how consideration has been given to landscaping from the outset as part of the design proposal. The design and access statement received as part of the application explains the reasoning behind the proposed design and its impact on the environment along with its impact on the setting of listed buildings. It is considered that the content of the Design and Access Statement and the plans has considered the needs of policy PCYFF 4 in terms of hard landscaping.
- 5.14 Nevertheless, no details of any soft landscaping were provided as part of the application. It is acknowledged that opportunities to provide soft landscaping are quite restricted due to the constraints of the site but it is considered that it would be possible to soften the appearance of the development and improve the streetscape by adding indigenous trees and low planting. It is not necessary to receive this type of information before determining the application and it is considered reasonable and appropriate to set a condition asking for the details and to ensure that the landscaping work is completed within a reasonable time-frame.
- 5.15 We acknowledge the objections received, however it is considered that the application complies with policies PCYFF 3, 4, and SP 20.

General and residential amenities

- 5.16 Policy MAN 5 asks to ensure that the new development does not have a substantial effect on the amenities of the area's residents. Policy PCYFF 2 also protects amenities. As discussed above, the site is in a location with a mixture of different uses and can be quite lively especially during the summer months. Part of the site is used as a dry port to store boats and also as a car park for marina users. Therefore, the effects linked to the public entering and exiting the site already exist. There are also quite regular movements during the summer months with tractors travelling back and forth with boats.
- 5.17 A large number of the objections received related to current parking problems in this part of Felinheli and the parking and transport matters are discussed further on in the

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report. However, the nature of the proposed development would change the use of the land and the vehicular movements caused by the site. Confirmation was received from the owner of the land of his willingness to accept a condition that restricts the car park to vehicles only and that no boats will be stored on the site.

- 5.18 It is acknowledged that the proposal extends the marina's amenity facilities and the offices but the proposal does not add to the capacity of the marina and port and therefore the proposal will not increase the use any more than the current situation. The retail units will create a new attraction but due to its small scale and with a condition to ensure that the car park will not be used to store boats. It is not considered that the proposal is likely to significantly add to vehicular movements on the site to the extent that it would have an unacceptably harmful impact.
- 5.19 It is considered that the impacts associated with offices, amenity facilities and small retail units could be acceptable close to residential houses, especially given the current use of the land. To protect the residential amenities of the nearby houses, it is considered reasonable to restrict the shops' opening hours to between 8am and 8pm every day and also to prevent deliveries outside of these hours.
- 5.20 An objection was received to the location of the bin storage area on the grounds that it is too close to residential houses. No comments or objections were received to the application from the Public Protection Unit. However, no in-depth details have been provided of the bin storage area as part of the application and therefore it is considered reasonable to include a condition to agree on the details of the storage area to ensure that it is not harmful to visual and residential amenities.
- 5.21 The single-storey section, namely the rear of the building would be within 15m of the nearest house at Old Slate Quay. Between the front of the houses and the site there are parking spaces, and estate road and green space. It is proposed to located the building in accordance with the building's development line and the existing car park. This means that the building would be set on an angle by comparison to the houses in Old Slate Quay. It is acknowledged that the houses would lose some of the open nature of the area from the front but it is not considered to be oppressive or significantly harmful and the main elevations would continue open towards the Menai Straits and Anglesey AONB. It is not considered that the building would lead to unreasonable loss of light or shadowing. The green space between the site and the house does not form part of the site and therefore this will not be lost and it is considered that the existing trees will help to soften the appearance of the building from the residential houses. Due to the location of the balcony and the windows in the proposed building it is not considered that there would be any negative impact on the privacy of the users or nearby property.
- 5.22 Full consideration has been given to the observations received, in favour and against the development but in assessing the proposal against the relevant policies and planning considerations, it is considered that the proposal complies with the requirements of policies PCYFF 5 and MAN 5.

Flooding matters

- 5.23 The application site lies on land that has been designated a C2 Flood Zone. Strategic policy SP5, SP6 of the LDP are relevant, however, there are no detailed policies that relate to assessing the appropriateness of developments that are at risk of flooding. This is included in Chapter 13 PPW and the detailed guidance in TAN 15.

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- 5.24 TAN 15 categorises C2 flood zones as areas of the flood plain without substantial infrastructure to be protected from floods. on the development advice map. TAN 15 also categorises different types of developments according to risk. Given that the proposal is in accordance with figure 2 of paragraph 5.1 of TAN 15 it is classed as a development that is less vulnerable.
- 5.25 Developments should not be approved in zone C2 unless it can be justified in that location. The justification tests ask that the development is:
- necessary to promote, or to participate in a regeneration strategy by the local authority or a local authority strategy that is crucial to maintain a settlement that already exists; **or**
 - that its location in zone C is necessary to contribute to key employment objectives that are held by the local authority and other key partners to support a settlement or region that already exists;
 - **and** it coincides with PPW objectives and meets with the definition of previously developed land; **and**
 - that the potential results of a flood event for this type of specific development have been considered, and in terms of the criteria in section 5 and 7 and appendix 1, that they are acceptable.
- 5.26 Given that the application site is located within the Felinheli development boundary and that it coincides with policies related to the locating new business and employment development, it is considered that the proposal satisfies the two first tests. The third test asked for the development to comply with the PPW objectives and that it meets with the definition of previously developed land. Due to the current land use and the presence of a building and car park, it is considered that the site complies with the definition of previously developed land.
- 5.27 The application was accompanied by a flood consequence assessment and Natural Resources Wales has confirmed that potential consequences can be managed sufficiently on this site provided that conditions are imposed in relation to the finished floor level of the retail units, incorporating flood damage prevention measures in the existing building and its extension and agree on and implement a flooding action plan. The plans have already been adapted to the finished floor levels and also the agent has confirmed an agreement and intention to prepare a flooding action plan. In accordance with NRW advice, the emergency planning services were consulted and no objection was received.
- 5.28 When the application was received the site was in a C1 zone but since then the maps and zones have been amended and the site is now in a C2 zone. Further observations were received from NRW confirming that its observations remain relevant and no further assessment is required. Therefore, it is considered that the application is in accordance with the requirements of strategic policy PS5, PS6 and the tests within TAN 15.

Transport and access matters

- 5.29 Policies PS 4, TRA 2 and TRA 4 are relevant to the application and relate to parking standards and management of transport impact. Policy MAN 5 is also relevant, and requires ensuring that new shops are in locations that are accessible by foot, bicycle and public transport.

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- 5.30 In terms of the basic location of the site, it is located approximately 300m away from the main road which runs through Felinheli and between Caernarfon and Bangor and a regular bus service is available. The nearest bus stop is approximately 320m from the site. This site is within reasonable walking distance of residential houses and also the Wales Coast Path runs past the site. It is therefore considered that the site is located in a location which is accessible by foot, bicycle and public transport and therefore complies with the requirements of policies MAN 5 and TRA 4.
- 5.31 The plans show an intention to extend the car park in order to serve the development. The Transportation Unit had no objection to the proposal based on imposing a condition which prevents the use of the car park as a boat storage area. As mentioned above, a number of objections were received on grounds of parking issues and problems which already exist in the area and the effect of the proposed development on this.
- 5.32 Following further discussions observations were received from the new owner, stating that there would be no objection to imposing a condition to prevent the car park from being used to store boats. It is also considered appropriate to ensure that the car park is available for customers of the new shops together with uses of the marina by condition. It is considered that imposing such a condition could offer improvements to the area as there is currently no control over the car park and the condition should reduce the need for boat owners to park on the side of the road by keeping the car park for cars only. It is therefore considered that the application satisfies the requirements of policies MAN 5, PS 4, TRA 2 and TRA 4.

Biodiversity Matters

- 5.33 As the vast majority of this proposal is located on land that has already been developed, it is not considered that the development would cause harm to biodiversity. The Biodiversity Unit's observations were received stating that the existing building is not suitable for bats. The development is approximately 110 metres from the Menai Straits and Conwy Bay Special Area of Conservation but that a Habitats Management Assessment was not needed as the development does not cause any risk to the designation and special feature of the site. It is therefore considered that the proposal complies with policy AMG 5 and TAN 5.

Response to the public consultation

- 5.34 The main concerns raised by third parties in response to the consultation on the application have been listed above. The Local Planning Authority has considered these objections as material considerations when preparing a recommendation for this application. Furthermore, the material considerations associated with this proposal have been assessed in the context of the relevant planning policies and guidance, and on these grounds it is not considered that there is justification to refuse the application.
- 5.35 A great number of the observations also refer to ownership and land rights issues and the presence of a land covenant. These matters are civil matters which are outside the planning system. A covenant is not a reason to refuse planning permission and should the application be approved, matters involving implementing permission are matters for the developer / land owner.

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6. Conclusions:

- 6.1 Based on the above assessment and in the current context of the use of the site, it is considered that the proposal complies with the relevant policies discussed and that there is no other material planning matter stating to the contrary.

7. Recommendation:

To approve – Conditions:-

1. Time
2. In accordance with the plans.
3. Retail Conditions.
4. NRW conditions.
5. Shop opening hours and restrict delivery hours.
6. Bins storage details.
7. No storing of boats on the car park and keep the car park for users of the marina and the new retails units.
8. Materials and finishes
9. Slates.
10. Landscaping.
11. Erect the retail units at the same time or after erecting the extension to the existing office.