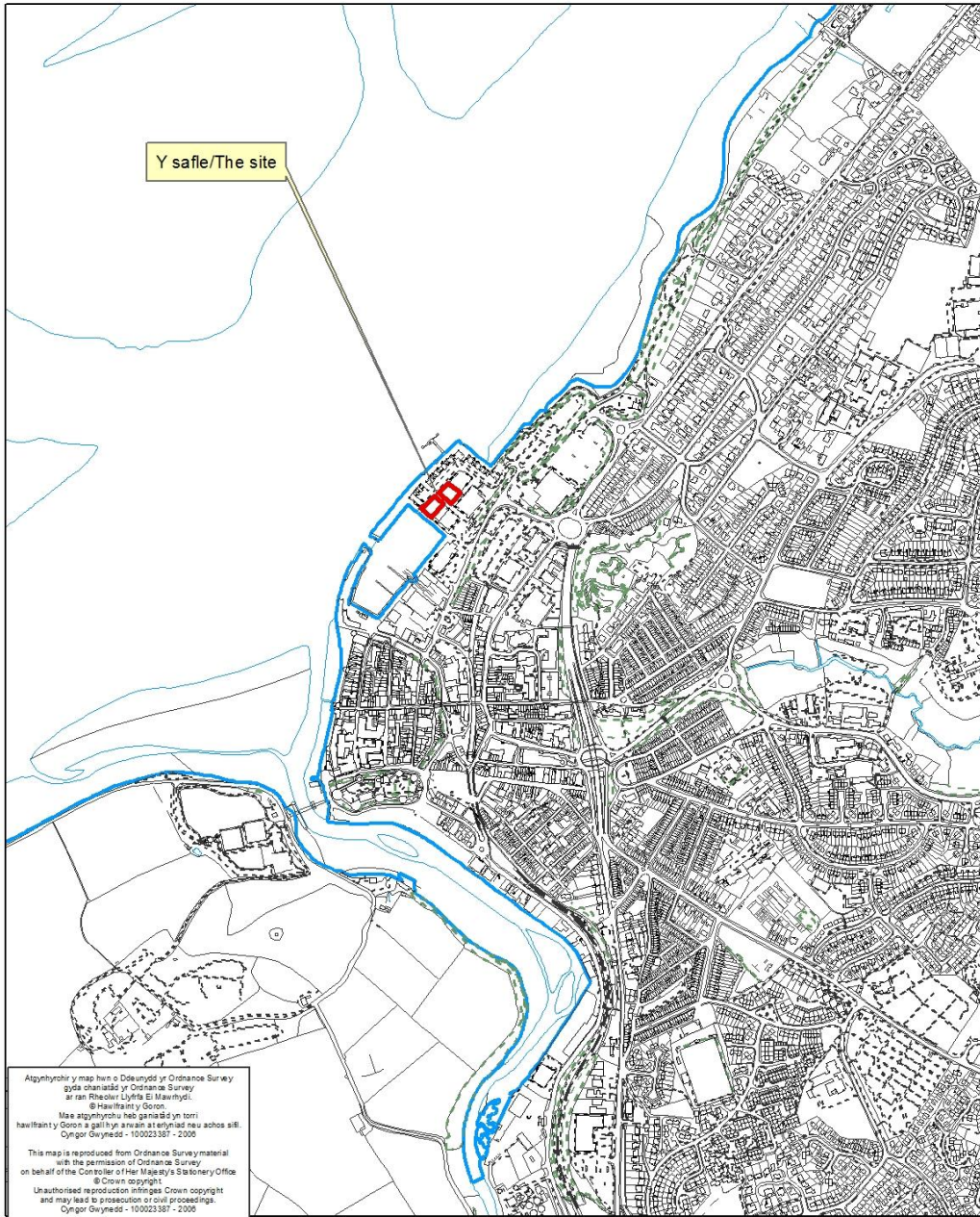


Number: 6



Rhif y Cais / Application Number : C15/0960/14/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: C15/0960/14/LL
Date Registered: 10/09/2015
Application Type: Full - Planning
Community: Caernarfon
Ward: Menai (Caernarfon)

Proposal: CHANGE OF USE OF PART OF SECOND FLOOR OF BLOCK A INTO SIX RESIDENTIAL UNITS TOGETHER WITH CHANGING THE USE OF THE GROUND FLOOR OF BLOCK C INTO A CAR PARK FOR 23 CARS

Location: BLOCK A, VICTORIA DOCK, CAERNARFON, GWYNEDD, LL551TH

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

1. Description:

1.1 This is a full application to change the use of a section of the second floor of Block A to 6 residential units and to change a part of the ground floor of Block C to provide parking spaces for 23 cars at the Victoria Dock development on the banks of the Menai Straits in Caernarfon. The development can be split into the following elements:-

- Residential units in Block A – the six residential units will fill the current empty space (including the roof space) within the western half of the second floor in Block A. It is proposed to create three single-storey units and three two-storey units (in the form of duplex units) to include five 2 bedroom units and one 1 bedroom unit.
- The above will involve undertaking minor changes to the southern elevation of this section of Block A which faces the dock by installing a glass balcony along the front of three of the units and also installing small windows on either side of the roof.
- Access to the residential units will be gained using the existing fire escape located at the south-west corner of Block A and a lift will be installed within the space of the existing staircase.
- Adapt the southern section of the ground floor of Block C to provide 23 parking spaces and a bicycle storage area for the occupants of the residential units and the staff who work in the Dock's facilities.
- Minor adaptations will be carried out on part of the western elevation of Block C based on replacing the current glass panel surface with shutters in order to create the access and the existing foot access/lobby on the southern elevation of the building will be closed.

1.2 There are various uses present in the Victoria Dock development which include restaurants, hotels, the local health centre, a children's nursery, offices and a shop. Block A contains a shop and two restaurants on the ground floor, the health centre on the first floor with offices (including S4C) taking up half the surface area of the second floor. Block C contains a hotel located across the three floors along with a children's nursery and the southern half of the building remains empty since it was last used as a gymnasium. The development is located within the town's development boundary as included in the Gwynedd Unitary Development Plan (GUDP) and is also located within the Crucial Setting of the Castle from the Twthil direction.

1.3 In accordance with the requirements of Technical Advice Note 12 (Design,) a Design and Access Statement was submitted with the application which includes the five

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statutory headings. A Community and Language Statement was submitted with this document in accordance with Supplementary Planning Guidance: Planning and the Welsh Language as well as a planning statement that refers to the relevant local and national planning policies and advice.

- 1.4 The application is submitted to Committee in accordance with the Council's delegated procedure as it involves providing more than four residential units.

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.

2.2 Gwynedd Unitary Development Plan 2009:

POLICY A1 – ENVIRONMENTAL OR OTHER IMPACT ASSESSMENTS

Ensure that sufficient information is provided with the planning application regarding any environmental impacts or other likely and substantial impact in the form of an environmental assessment or assessments of other impacts.

POLICY A2 – PROTECTING 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 B6 – CAERNARFON CASTLE AND TOWN WALLS WORLD HERITAGE SITE

Refuse proposals that would cause significant harm to the monuments of Caernarfon Castle World Heritage Site.

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 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 B33 – DEVELOPMENT THAT CREATES POLLUTION OR NUISANCE

Protect human amenities, the quality of public health and the natural or built environment from high levels of pollution.

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 briefs and/or any master plan approved for the site by the Local Planning Authority.

POLICY CH6 – AFFORDABLE HOUSING ON ALL ALLOCATED SITES IN THE PLAN AREA AND ON SITES THAT BECOME AVAILABLE AND ARE UNALLOCATED WITHIN THE DEVELOPMENT BOUNDARIES OF THE SUB-REGIONAL CENTRE AND THE URBAN CENTRES

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Approve proposals for housing developments on sites allocated for housing or on random sites for five or more units within the development boundaries of the sub-regional centre and the urban centres, which provide an appropriate element of affordable housing.

POLICY CH1 – NEW HOUSES ON ALLOCATED SITES

Proposals to build houses on allocated sites will be approved subject to criteria relating to the specific features of the development.

POLICY CH15 – CONVERTING FLOORS ABOVE SHOPS AND RETAIL UNITS INTO FLATS OR RESIDENTIAL UNITS

Approve proposals to convert and use floors above shops and other retail units for residential use (where planning permission is needed).

POLICY CH30 – ACCESS FOR ALL

Proposals for residential/business/commercial units or buildings/facilities for public use will be refused 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 CH36 – PRIVATE CAR PARKING FACILITIES

Proposals for new developments, extensions to 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 the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

Supplementary Planning Guidance: Planning and the Welsh Language (2009).

2.3 National Policies:

Technical Advice Note (NCT) 12 Design (2014).

TAN 20 Planning and the Welsh Language (2013).

Planning Policy Wales, Edition 7, (2014).

3. Relevant Planning History:

3.1 There is a lengthy planning history to this specific site and it is believed that the following applications are relevant to this current application:-

- Application number C04A/0630/14/LL – mixed development including housing use, leisure, retail and offices - approved January 2005.
- Application number C08A/0040/14/LL – change the use of part of the ground floor of Block C from offices to children’s nursery - approved February, 2008.
- Application number C08A/0269/14/LL – change of use of part of Block C to 49 bedroom hotel – approved July 2008.
- Application number C10A/0319/14/LL – change the use of part of the ground floor of Block C to a gymnasium - approved July, 2010.
- Application number C11A/0085/14/LL – change of use of part of the ground floor of Block C to a gymnasium - approved March, 2011.
- Application number C113/0147/14/LL – external changes to create a more attractive entrance to the building (Block A) - approved March 2013.

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4. Consultations:

- Community/Town Council: Support.
- Transportation Unit: No recommendation as it is deemed that the proposal will not have a detrimental impact on any road or proposed road.
- Natural Resources Wales: No objections at all.
- Welsh Water: Conditions regarding the disposal of foul water from the development.
- Public Protection Unit: There is no objection to the proposal; however the Unit has noted that the residential units are located above restaurants that have extraction units. There is a need to avoid any noise and odour impact for the residents of the residential units that could lead to complaints to the Unit in future. With this in view, there would be a need to consider the need to protect the amenities of the residents in future.
- Public Consultation: Notices were placed on the two blocks and the notification period has already ended, however no response was received to the application from the public during the statutory notification period.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The principle of adapting and converting floors above shops and commercial units into flats or residential units is covered by Policy CH15 of the GUDP which states that such proposals for residential use will be approved and explains that using floors above shops and commercial units is an opportunity to provide homes for some groups within the community and is also a way of securing mixed use which brings vitality to an area. Although this part of the development at Victoria Dock was originally planned for offices, evidence was received from the applicant to confirm that this part of the building was marketed extensively (locally and nationally) for business/commercial use since March, 2011, however this was to no avail even though the applicant was flexible in terms of renting and leasing and had also created a more attractive entrance to the building (see application number C13/0147/14/LL above). According to the applicant, approving six additional residential units would contribute towards the viability of businesses that are already based at Victoria Dock and are suffering from the long term impact of the recession in the local economy.
- 5.2 Policy C5 is relevant here as the site has been designated as a redevelopment site and permits development proposals on sites noted on the proposals maps as redevelopment sites, provided they are consistent with the development briefs. This particular policy states that sites such as Victoria Dock have been identified as sites that offer opportunities to make effective use of previously used land or land that is not currently used to its full potential. Policy B6 presumes against developments that will cause significant harm to monuments within the boundaries of the Caernarfon

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Castle and Walls World Heritage Site or within buffer zones. Policy B23 states that proposals must be refused if they have a detrimental effect on the amenities of the local neighbourhood. Policy B24 states that proposals to change and extend buildings will be approved provided they are acceptable in terms of scale and character. Policy B33 states that proposals will be refused if they cause significant harm to the quality of health, safety or human amenities or the amenities of the natural or built environment due to higher levels of air, water, noise or soil pollution unless they can be controlled adequately by planning conditions and regulatory body powers. Policy CH36 supports developments that provide off-street parking space, either on the development site, or nearby.

- 5.3 Planning Policy Wales encourages mixed development within and next to existing settlements where appropriate. It also states that there will be a need to ensure that developments encourage opportunities for commercial and residential use in order to ensure environmental advantages in the locality. Given the mixed use that has already been intentionally established at Victoria Dock, it is believed that this proposal is acceptable in principle.

Visual amenities

- 5.4 As referred to above, it is intended to carry out minor changes in order to deliver the proposed development. 21m of the solid balcony on the second floor of Block A will be replaced by a glass balcony that reflects the architectural features that already exist at the Victoria Dock development. Additionally, the proposal will involve installing a row of small windows on either side of the roof. It is believed that these changes would not create an incongruous feature within the general appearance of the Block A building, due to their nature, scale, location and materials and they will be assimilated with these appearances. It also involves undertaking changes to the ground floor of Block C (which is located in the centre of the Victoria Dock development) by replacing glass panels with shutters order to create the access to the parking spaces. There will be no need to change the form or the size of the existing glass panels and therefore it is believed that this change would not undermine the architectural integrity of this part of the building. Similarly, it is believed that closing the existing opening on the southern gable end of Block C would not have an unacceptable impact on the architectural character of the building.
- 5.5 Given the type and scale of the changes to the structures' existing elevations, it is not believed that they would have a detrimental impact on the setting of the castle and town walls nearby despite the fact that Victoria Dock is located within the Crucial Location of the Castle as designated by CADW. To this end, it is believed that the proposal is acceptable based on the requirements of Policies B6, B23 and B24 of the GUDP.

General and residential amenities

- 5.6 As referred to above, although the Public Protection Unit does not object to the principle of the proposal, there will be a need to ensure the need to safeguard the amenities of prospective residents against any noise or odour disturbance that could emanate from the existing extractor systems that serve the restaurants on the ground floor. Policy B33 states that if it is not possible to control the significant harm to the quality of health and human amenity that could derive from a development, it should be refused. In this specific case, the applicant has agreed to undertake a noise and odours assessment in relation to the extractor systems and this can be ensured by

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including a relevant planning condition, should the application be approved. The applications site is located in an area of mixed use that also includes an established residential area of 50 residential units nearby on the northern and western peripheries of Victoria Dock. Therefore, it is not believed that an additional six residential units will undermine neither the amenities of the users of the nearby business units nor the residential amenities of the area's residents. To this end, it is believed that the proposal is acceptable based on the requirements of Policy B23 of the GUDP.

Transport and access matters

- 5.7 The current development includes private car spaces for the residential units, 20 spaces for the surgery along with 8 spaces for disabled people who use the surgery and the *Premier Inn* hotel. Using a section of the ground floor of Block C for additional parking spaces will make a vast contribution to meeting Victoria Dock's parking requirements which have increased since the development was originally approved in 2005. The Transportation Unit does not object to this latest development at Victoria Dock as it is deemed that it will not have a detrimental impact on any road or proposed road. To this end it is believed that the proposal is acceptable based on the requirements of Policy CH36 of the GUDP.

Language and Community Matters

- 5.8 A Community and Language Statement was submitted with the application in accordance with SPG: Planning and the Welsh Language (2009) and a response was received from the Joint Planning Policy Unit to the contents of this statement. The Unit concludes that it is not believed that the scale of the proposed development would be likely to cause any significant growth in the population that could have a detrimental impact on the Welsh language. Nor is it believed that the development involves an unacceptable additional increase in the number of new houses, although it must be considered that this current application does not include an element of affordable housing. Given the response of the Policy Unit and having considered the contents of this assessment it is believed that the proposal, as submitted, is acceptable on grounds of the requirements of Policy A2 of the GUDP, SPG: Planning and the Welsh Language and TAN 20 on Planning and the Welsh Language (2000).

Affordable housing

- 5.9 The site is located within the development boundary of Caernarfon as designated in the GUDP and it identifies Victoria Dock as a mixed redevelopment site expected to provide 50 residential units. Given that it is acceptable to lose the commercial/office use in Block A, the principle of a residential development in this location is suitable as mentioned above.
- 5.10 As the site of the current application is part of a designated site and given that the proposal involves providing more than five houses there is a need to consider the provision of affordable units for general local need in accordance with Policy CH6 of the GUDP. When the original application was discussed in 2004 for a mixed use it was agreed at the time that a supply of affordable housing would be provided on other sites in Caernarfon given the nature of the development itself at Victoria Dock. The applicant states that it is impractical to provide affordable housing as part of this latest proposal as prospective buyers would have to contribute to the costs of managing the site and also considering the nature of the tenure of existing units at Victoria Dock.

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5.11 The applicant had already received planning permission for another site designated within the town's boundaries for 136 houses on land near Llanbeblig Cemetry. As part of this plan, the applicant will provide 18 affordable houses in five stages (four of them have already been completed and transferred to a local housing association) along with 24 units that can be described as low cost market housing where the developer is offering a private part-ownership option. There are also other sites that have been designated in Caernarfon for housing developments that include an element of affordable housing. Given this context it is believed that there will be no need for a percentage of these six residential units to be affordable to meet local need as it is believed that a supply of affordable housing will be delivered on other suitable sites in Caernarfon. Therefore, it is believed that the proposal complies with the requirements of Policies CH1 and CH6 of the GUDP.

6. Conclusions:

6.1 Given the above assessment and the information submitted by the applicant, it is believed that the proposal as submitted has received full consideration and there are no matters that outweigh the relevant policy considerations noted in the assessment.

7. Recommendation:

7.1 To approve – conditions:-

1. Five years
2. In accordance with the plans.
3. Condition regarding the disposal of foul water from the development.
4. Condition to submit a noise and odours assessment to be agreed with the LPA prior to occupying the residential units.