

PLANNING COMMITTEE	DATE: 21/10/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 2

Application Number: C24/0174/25/LL

Date Registered: 11/03/2024

Application Type: Full

Community: Pentir

Ward: Arllechwedd

Proposal: Change of use of ground floor from public house to holiday lets

Location: Vaynol Arms, Pentir, Bangor, Gwynedd, LL57 4EA

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1. This application is for the conversion of the ground floor of an empty public house into two self-contained holiday units. The building is situated on the square in the centre of the village of Pentir adjacent to a class 2 road which connects to the A4244 approximately 50m to the south.
- 1.2. The building is two-storey and is constructed of rendered stone with a slate roof. The intention in this case is to change the use of the ground floor of the pub into two holiday accommodation units. The applicant has operated the ground floor as a public house and restaurant with residential accommodation on the first floor and, according to the Planning Statement submitted, it is intended to retain this dwelling. The applicant explains that the pub business has become uneconomic to sustain and it is unlikely that the current and anticipated economic climate will enable that business to succeed in the future.
- 1.3. The site is located within the Pentir Cluster as defined by the Anglesey and Gwynedd Joint Local Development Plan. It also lies within a designated Landscape of Outstanding Historic Interest.
- 1.4. The following documents were submitted in support of the application:
 - Supporting Planning Statement including information on the process of marketing the property
 - Supplementary Planning Statement (including Welsh Language Statement)
 - Structural Survey
 - Copy of correspondence providing background to the proposal
 - Business Plan
 - Statement from the former manager of the business
 - Viability Report
- 1.5. This is the third submission of a similar scheme and the other applications were previously refused (Ref. C23/0153/25/LL and C22/0800/25/LL) for reasons of lack of information to justify the loss of a community resource.
- 1.6. The main change with this application is the inclusion of a Viability Report from Dabro & Associates, Licensed and Leisure Property Consultants as a supporting document to the application.
- 1.7. The application is submitted to the Planning Committee at the request of the Local Member for the reasons that allowing the application would result in a loss of an important community resource and create an excess of holiday accommodation provision. In addition, the Head of Planning Department considers it appropriate for the application to be considered by the Planning Committee due to the public interest in the proposed development.

2. Relevant Policies:

- 2.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local 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, the Council has sought to

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ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

2.3 Anglesey and Gwynedd Joint Local Development Plan 2011-2026 (31 July 2017)

PS 1: The Welsh Language and Culture

ISA 2: Community Facilities

TRA 2: Parking standards

TRA 4: Managing transport impacts

PCYFF 2: Development Criteria

TWR 2: Holiday Accommodation

TAI 6: Housing Clusters

Supplementary Planning Guidance:

Tourist Facilities and Accommodation (2021)

Maintaining and Creating Distinctive and Sustainable Communities (2019)

Change of use of community facilities and services, employment sites and retail units (2021)

2.4 National Policies:

Planning Policy Wales, Edition 12, February 2024.

TAN 6: Planning for sustainable rural communities

TAN 13: Tourism

TAN 20: Planning and the Welsh language

3. Relevant Planning History:

C23/0461/25/LL Change of ground floor use of public house to holiday lets - Refused 05/05/23

C22/0800/25/LL: Change of use of ground floor of public house into two holiday units - Refused 04/01/23

4. Consultations:

Community/Town Council:

"Pentir Community Council objects to the above development.

It is quite obvious that this is the third submission of their original application and, in reality, they have not added anything.

There is no 'new' planning reason of any kind just the owner's desire to deprive this rural community of its only community resource. The upper part of the building has already been converted and let as holiday accommodation and there is evidence that this resource is not very busy. Therefore, how is it expected that having two more units will add to his business.

It was mentioned in our original objection that this historic building has been a community destination for decades while an excess of holiday units already exists either in this rural area or have been granted planning permission not far from this site.

We therefore object on the grounds of excess as well as having a

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situation which disturbs the amenities of neighbouring residents".

Transportation Unit: No objection

Welsh Water: Request a condition for the protection of the public sewer and offer guidance for the applicant.

Gwynedd Archaeological Planning Service: The building is of historical interest, and it requires a condition to ensure that a photographic survey of the building is completed before undertaking any physical work.

Public Consultation:

A notice was posted on the site and nearby residents were notified. A number of objections to the proposal were received on the grounds of material planning matters, including:

- The application is contrary to policy ISA 2, as the developer has been unable to show evidence that the use is not financially viable.
- The application lacks a Financial Report with evidence of the financial performance of the business and future projections.
- No adequate attempt has been made to market the public house to discover potential tenants who would be willing to keep it as a public house.
- Information that is part of the application includes the marketing report of the property on behalf of the brewery before the current owner purchased the property - this is not relevant to this application.
- The public house was originally sold by the brewery due to low sales of drinks, this does not take into account the sale of food and other services essential for the viability of a public house.
- When the public house was marketed by the brewery in 2020 (before it was purchased by the current owner), it was advertised as a viable business.
- The business has not had a chance to re-establish itself following Covid.
- The fact that the public house was poorly run in the past is no reason to think that success could not be achieved under different management.
- Keeping the dwelling, which is now an AirBnB, on the first floor by the owners makes it very difficult to get a viable use for the rest of the building.
- The price at which the property was advertised was excessive, especially considering that only the ground floor was available for lease.
- The public house has been a focal point for community activity for some hundreds of years and no similar facility is available locally.
- There is a great need for a centre in the village for community activities.
- The loss of the public house would be a loss of a resource used by tourists as well as local residents.
- Self-catering accommodation would reduce the employment potential on the site.
- Losing the public house would be detrimental to the continuous use of Welsh and reduce the opportunities to use and learn the language in the community.
- A community group has tried to negotiate to lease / purchase the property as a pub/community hub but the owner is unwilling to reach an agreement.
- There is no need for more self-catering holiday accommodation in the area.
- Losing the public house would go against sustainable development principles as it would force people to travel from their local area to use a similar facility.
- Concern about flooding in the area.
- The effects of noise and disturbance from allowing holiday units that will operate without the statutory control found in a public house.

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- Hiring the building as a holiday resource would contribute nothing to the culture or Welshness of the village.
- The current owner has not made a real attempt to run a viable pub business.
- The pub used to be a popular resource despite the lack of good relations between the former landlord and many in the community.
- The public house is in an accessible location to a wider community than the village itself and a regular bus service serves the village and it is a good location for bicycle access.
- The evidence submitted shows that the owner's wish to retire was his real reason for closing the pub.
- The fact that some people have objected to extending pub hours in the past should not be seen as a sign of a general lack of support for having a pub business in the community.
- Concerns about the impact on transport.
- Question the content of the Viability Report for reasons such as:
 - the content is very superficial, using British figures instead of local,
 - does not show awareness of the situation in Gwynedd and the local area especially when considering the situation of rural pubs,
 - repeats the owner's comments rather than including evidence in the form of financial reports,
 - lack a detailed assessment of the community group's proposal to run the facility and rule out the option without valid reasons, particularly when considering the success of other such initiatives.
 - suggests that the pub business as it stands is unviable without suggesting any possible improvements to improve its viability.
 - the report looks at the situation only in the short-term while the pub has survived centuries of economic change.

At the time of writing this report, there were 1227 signatories on the on-line petition "Save the Vaynol Arms, Pentir Bangor".

In addition to the above, several comments have been received that are not material planning considerations for this application, including:

- That unauthorised use of the first floor of the property is already taking place as two "AirBnB" units.
- Allege a conflict of interest because the Viability Report was written by a person who worked for the company that sold the property to the current owner.
- Loss of property value nearby.
- Fire safety concerns in the building.

5. Material Planning Considerations:

The principle of the development

- 5.1 It is a requirement that planning applications be determined in accordance with the adopted development plan, unless other material planning considerations indicate otherwise. The Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case.
- 5.2 Paragraph 6.1.19 of the Joint LDP recognises public houses as a community facility while Part 2 of policy ISA 2: "Community Facilities" states that the loss or change of use of an existing community facility should be resisted unless:
- i. a suitable replacement facility can be provided by the developer either on or off site, and within easy and convenient access by means other than the car, or*

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- ii. it can be demonstrated that the facility is inappropriate or surplus to requirements, or,*
- iii. in the case of a commercially operated facility, there is evidence:*
 - that the current use has ceased to be financially viable, and*
 - that it could not reasonably be expected to become financially viable, and*
 - no other suitable community use can be established, and*
 - there is evidence of genuine attempts to market the facility, which have been unsuccessful.*

- 5.3 The table in part 2.3 of Supplementary Planning Guidance (SPG) 'Change of use of community facilities and services, employment sites and retail units' (2021) elaborates on the relevant requirements in terms of the criteria noted in policy ISA 2 above.
- 5.4 When considering proposals that would lead to changing the use of a facility that is being run commercially, financial evidence must be received to prove that the existing facility is not commercially viable. In order to provide this information, a Financial Report should be submitted which provides an overview of the business' financial position (previous accounts along with future financial projections). The Financial Report must be prepared by a qualified individual/company such as a financial advisor or accountant. In this case, a viability report was submitted by Dabro & Associates, leisure and licensed property consultants and that report will be discussed in the next section.
- 5.5 In order to prove that the facility is inappropriate or surplus to requirements, compelling evidence should be submitted to show that the facility is no longer needed. In a case of commercial use, if the property is empty (as in this case), it should be proven that an unsuccessful attempt has been made to market the property for sale at a reasonable and fair rent or price for a continuous period of 12 months (at least). It must be ensured that the property is marketed appropriately (including targeting the most suitable market, i.e. agents for example who are experts in marketing specific types of facilities), and there will be a need to present evidence with any planning application which indicates the marketing strategy. This includes details on the sale process (for the whole period), information in terms of how much interest has been expressed in the unit and any offers received and why they were not accepted.
- 5.6 It is noted that an email was submitted by G and A Lettings stating an effort to market the property for over 12 months. However, no detailed evidence has been submitted to support this statement. It also appears that they are referring to an attempt to market the property for rent rather than selling the property as a business in its entirety (see exp UK e-mail - Appendix 4 of the Supportive Planning Statement).
- 5.7 It is also noted that an advertisement by the Fleurets Company is included as an appendix to the Supportive Planning Statement but there is no information to indicate when the property was advertised by that company, for what period or what was the response to that advertisement. It is noted that there is no longer an advertisement for the property on Fleurets' website.

Viability Report

- 5.8 A Viability Report was submitted by a specialist company, Dabro & Associates, and it concludes:
- The Vaynol Arms is located in a fairly rural area of North Wales, which means there are few visitors and is very much a "destination" pub.

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- The business has not returned a viable profit in its previous trading years, for the Operator (Robinsons), the landlord or tenant.
- The business can reasonably be expected to struggle again given the significant increase in overall costs, low local support, location and reduced customer spend.
- The Consultant believes that it would be very difficult for any operator to 'make the sums work' and in turn this will severely limit the availability of funding/support that would likely be needed to reopen the site.
- The consultant does not deem the closure of the property as a pub as a loss to the local community.
- The comments of the previous tenant suggest there was regularly little support from the local community. Anyone wishing to go to a public house would have the opportunity in other pubs in the area.
- Conversion to an unlicensed hospitality business could bring additional tourists/visitors to the village and thereby be of overall benefit.
- The viability of the community group's Business Plan is highly questionable, it does not show solid research that identifies a demand in the Pentir community to maintain the public house or for any other community-led use.
- It considers that the criteria of policy ISA 2 of the Anglesey and Gwynedd Joint LDP are met as economic and cultural changes have resulted in less trade being available in pubs with the location and features of the Vaynol Arms. The limited trade potential combined with the cost of purchase and any necessary work likely to be done makes the business unviable.
- All the points raised in the report and particularly the recent/current shortfall in turnover and profits, along with the significant increase in costs, suggest that the Vaynol Arms, as a pub and in its current format, is not a viable proposition, and that is unlikely to change in the medium to long-term.

5.9 Looking at the information submitted in the context of the relevant criteria in Policy ISA 2 in turn:

2.i Provide an alternative facility - When stating the Consultant's view that it is not viable to maintain a public house at a location such as Pentir, there is no similar facility and within convenient distance of the village without the use of a motor vehicle to reach it.

2.ii That the facility is inappropriate or excessive - Again, the Consultant's views on the overall viability of rural public houses are acknowledged; however, it is noted that there is a strong view from the local community that the need for such a facility remains.

2.iii Financial viability - In relation to this criterion, Supplementary Planning Guidance "*Change of use of community facilities and services, employment sites and retail units*" requires the submission of a Financial Report with any application that will involve the loss of a commercial community facility. The report should offer an overview of the financial position of the business (previous accounts plus financial projection for the future). Although a Viability Report has been submitted, it is noted that this is largely dependent on the expert's opinion and that no sound financial evidence in the appropriate form has been submitted to support the application.

Alternative Community Use – It is noted that the Viability Report discussed proposals from a community group to maintain a business in the public house, which concluded that such an enterprise would not be viable in this case. Having said this, it does not appear that those conclusions were based on any detailed analysis of a particular business proposal and the community group remains of the opinion that their proposals to run a business from the site are viable and practical.

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That there is actual evidence that the facility was unsuccessfully marketed - As noted in 5.6 and 5.7 above, it is not believed that the evidence submitted is sufficient to clearly show how and when the facility was marketed or what was the response to those efforts.

- 5.10 In assessing the information submitted with the application, it is not believed that sufficient evidence has been submitted regarding the financial position of the business or to show that the public house has been advertised appropriately for a continuous period of at least 12 months in accordance with the requirements of the SPG and policy ISA 2.

Holiday Accommodation

- 5.11 Policy TWR 2 allows proposals relating to the provision of self-service holiday accommodation as long as the proposal complies with a series of criteria as contained within the policy, namely:

- “i. In the case of new build accommodation, that the development is located within a development boundary, or makes use of a suitable previously developed site;*
- ii. that the proposed development is of appropriate scale considering the site, location and/or settlement in question;*
- iii. That the proposal will not result in a loss of permanent housing stock;*
- iv. That the development is not located in a mainly residential area, or does not cause substantial harm to the residential character of the area;*
- v. That the development does not lead to an over-concentration of such accommodation within the area.”*

- 5.12 The site is located in Pentir which has been identified as a Cluster in policy TAI 6 of the Joint LDP. Although policy TAI 6 (Housing in clusters), is not directly relevant to the application in question, paragraph 6.4.31 in the 'Clarification' text of the policy highlights the social character and highly sensitive environment of clusters. Criterion iv. of Policy TWR 2 aims to protect the residential character of an area and considering that this development will involve the loss of an important community resource, and replacing it with the creation of an entirely different private facility in nature, it is inevitable that there will be damage to the residential character of the area from this development.

- 5.13 It is also noted that the application relates only to the ground floor of the property. From a planning point of view, a public house is one single planning unit. In this case, the planning unit includes the bar/restaurant and associated facilities downstairs, the manager's accommodation upstairs and the outside area. The upstairs accommodation is part of the lawful business use of the property and cannot be separated from the rest of the unit without planning permission. As such, if the upstairs floor is to be used as permanent residential accommodation in its own right, then planning permission would be required and any application would need to be assessed in accordance with policy TAI 6 of the LDP. Similarly, planning permission is required to use the first floor as a holiday unit.

Excess

- 5.14 It is also important to be mindful of the compliance of the proposal with criterion 'v' of Policy TWR 2 which states that:

“v. The development does not lead to an excess of such accommodation within the area.”

- 5.15 In considering criterion v, it should be ensured that a Business Plan is submitted as part of the application in order to include the necessary information in terms of the vision for the proposal

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and to ensure that there is a market for this type of use (paragraph 6.3.67 of the Joint LDP). In addition, the existing provision of holiday accommodation within the local area should be taken into account.

5.16 The business plan submitted with the application refers to a business consisting of three holiday units, with the first floor of the building being converted into a holiday let unit for up to 12 people. That is not part of the application in question and, therefore, it is not believed that consideration can be given to that document as part of this application as it considers an entirely different development from the one in question.

5.17 Furthermore, Supplementary Planning Guidance: Tourist Facilities and Accommodation (March 2021) states that a high number of holiday accommodation or a concentration of holiday accommodation in a specific area can have a detrimental impact on the social fabric of those communities. Section 4.6 of the guidance seeks to define excess and paragraph 4.6.5 states:

"In assessing whether or not there is an over-provision of holiday accommodation, the following should be considered:-

- Is there a constant spread of holiday accommodation across an area - There is provision of holiday accommodation that is consistently distributed across an area as a means of ensuring that it does not result in pockets of empty properties during the winter and ensures that excess pressure is not placed on local services and infrastructure at the peak of the season;*
- Sociocultural impact - If holiday accommodation permeates into a traditionally residential area it can lead to a change in people's values and behaviour, and consequently, lead to them losing their cultural identity.*
- Impact on the amenities of local residents, e.g. complaints regarding noise, disturbance, increase in traffic etc.*
- Lack of community facilities and services - Local businesses providing for the needs of visitors more than the needs of local residents and only opening on a seasonal basis.*
- Pressure on local infrastructure - The capability and capacity of local infrastructure to cope at the peak of the season.*
- Quantity of holiday accommodation - Favourable consideration will not be given to applications for self-serviced holiday accommodation when the existing combination of holiday accommodation and second homes within the Community/Town/City Council area is higher than 15%. Council Tax information should be used as the information source to find this information. There may be exceptions, where it is considered that there is a high level (more than 15%) of holiday accommodation in a specific settlement/area within a Community/Town/City Council area. In such circumstances, consideration may need to be given to provision beyond the Community/Town/City Council level."*

5.18 In accordance with Council Tax figures (October 2021), the combined total of second homes and holiday accommodation in the Pentir Community Council area is **2.61%**, bearing this in mind, it is considered that the proposal is in accordance with this element of the relevant SPG.

The Welsh Language

5.19 The Supplementary Planning Guidance (SPG) 'Maintaining and Creating Distinctive and Sustainable Communities' (adopted July 2019), provides further guidance on how it is expected for Welsh language considerations to be incorporated in each relevant development. The proposal does not reach the thresholds to submit a Welsh Language Statement or a Report on a Welsh Language Impact Assessment; however, the guidance included within Appendix 5 notes that

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every retail, commercial or industrial development where there is no need to submit a Welsh Language Impact Statement/Assessment should show how consideration has been given to the language.

- 5.20 It is noted that consideration for the Welsh language has been submitted as part of a Supporting Planning Statement which states the development will benefit the local economy and thereby help retain Welsh speakers in the area. It also commits the applicant to measures such as developing a Welsh Language Policy and to ordering goods and services locally. It is believed that the information submitted is acceptable under the requirements of policy PS1 and the relevant SPG.

Transport and access matters

- 5.21 The Transportation Unit did not raise any objection to the proposal and when considering the authorised use of the building as a public house, it is not believed that this development is likely to cause substantially greater difficulties than the authorised situation. Therefore, it is believed that the proposal is acceptable under policies TRA 2 and TRA 4 of the LDP that relate to ensuring that developments meet the Council's parking standards and that there would be no harm to highway safety.

General and residential amenities

- 5.22 Generally, policy PCYFF 2 of the Joint Local Development Plan approves proposals for new developments as long as they do not have a detrimental impact on the health, safety or amenities of the occupiers of local properties or on the area in general.
- 5.23 In considering the development as submitted in the planning application, and ignoring potential impacts on any intended residential use of the first-floor of the building, given the distance between the buildings in the area and the orientation of those buildings, it is not believed that there would be no significant additional overlooking nearby and there would be no harm caused to the privacy of any nearby property from the development.
- 5.24 In terms of noise impacts and general disturbance, when considering the nature of the existing lawful use of the site, such as a public house, it is not believed that it would be likely for the proposed use to cause worse significant harm to the amenities of neighbours. It is accepted that public house use is squeezed to shorter hours during the day compared with holiday accommodation use, however, only a restricted number of residents would be in the units and it is likely that their general impact would be much less than what could happen as a result of the property's lawful use.
- 5.25 Having said the above, should the top floor of the property be retained as a separate living unit from the business, having two holiday units within the same building, with five bedrooms and communal rooms such as two dining rooms / kitchen, an "entertainment" room and two living rooms, may have a detrimental effect on the overall residential amenities of the first-floor unit. This may be acceptable if the first floor was retained as accommodation for the holiday unit manager, however due to the uncertainty surrounding the use of the first floor it is not possible to fully assess this at this time.

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Green Infrastructure

- 5.26 Chapter 6 of Planning Policy Wales (PPW), deals with green infrastructure, net benefit to biodiversity, the protection afforded to Sites of Special Scientific Interest and trees and woodlands. However, no Green Infrastructure Statement was submitted with the application, considering there is no proposal for external changes to the building it is highly unlikely that there would be any harm to biodiversity from this development. If the development was acceptable in its entirety, it is believed that conditions could be imposed on any planning application to ensure biodiversity improvements in accordance with PPW requirements. In doing this, the application would also be acceptable under policy PS 19 of the LDP.

6. Conclusions:

- 6.1 When considering the above assessment, specifically the lack of clear evidence that the business was not financially viable when it closed (and prior to that), and that it cannot be sold / let as a facility that could be financially viable in the future, it is not believed that sufficient information has been submitted with the application to justify the loss of an important community facility that would happen if this public house is lost permanently. After giving full consideration to all material planning matters, therefore, the Local Planning Authority has no option but to refuse the application based on the lack of information about the matters highlighted in the assessment.

7. Recommendation: To Refuse

The Local Planning Authority is not persuaded that the evidence submitted with the application is sufficient to demonstrate that it is not possible to continue with a community use of this building. The application is therefore contrary to Policy ISA 2 of the Anglesey and Gwynedd Joint Local Development Plan 2011-2026 as it relates to the protection of community facilities.