

PLANNING COMMITTEE	DATE: 13/02/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

Number: 3

Application Number: C16/0761/44/LL

Date Registered: 14-11-2016

Application Type: Full - Planning

Community: Porthmadog

Ward: Porthmadog West

Proposal: Conversion of a former chapel into 9 residential units with parking provision

Location: Capel Garth, Bank Place, PORTHMADOG, LL49 9AA

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 convert a former Chapel into 9 residential units. The existing building has been empty for approximately 18 years and was last used as a chapel in 1999. An application was approved in 2010 to convert the building into 8 living units, however, this consent was not implemented and the time period has expired.
- 1.2 The building has been empty since 1999 and is by now in a fairly poor condition. It is proposed to convert the lower ground floor into a car park for the units, one parking space for each unit. It is proposed to gain access to the car park by removing the existing timber double-doors to the front of the building and create a vehicular opening with mechanical iron doors. The existing stone pillars will need to be removed from the front wall of the building to locate the new access. It is proposed to convert the ground floor into four units and this would entail the removal of the existing seating and creating new units with partitions. On the first floor where the gallery is situated it is again intended to remove the seating and also the gallery itself in order to create a new second floor. The first floor would comprise five living units with a kitchen and living room on this floor and the bedrooms and bathrooms on the second floor. Again, the new units would be created from anew with partitions.
- 1.3 It is not intended to undertake many external adaptations to the building, the main change will be the vehicular access to the front. The remainder of the front openings will remain as they are. It is not intended to make any external alternations to the eastern elevation opposite Dora Street or to the western elevation, except for the removal of a small unused building that is already in poor repair. On the back, it is proposed to create one new opening that will serve units number 3, 4, 8 and 9 whilst units number 1, 2, 5 and 7 will gain access via the existing front openings. There will be no other new windows or doors created and all the existing windows will be renovated as they are with secondary glass installed internally.
- 1.4 The proposal also involves an amenity area at the side of the building opposite Dora Street where a small plot on the lower ground floor already exists to locate the bins and recycling provision.
- 1.5 The site lies within the town centre of Porthmadog with a class 3 highway running in front of the building.
The Building is within flood zone B (namely an area known to have been flooded in the past) and it is a registered grade II building that is also located within Porthmadog Conservation Area.
- 1.6 A Community and Language Impact Statement was submitted with the application.

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 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)

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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 Unitary Development Plan 2009:**

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 impacts in the form of an environmental assessment or assessments of other impacts.

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

A3 – PRECAUTIONARY PRINCIPLE - Refuse proposals if there is any possibility of serious or irreversible damage to the environment or the community unless the relevant impact assessment can show beyond doubt ultimately that the impact can be avoided or alleviated.

B2 – ALTERATIONS TO LISTED BUILDINGS OR BUILDINGS IN THEIR CURTILAGES - Ensure that proposals do not cause substantial damage to the special architectural or historical character of Listed Buildings.

B3 – DEVELOPMENTS AFFECTING THE SETTING OF A LISTED BUILDING - Ensure that proposals have no adverse effect on the setting of Listed Buildings and that they conform to a number of criteria aimed at safeguarding the special character of the Listed Building and the local environment.

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

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

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.

B23 – AMENITIES – Safeguarding the amenities of the local neighbourhood by ensuring that proposals must conform to a series of criteria which aim to safeguard the recognised features and amenities of the local area.

B24 – ALTERING AND EXTENDING BUILDINGS 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.

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B25 - BUILDING MATERIALS - 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.

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

C1 – LOCATING NEW DEVELOPMENTS – Land within town and village development boundaries and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

C3 – RE-USING PREVIOUSLY USED SITES - Proposals will be approved that prioritise re-using land and buildings previously developed and located within or around development boundaries, provided that the site or the building and the use are suitable.

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

CH6 - AFFORDABLE DWELLINGS ON EACH DESIGNATED SITE IN THE PLAN AREA AND ON UNDESIGNATED WINDFALL SITES WITHIN THE DEVELOPMENT BOUNDARIES OF THE SUB-REGIONAL CENTRE AND THE URBAN CENTRES – Refuse proposals to develop housing on sites that have been designated for housing or on windfall sites within the development boundaries of the sub-regional centre and the urban centres where it is not possible to comply with criteria controlling affordability and the local need of the development.

CH30 – ACCESS FOR ALL – Proposals for residential units, business / industrial units, or buildings / facilities for public use, will be refused unless it can be shown that thorough consideration has been given to the need to provide appropriate access for the widest possible range of individuals.

CH33 – SAFETY ON ROADS AND STREETS – Development proposals will be approved if they comply with specific criteria relating to the vehicular access, the standard of the existing roads network and traffic calming measures.

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 guidance. Consideration will be given to the accessibility of public transport services, the possibility of walking or cycling from the site and the proximity of the site to a public car park. In circumstances where off-street parking is needed and where the developer does not offer parking facilities on the site, or where it is not possible to take advantage of the existing parking provisions, proposals will be approved provided the

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developer contributes to the cost of improving the accessibility of the site or providing the necessary parking spaces on another nearby site.

Supplementary Planning Guidance: Planning and the Welsh Language

The Gwynedd and Anglesey Joint Local Development Plan, which is currently being prepared, is subject to an ongoing Public Inquiry. At present, it is not a relevant planning consideration for determining planning applications.

2.4 National Policies:

Technical Advice Note 12: Design 2016

Technical Advice Note 15: Development and Flood Risk 2004

Technical Advice Note 20: Planning and the Welsh Language 2013

The Welsh Office Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas.

Planning Policy Wales (Edition 9, November 2016) Chapter 6: Safeguarding the Historic Environment

3. Relevant Planning History:

3.1 C05D/0644/44/CR Conversion of a former chapel into eight residential units - Approved 8/3/2010

3.2 C05D/0645/44/LL Conversion of a former chapel into eight residential units with a car park on the site - Approved 8/3/2010

4. Consultations:

Community/Town Council: No objection

Transportation Unit: I confirm that the Transportation Unit does not have any objection to the amended plans (i.e. with a vehicular access to the central front of the building), and to include relevant conditions/notes.

Natural Resources Wales: Not received

Welsh Water: Propose standard conditions

Public Protection Unit: Not received

Biodiversity Unit: Chris Hall's bat survey showed there were no bats present and the potential for them to use the building was very low. No further survey will need to be undertaken, and I have no Biodiversity concerns regarding the application.

Gwynedd Archaeological Planning Service: Concerns regarding the proposal, but propose a standard condition of a photographic record.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has ended and correspondence was received objecting / expressing concern

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on the following grounds:

- Some of the windows in the units will look down at their property and details are required regarding window materials and their size
- Placing scaffolding on their land and car access problems.
- Noise issues
- Will there be working hours on the site / weekends?
- Bats using the building
- Any windows at the rear of the building would affect the privacy of residents
- Matters on the odour of bins
- Work has already commenced on the development
- If the car park is erected on the lower ground floor, this would encourage young people to drink.

Following the above consultations, the application was discussed with the Agent and it was agreed to retain more of the existing internal features, namely the floor tiles in both entrances, the original stairs, the ceiling rose to be retained in the above units, the pitch pine doors, the wooden panels behind the organ to be retained as well as the pulpit woodwork etc. to be retained and re-located within the building.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The site is a former chapel, which is a Grade II listed building, and a listed building application has also been submitted for the proposal. The existing building has been empty for approximately 18 years and was last used as a chapel in 1999. An application was approved in 2010 to convert the building into 8 living units, however, this consent was not implemented and the time period has expired. The site is within the town's development boundary, but this site has not been designated for any specific use, and it falls inside the designations of Town Centre and the Conversation Area, but it is outside the Main Shopping Area. The building is a historical one that has important local architectural and historical elements to the area. Therefore, on the basis of the building's location, and the intention to re-use it, it is considered that the proposal complies with the requirements of policies C1 and C4 of the GUDP.
- 5.2 There is no specific policy in the GUDP which deals with a development of this type and the GUDP's converting policies (policy CH11 specifically) that refer to converting within local centres is not completely relevant because Porthmadog is an urban Centre.
- 5.3 Consequently, there is a need to weigh up material considerations when determining whether or not the principle of the proposed development in this particular location is acceptable. It is considered that the main policy to be considered in this case is C3, namely re-using previously used sites. The policy notes that "proposals will be approved if they give priority, wherever possible, to re-using previously developed land or buildings that are located within or near development boundaries, rather than utilising greenfield sites, provided that the site or building and the proposed use are

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suitable." Policy C4 also reiterates this to re-use buildings before demolishing them if the building is suitable.

- 5.4 Having considered the building's location within the town centre, and the policies noted above, it is considered that the development's principle is acceptable.
- 5.5 Policy CH6 relates to ensuring a percentage of affordable housing. However, the policy also states that "unless it can be demonstrated to the satisfaction of the Local Planning Authority that, having considered all the relevant factors, it would be inappropriate to provide affordable housing on the site." The agent has submitted figures with the proposal stating that it will not be possible to provide affordable units due to the cost of re-developing the site that is a listed building. The nature of a listed building and the costs of restoration and re-developing is usually significantly higher than normal re-developing or developing from anew, and this, in turn, is likely to affect the affordability of residential units within listed buildings. However, looking at the floor plans, a number of the units fall into a unit size that would be considered as affordable. In addition, it is not considered that the development's location in the town centre gives premium value to the units that will be provided and therefore, this, as well as their size, means that a percentage of the units will be affordable anyway, without the need to limit that further through a 106 Agreement.

General and residential amenities

- 5.6 The proposal involves converting the existing building, which is large in terms of its size and is very striking with a stone finish and is located on a busy and prominent road within the town. The intention to re-use such a striking and prominent building (that is also listed) is to be welcomed. It is not intended to undertake many external adaptations to the building, the biggest work will be at the front of the building in order to create the new vehicular access. It is also intended to open a new door at the rear in order to create access to the rear units, that will be of suitable design to the site. It is considered that these small amendments will also be suitable for the Conservation Area that will be improved by re-developing the site. It is considered that the amendments are acceptable and comply with the requirements of policies B4, B22, B23 and B25 of the GUDP.
- 5.7 Paragraph 68 of the Welsh Office Circular 61/96 – "Planning and the Historic Environment: Historic Buildings and Conservation Areas", which is relevant in this case as the existing building is listed and the site is within a Conservation Area, states that Local Planning Authorities should have particular regard for the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and the Conservation Area. Policy B2 of the GUDP upholds this and states that proposals for external or internal alterations, additions or change of use of listed buildings will be approved provided that the proposal will not cause significant harm to the special architectural or historic character of the building. Matters relating solely to the listed building, which includes Policy B2 and parts of the Circular, are considered fully as part of the listed building application which is also before the Committee.
- 5.8 It is considered that the principle of the proposal to re-use and adapt the building is to be welcomed and will secure the future of the listed building, which is deteriorating by now. Although the amendment at the front of the building is quite significant in terms of the location and design, it is believed that it would be possible to agree on an improved design to the opening that would comply with the appearance of the building in an acceptable way. There are no proposed amendments on both sides of the building and only one opening at the rear. It is therefore not considered that the

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proposal is contrary to Policies B3 or B4 of the GUDP and it should be emphasised that matters which are specific to the listed building, are considered fully as part of the listed building application which is also before the Committee.

- 5.9 The site is located within the town centre, with a number of residential units nearby. Houses are located on four sides of the building, with a third class road separating them to the front and the unclassified Dora Street road to the east. Although there is no intention to create new openings at the side of the existing building, it is necessary to consider whether the new use would have an impact on local residents in terms of overlooking or privacy matters. The proposal includes creating one new door at the rear, but given that this door opens to an existing access road, it is not believed that creating one additional door would have a detrimental effect on the amenities of nearby residents.
- 5.10 Objections were received expressing concern on many elements of the application, including the installation of new windows on the western side of the building that would in the view of those who were concerned entail overlooking. There is no intention to create new openings (except for the door mentioned above) only to continue with the existing windows. Having considered the nature of the site and the location of the existing windows there is no concern regarding overlooking or the loss of privacy from three directions, namely the front, the rear and Dora Street - and that due to the relationship of these appearances/existing windows with buildings and houses nearby. It is not considered that the proposed residential units will create any overlooking or will lose unacceptable privacy to these directions due to the nature of the street and the location of the houses and their existing windows. However, the situation to the direction of the house known as Gwylfa must be considered. A number of the chapel's windows face the direction of the side of this house, and whilst they are facing the parking space and side of the house, this impact must be carefully considered. The house's main windows look towards the way for Morfa Bychan there, also, is an enclosed garden. The remainder of the curtilage and the parking space is relatively open. There is one first floor window, a door and a ground floor window that face the chapel beyond the parking space that services the house. The windows in the building to be converted that face this property would include a mixture of windows for living rooms and bedrooms (on various levels). However, bearing in mind the nature of the windows (long and narrow), the levels of the existing windows in the context of the existing floor levels and those that are to be created, as well as the fact that these windows are currently frosted glass, it is not considered possible to establish that overlooking or loss of privacy would result from these windows. It would also be entirely reasonable (as in the previous permission and because this is what is currently there) to ensure that these windows are re-glazed with frosted glass (or similar) in order to ensure the privacy of the adjacent house and that no unacceptable overlooking would occur as a result of the proposal. This would therefore ensure that the proposal complies with Policy B23 of the GUDP.

Transport and access matters

- 5.11 The proposal provides an off-street parking space for each residential unit, with a new vehicular access the front of the building. The Transportation Unit has no objection to the proposal, and standard conditions are suggested as well as asking to confirm matters with the new mechanical doors. Therefore, it is considered that the proposal satisfies the criteria of Policies CH33 and CH36 of the GUDP.
- 5.12 Due to the historical nature of the listed building and the different land levels, it would be difficult to adapt the building in order to provide access to everyone whilst also having to ensure there will be no detrimental effect on the appearance and the

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character of the building. Therefore it is considered in this case that the proposal does not fully satisfy the relevant CH30 policy but that it is as a result of weighing up the effect of doing so on the character and appearance of the listed building.

Biodiversity matters

- 5.13 It is alleged by nearby residents that bats have been seen leaving the building. A bat survey was submitted with the application stating that the building is likely to be unsuitable for bats, and that there is no evidence of bats within the building. A confirmation was received from the Biodiversity Unit stating that they have no biodiversity concerns regarding the application. It is not considered therefore that the proposal is contrary to the requirements of policy B20 of the GUDP.

Linguistic and Community Matters

- 5.14 A Linguistic and Community Impact Statement was submitted to coincide with the application, the content was assessed by the Joint Planning Policy Unit. No response has been received thus far but it is trusted that the response can be reported verbally during the Committee. Should a favourable response be received it is considered that the proposal would be in accordance with Policy A2 of the UDP, the SPG and TAN 20.

Flooding matters

- 5.15 The site is located within zone B, which is an area that is known to have been flooded in the past, but no response was received to the consultation by Natural Resources Wales. As the site is not located within the C1 or C2 flood zone (namely the highest grades), it is considered that the proposal is acceptable from the perspective of policy B29 of the GUDP.

Response to the public consultation

- 5.16 Concerns were received by the public relating to car access along Dora Street if a scaffold was placed on the side of the building. This would be a matter for the Highways Unit, and it is considered that it would be managed by them directly as it is not a planning matter.
- 5.17 Objections were also received to the proposal that is noted below the consultations above. It must be remembered in this case that the legal use of the existing building is as a chapel, which is defined as D1 use of the use class order. Other uses within this definition includes clinics, nurseries, libraries and museums and any of these can open in the building without the need for planning permission. It is therefore considered that there would be less coming and going with residential units than the uses above, or if the chapel was full every service, and it would have less disturbance on nearby residents. Of course, it must also be considered that low key residential use is much more desirable than the uncertainty of a substantial building being empty and deteriorating further over the years it stays empty.
- 5.18 The objection also refers to the odour of bins, anti-social behaviour matters with the car park and also work times. The Agent has confirmed that the amenity area on the lower ground floor is suitable for the bin area, and due to the residential nature of the area, odour matters could occur at any time and this is no different to any house that has bins. The concern for anti-social behaviour already exists with the redundant building but, from the proposed car park viewpoint, is it intended to control access to the car park for residents only, and it is not believed that this would be a matter that

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could create more anti-social behaviour that could not already exist. Lastly, the concerns about work hours throughout the duration of the development is accepted, and it is believed that it would be acceptable to ensure this with conditions.

6. Conclusions:

- 6.1 Based on the assessment above, it is considered that the application to change the use and adapt the building into nine residential units, and the whole of the associated work that is subject to this application, is acceptable in terms of relevant local and national policies and that there is no other material consideration that state otherwise.

7. Recommendation:

- 7.1 To approve – conditions

1. 5 years
2. In accordance with the amended plans
3. The design and finish of the vehicular access to be approved in writing by the LPA.
4. Photographic record condition
5. Roof slates to match the existing slates
6. Original windows as they are to be repaired and any windows replaced to be in keeping with the original/glazing conditions with opaque/frosted glass
7. New back door to be made of wood to match the rest
8. Cast-iron rainwater goods
9. Original stairs to be retained at all times
10. Details to safeguard the ceiling rose to be agreed beforehand and approved in writing by the LPA
11. The building work must be undertaken between 08.00 and 18:00 Monday to Friday, and 08.00 – 13.00 on Saturdays, with no working on Sunday or Bank Holidays.
12. Highway conditions
13. Welsh Water
14. Details of any external vents to be approved in writing by the LPA prior to commencement of the work.
15. Agree on a plan to re-use the internal features within the development.

Note: bats