

<b>PLANNING COMMITTEE</b>	<b>DATE: 19/12/2022</b>
<b>REPORT OF THE ASSISTANT HEAD OF DEPARTMENT</b>	

**Number: 3**

**Application Number: C22/0239/15/LL**

**Date Registered: 16/03/2022**

**Application Type: Full**

**Community: Llanberis**

**Ward: Llanberis**

**Proposal: Substantial demolition of the existing Electric Mountain Visitor Centre (bar the existing electricity sub-station), change of use of the site to form a car park, replacement lighting, provision of electric vehicle charging points and associated landscaping.**

**Location: Electric Mountain Visitor Centre, Oriel Eryri, Llanberis, Caernarfon, Gwynedd, LL55 4UR**

**Summary of the Recommendation: TO APPROVE WITH CONDITIONS**

PLANNING COMMITTEE	DATE: 19/12/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

## 1. Description:

- 1.1 This application was deferred at the June, 2022 Planning Committee to enable the applicant to discuss the site's future and its potential alternative uses with the Local Member as well as the community.
- 1.2 Following extensive discussions, the applicant does not now intend to proceed with the original plan of creating a new car park but rather, the current proposal is to change the use of the site to a grassland area; create a footway from the existing car park to serve the electricity sub-station; replacement lighting and provide vehicle charging points in the existing car park together with associated landscaping.
- 1.3 The proposal will continue to demolish 2,932m<sup>2</sup> of the existing building's floor area bar 22m<sup>2</sup> of the surface area of the electricity sub-station together with providing 6 vehicle charging points within the existing car park. The proposal will also replace the existing lights within the car park with new 6m high lights of a design that would reduce any light pollution on land surrounding the application site together with undertaking a soft landscaping scheme to include planting trees, shrubs and meadow wildflowers. The local biodiversity mitigation measures will be undertaken by providing bird nesting roosts and bat roosts and the receipt of an European Protected Species Licence from Natural Resources Wales.
- 1.4 The area of grassland would be used for occasional community events together with the installation of temporary structures for a maximum of 28 days a year using permitted development rights under the requirements of the Town and Country Planning Act, 1990 (Permitted General Development) (Amendment) (Wales), 1995.
- 1.5 The site and the existing structure lies on the northern outskirts of the village of Llanberis, with the structure partially screened by a timber security fence. There are trees and vegetation on the northern, eastern and western peripheries of the site and it is within 500m of a protection buffer zone for monuments; within Dinorwig Landscape of Outstanding Historic Interest; within 135m of the Slate Landscape of Northwest Wales (Dinorwig Quarry) World Heritage Site; within 135m to the Llyn Padarn Site of Special Scientific Interest; and within the Northwest Eryri Special Landscape Area as well as within a C2 Flood Zone in Technical Advice Note 15: Development and Flood Risk.
- 1.6 In order to support the application, the following documents were submitted - Design and Access Statement; Drainage Strategy; Flood Risk Assessment; External Lighting Planning Statement; Ecological Report and an Arboriculture Statement. It is noted here that the Transportation Statement has not been amended as there are no road safety implications from the amended plan.
- 1.7 The amended Design and Access Statement provides further details on some aspects of the proposal and these can be summarised as follows:-
- (i) The centre was previously used as a café, visitor centre, meeting rooms, a shop and other incidental facilities. However, the centre was under-used and too large for the facilities accommodated inside. The building was too expensive to run and unsustainable e.g. the ventilation/heating system had reached the end of its lifespan.
  - (ii) In March 2018 (see below), permission was granted to First Hydro to renovate the existing building, to include extensive demolition work, and the provision of a temporary visitor centre. The use of the visitor centre ended in 2020 (due to the spread of Covid) and in addition, Dinorwig Power Station will be undergoing a large-scale upgrade in the near future and therefore the applicant (First Hydro) will no longer need the existing visitor centre.

PLANNING COMMITTEE	DATE: 19/12/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

- (iii) A number of public consultations were held during 2021 and 2022 regarding the proposal to demolish the centre, and discussions are ongoing with, e.g. Cyngor Gwynedd for developing and promoting social, environmental and structural improvements in future for local communities such as Llanberis.
- (iv) The grassland area may be used occasionally for community use.
- (v) Consideration is being given to the promotion of the Welsh language through - the provision of bilingual parking equipment and signage; the grassland area will be available occasionally for use by community and local groups, and First Hydro will generally promote the use of local contractors, including the demolition work subject to this 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 made 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 (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven 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 ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

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

ISA 1 – Infrastructure.

ISA 2 - Community facilities.

TRA 2 - Parking standards.

TRA 4 - Managing transport impacts.

PS 5 - Sustainable developments.

PS 6 - Mitigating the effects of climate change and adapting to them.

PCYFF 2 - Development criteria.

PCYFF 3 - Design and place shaping.

PCYFF 4 - Design and landscaping.

AMG 2 - Special landscape areas.

AMG 5 - Local biodiversity conservation.

PS 20 - Preserving and where appropriate enhancing heritage assets.

AT 1 - Conservation areas, world heritage sites and landscapes, parks and registered historic gardens.

PLANNING COMMITTEE	DATE: 19/12/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Supplementary Planning Guidance: Change of use of Community Facilities and Services, Employment Sites and Retail Units, 2021.

## 2.4 National Policies:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021).

Technical Advice Note (TAN) 5: Planning and Nature Conservation.

TAN 15: Development and Flood Risk.

TAN 18: Transportation.

TAN 24: The Historic Environment.

## 3. Relevant Planning History:

3.1 Application number C18/0241/15/LL - refurbishment work to include part demolition of the existing building, landscaping, creating a temporary construction access and erection of a canopy, approved in March, 2018.

3.2 Application C18/0935/15/AC - deletion/variation of condition(s) and discharge of condition number 4 of planning permission C18/0241/15/LL regarding the external finishes of the development, approved in October, 2018.

3.3 Application C18/1121/15/AC - deletion/variation of condition(s) and discharge of condition 5 of planning permission C18/0241/15/LL regarding landscaping details, approved in December 2018.

## 4. Consultations:

Community/Town Council: No response to the amended plan.

Observations on the original plan state:-

The original proposal involves restoring and modernising the property by taking part of the back down and then improving the rest. Since the owner insists that this is not an option now, it is clear that demolition is the only option.

There has been substantial previous consultation (pre-application) with the community, with this Council involved in the consultation, and although several people stated that they would like to retain the building, it had been evident for some time that this would not happen.

Therefore, this Council has no objection to the demolition of the building as the company does not offer another option, however, there is considerable discontent amongst members that a car park would then be created together with a small site for events.

PLANNING COMMITTEE	DATE: 19/12/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

The advantage is that this site may in the future, should some rumoured plans be realised, be suitable for this. It was stated that another car park was a threat to Cyngor Gwynedd's income from car parks and indirectly to the Community Council not to mention Y Ganolfan as its income is key to the site's success.

Transportation Unit:

No response to the amended plan.

Observations on the original plan state:-

It is envisaged that an additional parking facility in the centre of the village of Llanberis would take pressure away from the streets and encourage legal parking and would address the wishes of the previous Local Members as well as the Community Council.

Natural Resources Wales:

No response to the amended plan.

Observations on the original plan state:-

Need to include conditions regarding compliance with the details of the Flood Consequence Assessment and the Ecology Report submitted with the application, together with a condition to avoid raising land levels.

Welsh Water:

No response to the amended plan.

Observations on the original plan state:-

Need to safeguard Welsh Water assets that cross the site, these include the surface water sewerage and foul water system.

Public Protection Unit:

Following receipt of an amended plan, the following observations are noted:-

**Contaminated land conditions**

1. Due to the historic use of the site as Railway Land the land may have been contaminated. Therefore, a desktop investigation will be undertaken to assess the potential pollution risk on the site for the proposed development.
2. Should the desktop investigation recommendations indicate that further action was needed, a sufficient intrusive investigation would be required to assess the risk of any potential pollution on the site. If necessary, a Remedial Strategy will be incorporated.

PLANNING COMMITTEE	DATE: 19/12/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

3. The Public Protection Service would have to approve the desk-top investigation, site inspection, risk assessment and any precautionary and/or remedial measures in writing prior to the commencement of the development.
4. Once the development has been completed, a Completion Report should be provided on the site and this will need to be reviewed and approved by the Public Protection Service.
  - *The Public Protection Service has made every reasonable attempt to recommend the most suitable measures regarding potential pollution risks. However, this recommendation should not be considered as a sign that the land is safe or otherwise suitable for this or any other development.*
  - *The responsibility for assessing if the land is suitable for a specific use fundamentally lies with the developer.*
  - *If any contaminated land problems should arise during the development that may disturb the proposed development, e.g. if unusual ground conditions are found, then there should be immediate correspondence with the Public Protection Service.*
  - *Every action should be recorded, and the information disseminated to the Public Protection Service on site inspections, assessments and remedial work completed, where relevant, and included in the site's Completion Report.*
  - *Any investigation should follow the procedure of the following documents:- BS 10175:2011 Investigation of potentially contaminated sites – Code of Practice (British Standards Institution 2011.) - Planning Policy Statement (PPS) 23: Planning and Pollution Control, Annex 2:  
*Development on Land Affected by Contamination (Office of the Deputy Prime Minister 2004, Published by The Stationary Office).*  
- *Contaminated Land Report (CLR) 11 Model Procedures for the Management of Land Contamination (Environment Agency 2004).*  
- *Land Contamination: A Guide for Developers (Welsh Local Government Association, Welsh Assembly Government & Environment Agency Wales 2006)**

### **Reasons for the conditions**

It is considered that the measures are essential to safeguard the site holders and surrounding areas.

PLANNING COMMITTEE	DATE: 19/12/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

- CADW: No response to the amended plan.  
Observations on the original plan state:-  
No objection regarding the impact of the proposal on the setting of nearby monuments or the setting of the World Heritage Site.
- Gwynedd Archaeological Planning Service: No response to the amended plan.  
Observations on the original plan state:-  
The applicant needs to undertake a photographic survey of the existing structure by the inclusion of a relevant condition within any planning permission.
- Biodiversity Unit: No response to the amended plan.  
Observations on the original plan state:-  
Compliance with the mitigation measures noted in the Ecological Report must be undertaken by the inclusion of a relevant condition(s) within any permission.
- Water and Environment Unit: No response.
- Public Consultation: Amended notices were posted on the site and nearby residents were notified. The second advertisement period has come to an end and no correspondence has been received regarding the amended application during the period of providing this report.

## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 The second part of Policy ISA 2 in the LDP (this policy supported by Supplementary Planning Guidance: Change of use of Community Facilities and Services, Employment Sites and Retail Units (2021) that states that the Council will resist the loss or change of use of existing community facilities by complying with at least one of the following criteria:-
- (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 a car - in this particular case, the proposal to replace a community facility in the form of a plot of open amenity land and the applicant has confirmed within the amended Design and Access Statement that the plot of grassland would be available for occasional specific use by the local community during the year. It is considered that the proposed use (like the existing use) would be accessible and convenient for alternative modes of transport apart from cars, given its proximity to the local roads network, footpaths, cycle paths and public transport.

PLANNING COMMITTEE	DATE: 19/12/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

- (ii) It can be demonstrated that the facility is inappropriate or surplus to requirements, or,
- (iii) In the case of a commercially operated facility (as in this case), that there is evidence:
- That the existing use is no longer financially viable - the applicant has stated that the visitor centre is under-used and is too large for the facilities accommodated inside. The building was too expensive to run and was unsustainable e.g. the ventilation/heating system had reached the end of its lifespan. In addition, it was confirmed that improvement work to Dinorwig Power Station would soon be undertaken, and would be likely to take some years to complete. Under the circumstances, the applicant would not be in a position to offer opportunities for the public to visit the power station itself, and therefore the applicant has no use for the centre in the foreseeable future and over time the building's condition will deteriorate further. The condition of the structure is already an eyesore within the local area.
  - That it cannot be reasonably expected for the building to become financially viable - based on the information submitted by the applicant regarding the viability of the visitor centre, it cannot be reasonably expected that the use(s) made previously of the building would become financially viable in the near future or the long-term and it would not make economic sense to continue to use the building as a community resource and visitor centre.
  - That no other suitable community use can be established - given the deficiencies regarding the fact that the current condition of the structure is unsustainable, the size of the floor area/space within the structure itself, it is not believed that the building could be used for the benefit of the community in a way that is financially viable for the owner/applicant for the reasons already noted in this assessment.
  - That evidence of real efforts to market the facility have been unsuccessful - the applicant does not intend to dispose of the site by selling it, but rather to safeguard it and develop it for a suitable use now and in the future. The applicant is of the opinion, following extensive discussions with the Local Member as well as members of the community, that the most suitable use for it in the short/medium term is as an open amenity space, which in itself is an alternative community facility compared to the site's current community use. Within this context, the proposal would involve the loss of one type of community resource to be replaced with another alternative community resource that also addresses the requirements and needs of the local community by providing a site that may be used, for example, for community events.

5.2 Policy PS 5 of the LDP states that developments will be supported where it can be demonstrated that they are consistent with the principles of sustainable development and all proposals should (in relation to this specific proposal):-

- Give priority to effective use of land and infrastructure, prioritising wherever possible the reuse of previously developed land and buildings within the development boundaries or in the most appropriate places outside them - in this case, it is proposed to use a previously used site and although it is outside the development boundaries, it is believed that an open amenity grassland space in its place would be appropriate use for the site considering that:- (i) it is located on a site that is sustainable and accessible in relation to transport and travel and (ii) it means making productive use of a site that is currently dormant and that will probably continue to be dormant and not viable in future according to the information submitted by the applicant.
- Promote centres and villages that are more self-sufficient by contributing to balanced communities that are supported by sufficient services, cultural, arts, sporting and entertainment activities - to this



PLANNING COMMITTEE	DATE: 19/12/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

end, it is considered that it would enable the local community to use this area of grassland for various events and will contribute significantly to the activities of the community itself.

- Retain and enhance the quality of the natural environment's assets, its landscape and biodiversity assets- as noted in the assessment below, the proposal will include local biodiversity mitigation measures and will undertake biodiversity enhancements.
- Retain and improve the assets of the built and historic environment - the assessment below notes that CADW has no objection to the proposal in relation to its impact on the setting of nearby heritage assets.
- Promote a diverse and responsive local economy, that encourages investment and is able to sustain centres, rural villages and areas - should this application be approved, it would be a means to provide a facility and resource that would be used by the community/local groups for various activities.
- Reduce the need to travel with private transport and encourage opportunities for users to travel as required as often as possible by using alternative modes with particular emphasis on walking, cycling and using public transport - as noted above, it is considered that the intended use (in accordance with the existing use), would be accessible and convenient for alternative methods of transport apart from private cars, given its proximity to the local roads network, footpaths, cycle paths and public transport.

5.3 In addition to the contents of the above assessment, it is important to note the fact that it was possible for the applicant to submit a notice to the Council, in accordance with Part 31 of the Town and Country Planning Order (Permitted General Development) to demolish the building and the Council would not have much control over this. Should such a notice be submitted, the Council can only consider matters dealing with the demolition model and the restoration plan. However, as the applicant has chosen to submit a full planning application for the proposal, the Council has more control over it, including imposing appropriate conditions noted by the statutory consultees.

5.4 Taking the above assessment into consideration it is deemed that the proposal, as amended, is acceptable in principle, however, the proposal also needs to comply with other relevant policies and these are discussed below.

### **Visual amenities**

5.5 The site is located in a visible location on the eastern periphery of the built area of the village, with views of it from four directions, and it can be described as a 13m high contemporary building of significant scale, constructed on a landmark site with an emphasis on the form and design of the slate roofs. Its elevations comprise natural slate roofing and rough pebble-dash walls, with openings of timber and aluminium. It is intended to demolish a significant part of the existing building, leaving a 22m<sup>2</sup> electric sub-station on the eastern periphery of the existing building that would be covered with clean brickwork on the walls, and a natural slate pitched roof. It is also intended to fell two low quality trees and sections of a small decorative 'clawdd' with an additional tree planting plan to be implemented.

5.6 This latest proposal will entail replacing the two-storey bulky scaled building with a green open space plot that would reflect the current views to the north and along the shores of Llyn Padarn i.e. grassland and open meadow.

5.7 Although the site is located near scheduled monuments and a World Heritage Site, CADW had no objection to the original application in relation to its impact on the setting of these heritage features and it is considered that they would have no objection to the amended plan either considering its nature and scale. Considering the above assessment, therefore, it is believed that the proposal is acceptable based on the requirements of Policies PCYFF 2, PCYFF 3, AMG 2, PS 20 and AT 1 of the LDP.

PLANNING COMMITTEE	DATE: 19/12/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

### **General and residential amenities**

- 5.8 The nearest residential properties to the site are located approximately 63m to the south (Y Garnedd) with varied uses located nearby, including the community centre, parking spaces and a shop/café. In order to ensure that the demolition work will not have a detrimental impact on the health, safety or amenities of the occupiers of local properties, land uses or other properties or the features of the local area through increased activities, disturbance, vibration, noise, dust, fumes, or other forms of pollution or disturbance, a condition could be imposed on any permission by asking the applicant to submit a Demolition Method Statement to be agreed in writing with the Local Planning Authority. In addition, the demolition work must comply with the statutory requirements of Natural Resources Wales and the restrictions relating to regulated waste disposal. To this end, therefore, it is believed that the proposal is acceptable based on the requirements of Policy PCYFF 2 of the LDP.

### **Transport and access matters**

- 5.9 Although no response was received from the Transportation Unit to this current application, a Transport Statement was submitted with the application, which concludes that:- (i) use of the existing entrance (which is a priority controlled junction ) to the nearby and adjacent car parks is acceptable for the new extended car park, based on meeting the statutory requirements for such entrances, and there is no reason to refuse it on the grounds of road safety and (ii) it contributes towards the provision of a sustainable transport development. To this end, therefore, it is believed that the proposal is acceptable based on the Council's parking standards and ensuring road safety, and that it complies with Policies TRA 2 and TRA 4 of the LDP.

### **Biodiversity matters**

- 5.10 As part of the application, an Ecological Report and amended Arboriculture Statement were submitted. The Ecological Report confirms that the existing structure includes bat roosts and that a licence is required from Natural Resources Wales (Protected Species Development Licence) prior to commencing any demolition work, and undertaking the mitigation measures that are noted within the Report itself e.g. installing lighting columns of a design that minimises any light pollution and installing bird boxes and bat roosts within the existing woodland and within the electricity sub-station. In response to the statutory consultation process, the Biodiversity Unit states that the application can be approved subject to the inclusion of a condition to comply with the recommendations of the report and the recommendations contained in the Arboriculture Statement document. To this end, therefore, it is believed that the proposal is acceptable based on the requirements of Policy AMG 5 of the LDP.

### **Flooding matters**

- 5.11 The site lies within a C2 Flooding Zone (risk of fluvial flooding in this case) as defined in TAN 15: Development and Flood Risk. However, as the amended use may be described as an open amenity area it is described in the TAN as an use that is *less vulnerable*, and given that it is unlikely to be associated with increasing risks following the redevelopment of the site, Natural Resources Wales, in this case, considers that the pragmatic approach towards ensuring an entrance and exit noted in the Flood Consequence Assessment that was submitted with the application is acceptable (the amended Assessment concludes that the risk and depth of flooding would be low and the proposed use is in-keeping within its location in the C2 Flooding Zone). To this end, therefore, it is believed that the proposal continues to be acceptable based on the requirements of Policy ISA 1, PS 5 and PS 6 of the LDP.

<b>PLANNING COMMITTEE</b>	<b>DATE: 19/12/2022</b>
<b>REPORT OF THE ASSISTANT HEAD OF DEPARTMENT</b>	

**6. Conclusions:**

- 6.1 In assessing the amended application, full consideration was given to the observations received in response to the consultation period and to the response received from statutory consultees. Based on the above assessment, it is not considered that the proposal is contrary to local or national policies and there is no material planning matter that outweighs these policy considerations. To this end, therefore, it is believed that this proposal is acceptable subject to the inclusion of the following conditions.

**7. Recommendation:**

- 7.1 To delegate the right to the Senior Planning Manager to approve the application, subject to the following conditions:-

To approve – conditions

1. Five years.
2. In accordance with the amended details submitted with the application.
3. Compliance with the recommendations within the amended Ecological Report and Arboriculture Statement documents.
4. Compliance with the recommendations of the amended Flood Consequence Assessment.
5. A condition that none of the land will be raised higher than the current ground levels.
6. Submit a Demolition Method Statement to be agreed in writing by the LPA to include matters such as noise levels, working hours and relevant mitigating measures.
7. Safeguard Welsh Water assets.
8. The applicant needs to undertake a photographic survey of the existing construction.
9. Need to undertake a desktop investigation to assess the potential pollution risk on the site.