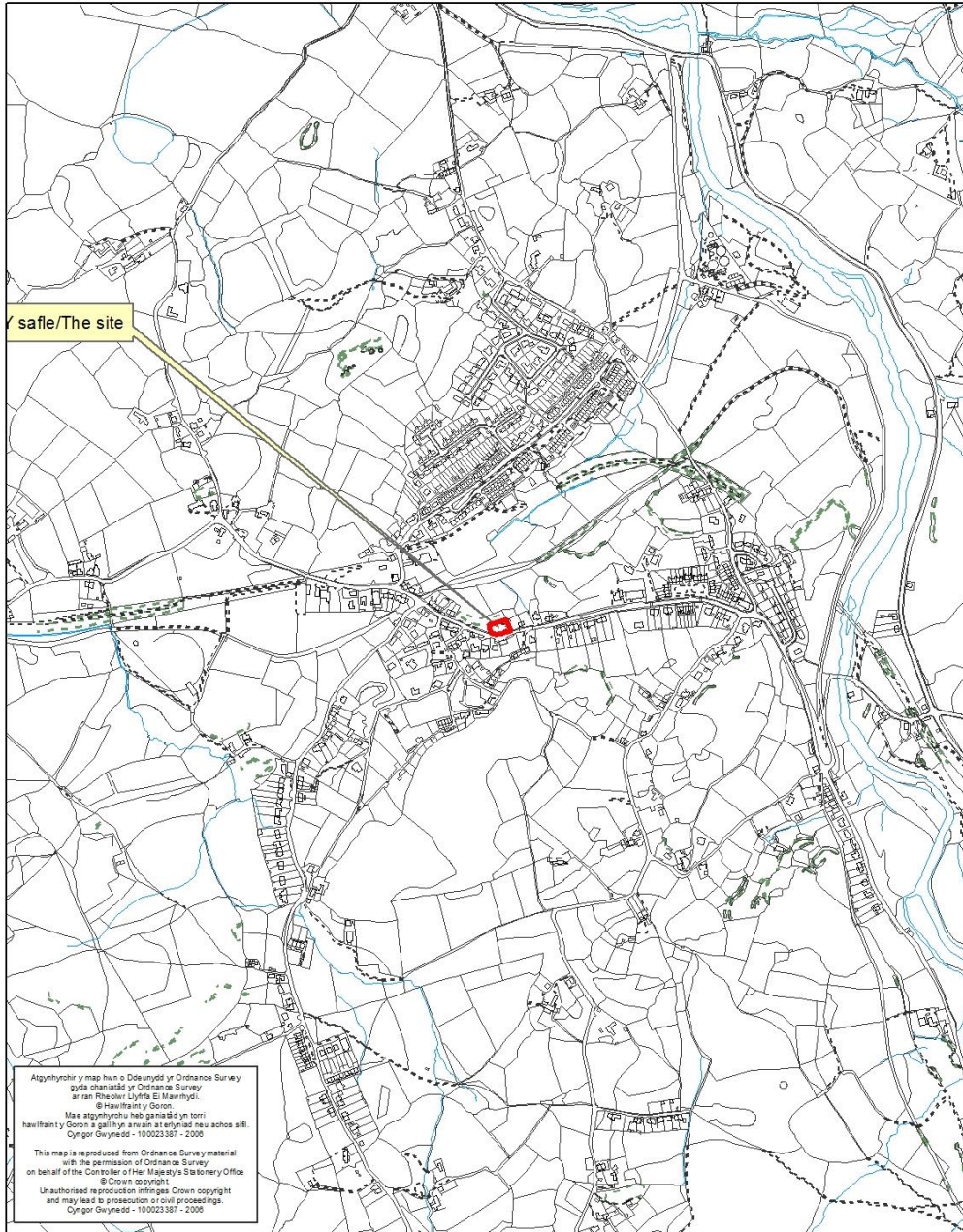


Number: 7



Rhif y Cais / Application Number : C15/0348/16/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: C15/0348/16/LL  
Date Registered: 15/04/2015  
Application Type: Full - Planning  
Community: Llandygai  
Ward: Tregarth and Mynydd Llandygái

Proposal: ERECT A NEW TWO-STOREY BUILDING TO BE USED AS A CLASS A1 SHOP WITH ASSOCIATED WORK INCLUDING ADAPTING THE EXISTING ACCESS AND CREATING PARKING SPACES  
Location: FORMER CAR PARK, PANT YR ARDD, TREGARTH, BANGOR, GWYNEDD, LL57 4PL

**Summary of the Recommendation:**

TO APPROVE WITH CONDITIONS

**1. Description:**

1.2 This is a full application to erect a new two storey building to be used as a class A1 use shop with associated resources as well as adapting the existing access and creating parking spaces.

1.3 The existing site forms part of a car park that is connected to the existing public house Which is on the other side of the adjacent public highway and includes a plot section is used as a beer garden/picnic site for one section and on the other section is a community recycling facility. There is an existing wide access into the site with a low stone wall between the site and the public footpath and trees grow along the rear with residential dwellings comparatively close to one side of the site.

1.5 The proposal entails erecting a new two storey dwelling with associated resources, for the purpose of clarity:

- To erect a building with a total floor area of 171m<sup>2</sup> that would measure 7.5m to the ridge with a natural slate roof and walls in a coloured render
- Creating 7 parking spaces on one section for delivery vans
- Creating a litter storage compound
- Create a bicycle storage area
- Re-locate the community recycling facility
- Reduce the width of the existing access by erecting a low wall that leans into the site.
- On the ground floor, the usual shop floor plan can be seen with a separate storage and on the first floor there is an office, staff room and storage.

1.4 The site is directly adjacent to the development boundary of the village of Tregarth.

**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.

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## 2.2 Gwynedd Unitary Development Plan 2009:

POLICY 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.

POLICY B23 – AMENITIES - Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area.

POLICY B25 – BUILDING MATERIALS - Safeguard the visual character by ensuring that building materials are of a high standard and are in keeping with the character and appearance of the local area.

Policy B30 - Ensure that proposals for developing contaminated land or buildings are refused unless they conform to a series of criteria aimed at managing or restricting the pollution.

POLICY C1 – LOCATING NEW DEVELOPMENT - 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.

POLICY C3 – RE-USING PREVIOUSLY DEVELOPED SITES - Proposals that give priority to reusing previously developed land or buildings and which are located within or adjacent to development boundaries will be permitted provided the site or the building and use are appropriate.

POLICY CH30 – ACCESS FOR ALL – Refuse proposals for residential/business/commercial units or buildings/facilities for public use 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 CH31 – PROVIDING FOR CYCLISTS – Development proposals which do not provide specific facilities for cycling where there are obvious opportunities for doing so will be refused.

POLICY CH33 – SAFETY ON ROADS AND STREETS - Development proposals will be approved provided they conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

POLICY CH36 – PRIVATE CAR PARKING FACILITIES - Proposals for new developments, extension of 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.

POLICY D29 – NEW SHOPS IN VILLAGES – Proposals for the change of use of buildings to a shop, or proposals for new shops or extensions to existing shops will be approved provided they comply with specific criteria relating to suitable use of existing building, its location and impact on the amenities and character of the area.

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POLICY D30 – RETAILING IN THE COUNTRYSIDE - Proposals for small shops outside development boundaries will be approved if they are a subordinate element to an existing business and if they conform to criteria regarding the impact on a neighbouring village shop and on the character and amenities of the area as well as the availability of an existing building.

### **2.3 National Policies:**

Planning Policy Wales – edition 7, 2014  
TAN 6: Planning for Sustainable Rural Communities  
TAN 12: Design  
TAN 23: Economic Development

### **3. Relevant Planning History:**

3.1 The site has no relevant planning history.

### **4. Consultations:**

Community/Town Council: Support

Transportation Unit: No objection. The parking provision and the adaptations to the access are acceptable for the proposed use and scale of the development. Although parking spaces will be lost from the existing public house, as explained in the Design and Access Statement, there is no demand for many parking spaces due to the nature of user movements namely local residents visiting on foot. Suggest including conditions and standard advice.

Natural Resources Wales: No comment, standard advice given

Biodiversity Unit: No concerns

Trees Officer: No objection

Welsh Water: Standard conditions and advice.

Public Protection Unit: The development's location is close to a historical waste disposal site and consequently a desktop investigation (pollution) needs to be undertaken for the proposal.

Waste Unit Plan to re-locate the recycling bins is acceptable.

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

- Increase in traffic movement
- Road safety
- Noise / litter

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In addition to the above objections, objections were received that were not valid planning objections which included:

- Loss of community bin recycling facility

A petition was received supporting the application from a number of local residents.

## **5. Assessment of the material planning considerations:**

### **5.1 The principle of the development**

5.1.1 It is possible to refer to a number of relevant policies when discussing the principle of this proposed development, including consideration in terms of the location, design, land designation etc. For example, Policy C3 states 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 suitable and conform to the Plan's objectives and development strategy.

5.1.2 The site forms part of the existing car park of the nearby public house as well as the community resource in the form of a small recycling site with a wide vehicular access into the site. It is thought that the site is land previously used and in terms of this aspect it is deemed that the proposal conforms to the general requirements of policy C3. However, it should also be ensured that the requirements of other policies are also satisfied and in this case it is deemed that policies D29 and D30 would be most relevant.

5.1.3 Policy D30 approves proposals to develop small shops outside development boundaries if they comply with a series of criteria, namely:

- that the shop is a subservient element of an existing business on the site
- that the shop would not significantly harm a neighbouring village shop
- that priority has been given to using an appropriate existing building
- that the new use will not significantly harm the amenities of neighbouring residents or the character of the area.

5.1.4 In the same way, policy D29 states that proposals to change the use of a building to a shop or proposals to construct new shops, or to extend an existing shop will be permitted provided that they comply with the following criteria:

- that the application makes suitable use of an existing building
- that the proposed building / site is within the development boundary of the village.
- the new development will not significantly harm the amenities of neighbouring residents or the character of the area.

5.1.5 It is not believed that this development falls totally within the requirements of the criteria of the above policies due to its location. However, and as the building's site is not totally within the development boundary of the village of Tregarth, it is

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reasonable to consider that the site in its entirety is part of the village due to its location, boundary location and the existing and historical use associated to the public house as well as the community use. Therefore, it is considered that the proposal complies with the general principles of the abovementioned policies. There is no current shop in the village and therefore it is believed that there would be local benefit from having a new shop in the area.

- 5.1.6 These policy requirements are clear and are supported via Planning Policy Wales and TAN 23 and TAN 6. In this case it is not deemed that the proposal would undermine the general principles that are within the relevant objectives.
- 5.1.7 The limited size of the proposal (198m<sup>2</sup>) means that a commercial impact assessment cannot be requested (usually an assessment is requested if the development has a floor area of over 2500m<sup>2</sup>) and although we welcome an assessment by using the usual follow-up form for a development of this type, in this case due to its size and the fact that there is no other shop in the village or within a reasonable distance where there would be an obvious impact, we do not believe in this case that there is any justification to submit this information.
- 5.1.8 Although a shop would not be totally subservient to the existing business use of the public house, we do not believe that it would be totally unacceptable due to the commercial use of the site and therefore this proposal would be a continuation of that use, but to an extent it would be slightly different. By now there is no other shop in the village. It is not known if an appropriate building is available for the proposed use, but it is deemed that a new building such as this at this location would ensure that it would be accessible to a wide range of users and resources would ensure unrestricted access for users. For the reasons as discussed further, appropriate conditions may be imposed to safeguard local amenities.
- 5.1.9 Therefore, for the above reason, it is considered that the proposal is acceptable in terms of satisfying the general requirements of policies D29, D30 and the advice in Technical Advice Notes 6 and 23.

## **5.2 Visual amenities**

- 5.2.1 The building as presented is a 'residential' two-storey building in appearance. The agent states that the reasoning for retaining this appearance was to ensure that the building would be suitable for the location by reflecting the general elevations in the nearby area.
- 5.2.2 It can be seen that there is no specific pattern to the elevations on the buildings in the adjacent area however several building have finishes as can be seen here generally. The building comprises a standard internal shop layout and includes a store on the first floor that according to the agent has been made intentionally due to the lack of space to include everything on the ground floor.
- 5.2.3 Although it does not appear to an extent as a 'conventional' shop there is a logic for what is proposed in terms of an attempt to be in keeping with the location and therefore it is deemed that the requirements of policy B22 are satisfied.
- 5.2.4 It is considered that relevant conditions can be included to ensure that there is agreement on the building's final external finishes between the applicant and the Local Planning Authority, by so doing it is deemed that the requirements of policy B25 will be satisfied.

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### **5.3 General and residential amenities**

- 5.3.1 An observation was received that was concerned about the impact of the proposed development in terms of noise and litter and consequently the impact on the residential amenities of nearby houses. Observations have been received from the Public Protection Unit suggesting that a condition is included to agree on any ventilation equipment that may have the potential of creating noise in order to agree on acceptable levels to protect local residents. In the same manner, it is believed that a condition may be imposed to ensure that litter remains within the compound shown on the plan, again in order to protect local amenities.
- 5.3.2 There is an element of intrusion already on this site due to its use as a car park and a small recycling site and it is deemed that this proposal would not be totally unacceptable from this aspect as it is not greenfield land without previous use and via conditions it is deemed that aspects of the development can be controlled to ensure that the requirements of policy B23 are satisfied.

### **5.4 Transport and access matters**

- 5.4.1 There is no objection to the proposal regarding this aspect. The Transportation Unit is satisfied with the size and form of the proposed development and refer to the need to include appropriate conditions to safeguard this aspect. Therefore, it is considered that the proposal is acceptable and that it satisfies the requirements of policies CH33 and CH36.
- 5.4.2 The land is flat and there are no obvious obstacles in terms of accessibility matters in or out of the site and the building for a wide range of users. It is considered that the proposal is acceptable in terms of access and satisfies the requirements of policy CH30.
- 5.4.3 It can be seen from the detailed plans that bicycle storage facilities will be included at the front of the site and with this it is considered that the requirements of policy CH31 are satisfied.

### **5.5 The Economy**

- 5.5.1 Paragraphs 7.1.3 and 7.2.1 of Planning Policy Wales are considered relevant and material in this case. It is considered that paragraph 7.1.3 is especially appropriate as it states, "The planning system should help the economy and employment to grow and to support social and environmental sustainability in the context of sustainable development. To this end, the planning system, including planning policies, should aim to ensure that the growth of output and employment in Wales is not constrained by a shortage of land for economic uses".
- 5.5.2 In this particular case, the proposal is for a new shop in the village of Tregarth. There is no shop currently in the village and the nearest shop is a considerable distance, for people without a car, in Bethesda. In terms of sustainability matters only, the proposal is considered to be acceptable. It is not deemed that the proposal would undermine the advice given in the National Policy or the further advice in TAN 25 that encourages local authorities to 'have regard to the need to guide economic development to the most appropriate locations, rather than prevent or discourage such development'.

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## **5.6 Any other considerations**

5.6.1 An observation was received from the Public Protection Unit referring to the historical waste site nearby. A survey of the site was undertaken for traces of pollution but none were found. However, in order to safeguard site users and the nearby area it is suggested that a condition is included to safeguard this aspect and by so doing the requirements of policy B30 will be satisfied.

## **5.7 Response to the public consultation**

5.7.1 As explained above, attention has been given to the relevant planning matters as noted in the observations received. Concern has been highlighted in terms of the increase in movements from the site, but the proposal is not objected by the Transportation Unit and therefore it is considered that this aspect is unlikely to impair on local amenities to an unacceptable level.

5.7.2 In the same manner, if the application is approved then it is proposed to impose relevant conditions as suggested by the transportation and the public protection units regarding the access, noise control etc. in order to safeguard the area's general and residential amenities and by so doing it is deemed that full consideration has been given to the concerns highlighted.

## **6. Conclusions:**

6.1 Having considered the above and all the relevant matters, including local and national policies and guidance, and the observations and responses received, it is deemed that this proposal to erect a building to provide a shop is acceptable and satisfies the requirements of the relevant policies noted above.

## **7. Recommendation:**

7.1 To approve – with conditions

1. Time
2. Comply with plans
3. Materials (including natural slate)
4. Limit the use of the building to A3 retail only
5. Submit details of the ventilation units
6. Limit the waste storage location
7. Highways
8. Welsh Water
9. Pollution
10. Restrict the opening times
11. Manage the recycling site
12. Landscaping.
13. Agree on a lighting plan



<b>PWYLLGOR CYNLLUNIO</b>	<b>DYDDIAD: «Planning_Ctte_Date»</b>
<b>ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO AC AMGYLCHEDD</b>	<b>GWYNEDD</b>