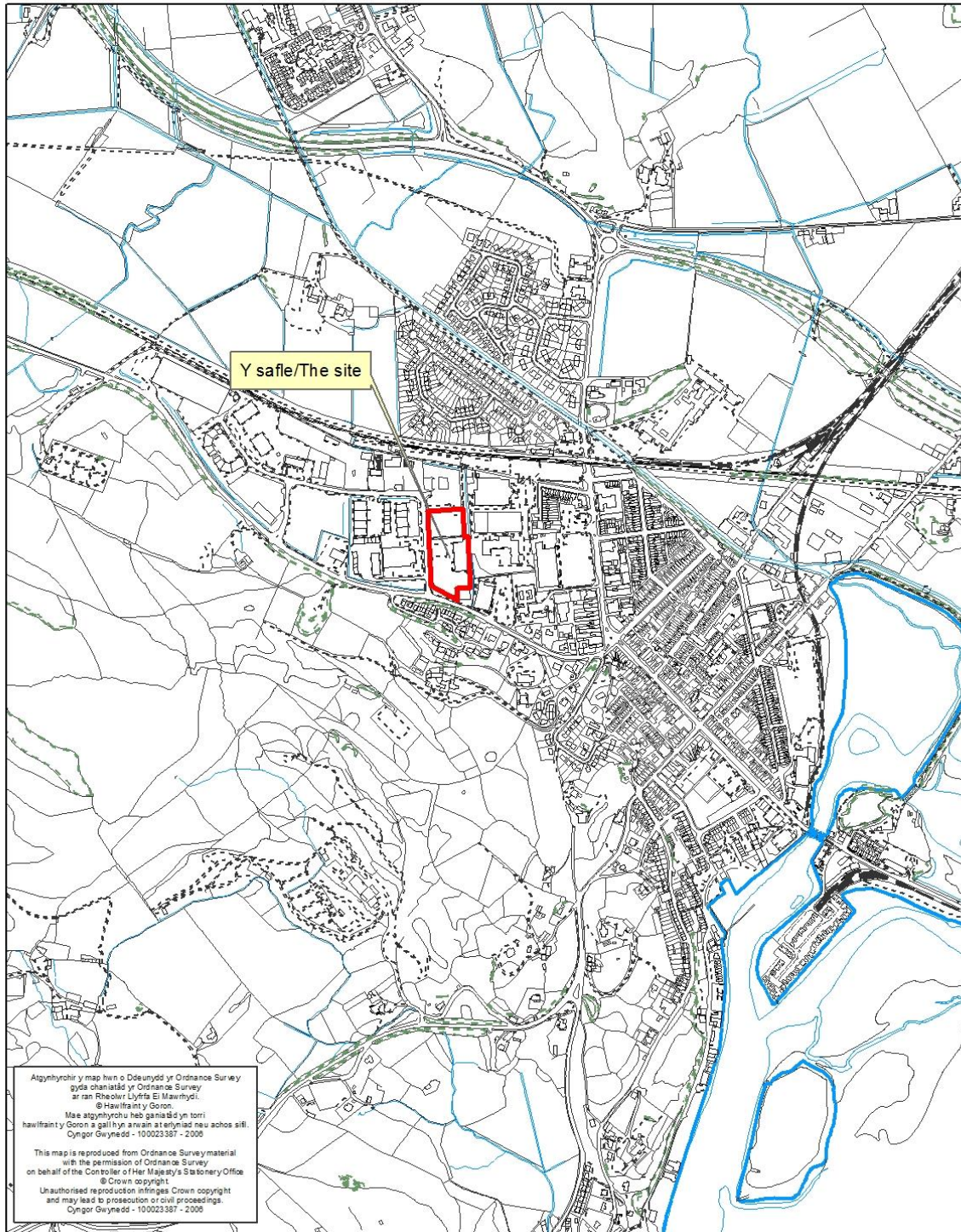


Number: 4



Rhif y Cais / Application Number : C15-1132-44-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: C15/1132/44/LL
Date Registered: 10/11/2015
Application Type: Full - Planning
Community: Porthmadog
Ward: Porthmadog West

Proposal: A FULL APPLICATION TO DEMOLISH EXISTING SHOP AND RECONSTRUCT A NEW SHOP IN ITS PLACE WITH ANCILLARY WORK INCLUDING DEVIATING EXISTING FOOTPATH.

Location: LIDL STORE, PENAMSER ROAD, PORTHMADOG, GWYNEDD, LL49 9NY

Summary of the Recommendation: TO DELEGATE POWERS TO APPROVE

1. Description:

- 1.1 This is a full application for planning permission to demolish the existing shop, construct a new shop (with an internal floor area of 2,267m²), creation of parking spaces with associated access roads and site landscaping. The proposal would make use of the existing shop site and parking spaces as well as the adjacent site. As a result of the proposed development, it is also intended to deviate the existing public footpath that crosses part of the site.
- 1.2 The whole site extends to 01.60 hectares in size and is located within the development boundary of the town of Porthmadog, which has been defined as an urban centre in the Gwynedd Unitary Development Plan (July 2009), and is in a relatively prominent location when approaching the town along Penamser road (A497).
- 1.3 The site is located within the Penamser Industrial Estate which includes units of various sizes and uses including retail units. Ysgol Gynradd Eifion Wyn is close to the eastern boundary of the site while Glaslyn Leisure Centre is also near the same boundary. An existing public footpath runs between the site, the school and the leisure centre which also deviates and cuts across the proposed development site. Residential houses are located on elevated land to the south of the site, beyond the A497.
- 1.4 There is already a standard entrance into this site with a standard estate road leading towards the various units within the site. There are two entrances to the existing shop site, one for customers and the other for deliveries.
- 1.5 The plans included with this report show the details of the proposed development. It can be seen from these details that after demolishing the existing building, it is intended to revamp the site by constructing the new building in a new location adjacent to the existing estate road and create parking spaces within the location of the existing shop. From the information submitted, the existing shop would remain open for a period of time while the new building is constructed and would then be closed and demolished in order to provide the new parking spaces before the new building comes into use. An entrance for deliveries continues to be shown as separate to the proposed entrance for customers. A purpose built metal fence is to be erected along the northern and eastern boundaries of the site with standard boundary treatments and landscaping through the remainder of the site. As the building will be relocated, this will affect the existing public footpath that crosses the site, therefore it is proposed to divert this footpath so that it runs parallel to the northern boundary of the site.
- 1.6 The new building plans indicate that it will measure 7.4m high at its highest point and be finished externally with a combination of glass, silver coloured metal cladding, grey rendered walls and grey coloured windows and doors. The existing building includes an internal floor area of 1389m², the new building would be 2267m² which is an extra 878m². 190 parking spaces would be created including 12 disabled parking spaces which is a difference of 67 compared with the 123 existing spaces.

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1.7 The proposal has been assessed in terms of the need for a formal Environmental Impact Assessment, and it was deemed that a formal assessment was not required in this case.

1.8 The following information was submitted in the form of detailed reports or assessments:

- Design and Access Statement
- Travel Plan
- Highways Technical Note
- Planning and Retail Statement
- Flood Impact Assessment
- Statement of Community Involvement
- Bat Survey
- Linguistic and Community Statement

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 Gwynedd Unitary Development Plan 2009:

PRECAUTIONARY APPROACH – STRATEGIC POLICY 1 - Development proposals that will have an unacceptable or uncertain impact on the environment, the society, the economy or the Welsh language or the cultural characteristics of communities in the area of the Plan will be refused unless it can be conclusively shown through an appropriate impact assessment that this can be negated or mitigated in a manner acceptable to the Planning Authority.

DESIGN STANDARD – STRATEGIC POLICY 4 - Development will be expected to be of a good design in order to ensure that it makes a positive contribution, wherever possible, to the landscape, built environment and sustainable development.

DEVELOPMENTS THAT CREATE RISK - STRATEGIC POLICY 5 - Developments that are inconsistent with the need to safeguard floodplains or to minimise flood risk and developments that create a risk of unacceptable damage to health, property or the environment, will be refused.

REDEVELOPING AND REUSING PREVIOUSLY USED LAND – STRATEGIC POLICY 6 - High priority will be given to making appropriate and suitable use of previously developed land, which is suitable for development, or buildings that are vacant or not used to their full potential. Development should make the most efficient and practicable use of land or buildings in terms of density, siting and layout. A development should make the best and most effective use of land or buildings in terms of density, location and setting.

ACCESSIBILITY - STRATEGIC POLICY 11 - Development proposals which are accessible to all through a variety of transport modes by virtue of their location, will be permitted provided the appropriate infrastructure, including highways, cycle routes and facilities and footways, is in place, or is to be provided; and provided they do not significantly harm the environment or the amenities of nearby residents.

TRANSPORT - STRATEGIC POLICY 12 - Transport schemes that form part of the strategic and integrated transport network identified in the Key Diagram, extend the choice of travel modes, facilitate access for local people and show clear benefits as regards network safety and efficiency, will be approved, provided they do not lead to an unacceptable increase in the need to travel and that they do not significantly harm the environment or the amenities of local residents.

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SERVICE CENTRES - STRATEGIC POLICY 18 - The role of the Service Centres will be maintained or improved by approving proposals for development that will encourage / facilitate a wide range of shopping, commercial, employment, transport, entertainment, leisure and culture facilities and activities in suitable locations.

POLICY A1 – ENVIRONMENTAL OR OTHER IMPACT ASSESSMENTS - Ensure that sufficient information is provided with the planning application with regard to any significant likely environmental impact or other impacts in the form of an environmental impact assessment or other impact assessments.

POLICY 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.

POLICY B12 – PROTECTING HISTORIC LANDSCAPES, PARKS AND GARDENS - Safeguard landscapes, parks and gardens of special historic interest in Wales from developments which would cause significant damage to their character, their appearance or their setting.

POLICY B20 – SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT - 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.

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 B27 – LANDSCAPING PLANS - Ensuring that permitted proposals incorporate soft/hard landscaping of high standard which is appropriate for the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

POLICY 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 conform with a series of criteria relevant to the features on the site and to the purpose of the development.

POLICY B34 – LIGHTING AND LIGHT POLLUTION - Ensure that proposals do not significantly impair the amenity of neighbouring land uses and the environment.

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.

POLICY 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.

POLICY C5 – REDEVELOPMENT SITES - Approve development proposals on sites noted on the proposals maps as redevelopment sites, provided they are consistent with the relevant development briefs and/or any masterplan approved for the site by the Local Planning Authority.

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POLICY CH22 – CYCLING NETWORK, PATHS AND RIGHTS OF WAY - All parts of the cycling network, footpaths and rights of way will be protected by encouraging proposals to incorporate them satisfactorily within the development and by refusing proposals which will prohibit plans to extend the cycling network, footpaths or rights of way. Should this not be possible, appropriate provision will have to be made to divert the route or to provide a new and acceptable route.

POLICY CH30 – ACCESS FOR ALL – Refuse proposals for residential/business/industrial 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 D27 – RETAIL SHOPS, COMPARISON AND CONVENIENCE GOODS AND A FACILITY OUTSIDE DEFINED TOWN CENTRES – Proposals will be approved for new retail shops selling comparison goods and/or a facility or extensions to existing shops on sites within or in close proximity to a Service Centre but outside defined town centres, if they comply with all the criteria relating to establishing need, the sequential test, the impact on the viability, vitality and attractiveness of the town centre, traffic and parking matters and the availability of facilities.

In addition to GUDP policies, full consideration is given to the Authority’s adopted Supplementary Planning Guidance (SPG), which are material and relevant considerations.

The following are considered to be relevant in this case:

- Development briefs
- Gwynedd Design Guidance

2.3 **National Policies:**

Planning Policy Wales (Version 8, 2016) (SPG)

Chapter 3 – determining planning decisions and enforcing them

Chapter 7 – sustaining the economy

Chapter 8 – transport

Chapter 10 – planning for retail and town centres

Chapter 13 – minimising and managing environmental risks and pollution

Technical Advice Notes (TAN)

TAN 4 - Retailing and town centres

TAN 11 - Noise

TAN 12 - Design

TAN 15 - Development and flood risk

TAN 18 - Transport

TAN 20 - Planning and the Welsh language

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3. Relevant Planning History:

3.1 There is extensive planning history related to this site and it is considered that the following are the most relevant in this case:

- Application C04D/0467/44/MG - details of a food and non-food retail development along with provisions and entrances - approved 28.09.04
- Application C03D/0674/44/LL – amend condition 12 on planning permission C12/0603/44/AM to permit a food and non-food development (Section 73 application) - approved 26.01.04
- Application C02D/0603/44/AM - construct a non-food retail shop along with car park and service yard - approved 17.04.03

4. Consultations:

Community/Town Council: No objection

Transportation Unit: No objection, it is believed that the increase would be acceptable in terms of existing roads' layout and arrangements and that there would be no detrimental impact on local traffic patterns. The parking provision complies with current parking standards. It is suggested that the existing footpath will be extended, an agreement can be reached on these details by means of a formal condition and it is suggested to include a series of standard conditions to ensure that the development is maintained and completed to a standard degree.

Natural Resources Wales: The application was originally objected to in terms of flooding matters as the Flood Impact Assessment did not include sufficient information to show how consequences of flooding could be appropriately managed. Discussions are being held regarding this matter - correspondence has been received to confirm this but no final confirmation had been received regarding the matter at the time of writing this report. On another matter, the bat survey results were received, therefore, there are no concerns in terms of matters involving bats.

Welsh Water: Standard conditions and advice regarding submitting a suitable drainage plan and connection to the public sewage system.

Public Protection Unit: Not received

Rights of Way Unit: The proposal to deviate the public footpath is not unacceptable in principle and it depends on following formal arrangements as required under relevant regulations. It is noted that the rights of way officer has directly contacted the company to discuss improvements to the local paths network to ensure that suitable links are provided which would improve existing provision.

Biodiversity Unit: It was suggested that a survey should be submitted on bats related to the building due to its close proximity to suitable habitats used by bats. Following this, a survey was received which stated that no evidence of bats was found in the building due to the fabrication of the building, it is agreed with the results of the survey and it is not believed that further inspections need to be undertaken. It is suggested to include a condition to agree on the site's lighting arrangements in order to protect nearby habitats.

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Land Drainage Unit: It is suggested to include a condition to protect a nearby water course in accordance with the requirements of the current Land Drainage Act.

Wales and West Utilities: A standard response referring to the presence of equipment in the area and for the developer to contact a company after receiving planning permission to discuss relevant matters prior to commencing the development.

Public Consultation: A notice was placed in the local press and on the site and nearby residents were informed. The advertising period has ended and correspondence was received objecting on the following grounds:

- The building's unsuitable orientation
- Lack of suitable footpath

Many items of correspondence were received which supported / provided observations on the application on the grounds of:

- Welcoming the local investment
- Creating job opportunities for local people
- Increasing variety locally
- Convenient access and location
- Acceptable design and appearance

5. Assessment of the relevant planning considerations:

5.1 The principle of the development

5.1.1 The site is located within the development boundary of the town of Porthmadog which has been defined as an urban centre within the Gwynedd Unitary Development Plan adopted in 2009. The existing site is already a developed site and includes the existing Lidl shop with ancillary resources such as a car park and access roads.

5.1.2 Relevant and required reports and assessments have been submitted to support this application. Therefore, it is believed that the requirements of policies A1 and A3 of the UDP are being addressed.

5.1.3 Use of the site has already been established for the proposed use, therefore, it is believed that the principle of the proposal is completely acceptable. The site is located within the development boundary of Porthmadog and is already a developed site, therefore, it is believed that the basic requirements of policies C1 and C3 of the UDP are being met. For clarity, the floor area of the existing shop is 1389m², the surface area of the new shop would be 2267m², namely an increase of 878m². Permission remains extant for a retail development on the site through planning permission C04D/0467/44/LL. As part of this previous application, permission was granted to construct two buildings namely the shop that can be seen on the site today and a separate shop. A condition had been imposed on this permission stating that only a food retail unit would be permitted in one unit, namely the existing shop, and a non-food retail unit in the other. Use was not restricted to a specific type of non-food use, therefore, it is believed that this shop could legally operate to sell non-food goods of any type. The size of the floor area of this entire development was 1851m². Therefore, it is recognised that there will be an increase in the floor area of the existing proposal but it is believed that there would be better control over what could be sold by ensuring appropriate and relevant conditions.

5.1.4 This site is included in the Unitary Plan as a redevelopment site; policy C5 of the UDP approves proposals on sites such as these provided that they are consistent with the Development Brief for

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the site. In this case, it is believed that the proposal is for one of the potential land uses outlined in the Development Brief, and therefore, the proposal complies with the requirements of policy C5.

5.1.5 The relevant policy to consider in the context of this application is policy D27. It refers to 'approving applications for new retail stores...on sites within or near service centres but outside defined town centres...provided that specific criteria can be met'. The criteria as referred to in this policy are specifically and particularly relevant to retail developments.

5.1.6 Bearing in mind that a retail store already exists on the site and that the intention in this case is to demolish the existing building and to reconstruct a new shop (although slightly larger in size), it is not believed that a full retail impact assessment will need to be submitted for the proposal. Nevertheless, a retail statement has been submitted which includes the details of assessments undertaken in relation to the proposal and its impact on the viability of Porthmadog town centre.

5.1.7 Justifying the proposal in terms of consistency and compliance with adopted planning policies and its impact on the vitality and viability of Porthmadog town centre and other centres are vital considerations when assessing this application.

5.1.8 Part 10 of PPW (Version 8, 2016) relates to 'Planning for Retail and Town Centres'. Paragraph 10.3.1 of PPW further states:

'When determining a planning application for retail, leisure or other uses best located in a town centre, including redevelopment, extensions or the variations of conditions, local planning authorities should take into account:

- compatibility with any community strategy or recent development plan strategy;
- need for the development/extension, unless the proposal is for a site within a defined centre or one allocated in a recent development plan;
- the sequential approach to site selection;
- impact on existing centres;
- net gains in floor space where redevelopment is involved, and whether or not it is like-for-like in terms of comparison or convenience;
- rate of take-up of allocations in any adopted development plan;
- accessibility by a variety of modes of transport;
- improvements to public transport;
- impact on overall travel patterns;
- best use of land near to any transport hub, in terms of density and mixed use.'

5.1.9 In addition to this, paragraph 10.3.4 of PPW elaborates further by stating: 'in relation to a use that is essential to town centres, developers should be able to demonstrate that all possible options in the town centre, and the options on the outskirts of the centre, have been addressed thoroughly using the sequential approach of selecting a site before considering sites outside the town centre. The developer's responsibility is to prove that more central sites have been thoroughly assessed, and in the case of an appeal Welsh Ministers will need to be convinced that the assessment in question has been undertaken. This method also makes it a requirement for local planning authorities, developers and retailers to be flexible and realistic.

5.1.10 The applicant was advised to submit evidence regarding the proposal by undertaking and following a formal sequential test. This report reiterates the relevant tests referred to in Part 10 of PPW. It is also believed that current planning policies support a positive approach to the growth and regeneration of town centres and the promotion of established centres along with their protection.

5.1.11 Consideration is given to a number of different aspects when considering an application such as this, which includes consistency with the Unitary Development Plan's strategy and the need to ensure that the proposal conforms with relevant policies and principles of the UDP.

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- 5.1.12 Consideration is given to the need for the proposed development as submitted on this particular site. In this case, discussions have been held between the developer and officers, existing retail use has been established on part of the application site and material planning history also indicates that there is an extant planning permission for a retail unit without restrictions on the application site.
- 5.1.13 Consideration is given to the proposal in terms of what is called a 'sequential approach', namely the consideration given initially to other sites within the town centre for the proposed use. Given that this site is very close to the boundary of a town centre as defined in the Unitary Development Plan (and on the outskirts of the centre as it was referred to in 10.3.4 of PPW), the only way use could be relocated to a site within the boundary is by redeveloping existing retail sites in the town centre. It is considered that this is likely to have a substantial impact on the character of the existing town and therefore, it is considered that the site that is the subject of this application would be the first choice in any sequential test as there is no other suitable site available and that this is a site 'on the outskirts of the centre' that has already been established for retail. A survey of the town centre was undertaken in order to identify whether or not suitable sites and buildings were available, and from what was seen, empty shops or sites did not offer sufficient floor space for the proposal and the potential to merge buildings in order to create units of a larger size offering a larger floor area were not seen either within the town centre or closer to the centre than this application site (which is already a site available for two retail units).
- 5.1.14 Consideration is given to the impact of the proposal on other nearby centres and in this case, it is not believed that it would have a harmful impact on the other urban or local centres as defined in the Plan's hierarchy.
- 5.1.15 Consideration must be given to the accessibility of the site in terms of travel modes, public transport and the impact on the area's general travelling patterns. In this case, it is considered that the site is totally accessible to vehicle, bus, train, bicycle users and pedestrians. Separate discussions are being held between the developer and the Rights of Way Unit to upgrade a nearby footpath while the proposal to deviate the existing footpath ensures that pedestrian access will be maintained including the existing link towards the town centre. An established public bus route runs close to the site along Penamser Road.
- 5.1.6 It should be reminded that retail use already exists on this site and that the proposal intends to demolish the existing building and reconstruct a new building with the same materials. Looking at the plans in detail, it can be seen that there is no large increase in floor area for an additional retail space as it is mainly an increase intended for ancillary use namely storage space, improving staff resources etc. It must also be borne in mind that a previous application for a separate retail unit (on part of this application site) is still 'live' and that a separate building could be constructed without further permission that would provide a retail unit without any obstruction in terms of what could be sold, which would potentially be more damaging to the town centre than what is intended in this case. As suggested in paragraph 10.3.11 of PPW, appropriate conditions could be imposed to restrict the type of goods sold, to restrict the unit's floor area (this can include no mezzanine floor) and to prevent the division of the unit in future and these would be an opportunity to protect the viability and vitality of the town centre).
- 5.1.17 The retail statement submitted with the application states that this proposal will provide a more open sale space with wider aisles and an addition to the bakery. The company's usual turnover targets are unlikely to be realised through the increase made to the new shop's floor area and therefore, they have accepted that there is a need to reduce the target in this case to assess the increase in turnover that the new shop would be likely to generate. Due to the anticipated small increase in turnover with the new shop and the lack of capacity and availability to maintain that by means of existing space in the town, it is believed that quantitative demand has been proven.
- 5.1.18 In terms of qualitative demand for the proposal, the new building would offer improvements for existing customers by providing a wider space within an environment of a better standard than what already exists. It would also provide a better resource for staff and offer better storage and

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preparation space. Therefore, based on the evidence submitted, it is believed that there is justification for this unit in this location and that it complies with the requirements of policy D27 of the UDP, that the development could be managed and that its use is suitable and appropriate by imposing a series of specific conditions in relation to the proposal.

5.1.19 In the same manner, it is believed that the proposal complies with the relevant guidelines of PPW and TAN 4: Retail and Town Centre, and that sufficient tests and evidence have been submitted in accordance with current requirements for a development of this type and size in this location.

5.1.20 Although the principle of the development has been confirmed as acceptable, this is subject to giving full consideration to all relevant planning considerations and compliance with other relevant local and national policies.

5.2 Visual amenities

5.2.1 The site is located within an established Industrial Estate which already includes a number of buildings that are substantial in size and of various height, design, finish and colour. The height of the existing building to its ridge is approximately 8m, the proposed building includes a different form to the roof from which can already be seen, namely a roof on a slope raising from its western elevation towards the east to a total height of approximately 7.4m at its highest point.

5.2.2 The floor area of the unit increases from what already exists, and therefore, the bulk of the proposed building would appear to be larger. The location of the new shop would move from its existing location in the east of the site to its western side and therefore, it is likely that it would be more prominent from some places. However, within the industrial site where there are other large buildings nearby, it is not believed that this proposal is unreasonable in terms of its size in the context of other existing buildings within this broad site. The proposed boundary treatments are standard for this type of site namely a mixture of low timber rail, a metal rail on top of a retaining wall and a metal palisade fence to protect the northern and eastern side of the site, it is believed that this is acceptable for this type of site.

5.2.3 The details submitted refer to standard finishes which are in keeping with the existing shop's finishes, therefore, it is not believed that there would be an entirely new external appearance compared with what can be seen on the site at present. Consideration is mainly given to the requirements of policies B22 and B25 of the UDP when the impact of the proposed development on the local area's visual amenities is considered. In this case, it is believed that what is proposed in terms of design, size and finish are acceptable within this site and as a result it complies with the requirements of policies B22 and B25.

5.2.4 There is an intention to impose a standard condition requesting landscaping details for the site and reaching an agreement on them. In doing so, it is believed that the requirements of policy B27 will be met.

5.2.5 The site is located within the Landscape of Special Historic Interest broad designation. Due to its location within an industrial estate and against a backdrop of similar buildings, it is not believed that the proposal is likely to affect the designation to any substantial degree and therefore, it is not believed that it is unacceptable in terms of the requirements of policy B12 of the UDP.

5.3 General and residential amenities

5.3.1 There are various uses to the nearest buildings to this site including commercial units, shops, a primary school, a leisure centre and residential houses situated further away. Use as a shop has already been established on the site - it is not believed that the new building which still has the same use, would affect the area's general amenities to an unacceptable degree.

5.3.2 There would be a distance of approximately 65m between the closest part of the new building and the nearest houses to the site namely the Awel y Grug houses. It is not believed that this proposal

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would affect the local area's general and residential amenities to a more substantial unacceptable degree than what already exists.

- 5.3.3 No condition has been added to planning permission C04D/0467/44/LL restricting the opening hours and delivery periods of the units. This current application notes that opening hours will be 07.00 - 22.00 from Monday to Saturday and 10.00 - 17.00 on Sunday. It is believed that opening hours, along with delivery periods, could be restricted by means of a condition and in doing so, it would ensure that this existing development would not affect the area's amenities to an additional degree than what currently exists and as a result, it complies with the requirements of policy B23 of the UDP.

5.4 **Transport and access matters**

- 5.4.1 The Council's Transportation Unit does not object to the proposal. Detailed reports and assessments were submitted in relation to the impact of increasing the size of the shop on the site on the local roads network. The details have been considered thoroughly by the Transportation Unit and it is deemed that the proposal complies with current requirements such as Wales parking standards in terms of the number and layout of parking spaces.

- 5.4.2 The existing network and junction is standard and sufficient to serve a shop of the proposed size and although a suggestion has been made to extend the existing footpath so that it runs along the site's western boundary, these details can be agreed upon through a formal arrangement made under the provisions of the Highways Act and by means of formal conditions.

- 5.4.3 The form and setting of the new building is level and unobstructed, the approach towards it and the entrance into it would be accessible for a wide range of users, therefore, it is believed that the proposal is acceptable in terms of access.

- 5.4.4 Resources to store bicycles are provided within the site for staff and customers, this is considered acceptable. Therefore, what is proposed here is acceptable in terms of transport and access matters and complies with the requirements of policies CH30, CH31, CH33 and CH36 of the UDP.

5.5 **Rights of Way**

- 5.5.1 This application includes a proposal to divert an existing public footpath as the existing route of the footpath would go through the new-look site. As part of the planning application, it is requested that this footpath is diverted under Section 257 of the Town and Country Planning Act 1990.

- 5.5.2 The new footpath would run with the site's northern boundary, with a minimum width of 2m and its surface finished in tarmac. For information, the Rights of Way Unit are in discussions with the agent (who is in discussions outside the planning system) to upgrade other footpaths that would lead into the new footpath in order to improve the standard of the current network.

- 5.5.3 Under the relevant arrangements, planning permission is required in the first instance before the diversion can be confirmed. It is considered that the proposal as shown on the plan seen as part of this information pack is an improvement on the current situation as there will be an evident upgrade in the standard of the new path ensuring that they are fully accessible to any prospective user.

- 5.5.4 It is considered that the proposal is acceptable, rights of way will still be offered past the site and on a path that is fully accessible to a wide range of users, it is therefore considered that the proposal complies with the requirements of policy CH22 of the UDP.

5.6 **Biodiversity matters**

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5.6.1 The existing water course runs with the site's eastern boundary, this site also includes a number of trees and bushes varying in size and species. It was noted by an officer from the Biodiversity Unit that there is a high potential that bats would use this area as a feeding and flight area. On this basis, the applicant was asked to submit a building inspection survey to discover whether or not it was used by bats.

5.6.2 The Survey received confirmed that no evidence of bats was found in the building due to its fabrication and it is not believed that further inspections in terms of this matter need to be undertaken, therefore, it is considered that the requirements of policy B20 of the UDP are met.

5.6.3 However, it is suggested that a condition should be included to agree on the site's lighting arrangements to ensure that no light on the site would affect use of the nearby area by protected species. In doing so, it is believed that it is not only possible to protect these species but also that general amenities are protected in terms of light pollution. Therefore, by agreeing on these details it is believed that the requirements of policy B34 of the UDP would be satisfied.

5.7 **Relevant planning history**

5.7.1 The planning history that has already been noted in this report refers to previous permissions granted for retail developments on this site. There is an extant planning permission for a separate retail unit within the site that has not been built, a condition was imposed on this permission to restrict use of the building for the sale of non-food goods and therefore, it is believed that this element allows a relatively open-ended use.

5.7.2 Taking this into account, it is believed that approving a food retail unit as proposed with this latest application would be less detrimental than what could be constructed without further permission. It is believed that this planning history is a material consideration when determining this application.

5.8 **Flooding Matters**

5.8.1 As noted above, concerns have been highlighted by Natural Resources Wales in terms of flooding matters. A Flood Consequence Assessment has been submitted with the application but NRW did not believe that the information was sufficient to fully assess any flooding impact on the development site and the wider area.

5.8.2 Discussions have been held and are ongoing between the applicant's engineers and NRW officers to agree on the details of the revised Flood Consequence Assessment to include measures required to protect the site and ensure that the development would not affect other sites or add to flooding concerns from the site.

5.8.3 At the time of writing this report, neither this assessment or the formal opinion of NRW had been received, but having verbally discussed the matter with relevant parties it is understood that it is possible to reach an acceptable outcome and agreement regarding the matter. After receiving this confirmation from NRW, it is believed that the development would be acceptable and satisfy the requirements of policy B29 of the UDP.

5.9 **Linguistic and Community Matters**

5.9.1 A linguistic assessment was submitted as part of this application, its content was assessed by officers of the Joint Planning Policy Unit. The Unit states that it is not believed that the nature and scale of the proposed development is likely to have an adverse impact on the Welsh language locally.

5.9.2 Indeed, they add that the latest census figures indicate that there is a reduction in the 0-19 year old population in the Porthmadog West ward and that providing job opportunities such as these would be one way of keeping this population here and maintaining the language locally.

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- 5.9.3 The job opportunities deriving from this development would be beneficial to keep the existing population in the area and in turn is likely to have a positive impact on the viability of the Welsh Language. It is not anticipated that the development would have a significant impact on inward migration to the area.
- 5.9.4 In order to protect and promote the Welsh language, it is suggested that mitigation measures are implemented as part of the application such as Welsh signage and offering opportunities to learn about the Welsh language.
- 5.9.5 Considering the above response, it is believed that the proposal is acceptable and complies with the relevant requirements of policies A1 and A3 of the UDP.

5.10 **Response to the public consultation**

- 5.10.1 Full consideration was given to the relevant planning matters raised in the observations received regarding the application and full consideration has been given to these matters in the above assessment.

6. Conclusions:

- 6.1 It can be seen from this report that a number of material considerations are relevant in the determination of a planning application. Local and national adopted policies and guidelines clearly state that there is a presumption in favour of approving such an application subject to satisfying specific criteria relating to these policies if there are no strong reasons for refusing it and that it should not be refused if it can be managed in an acceptable manner by imposing specific conditions.
- 6.2 Consideration is given to the effect of the proposed development on the town centre as a whole, and in this case, consideration is based on the information and evidence submitted along with the thorough assessment, that the proposal is acceptable and therefore complies with the requirements of relevant policies.
- 6.3 Retail use already exists on the site and the principle of developing the site for a further retail development has already been accepted and approved through a formal planning application. The application in question is still 'live' and should it be approved it could provide a retail unit without any obstruction in terms of sale within the site. Although the development that is the subject of this application would not be smaller in terms of the floor area created compared with the existing shop and unit that could be constructed, there would be control over what would be sold there through formal conditions. Therefore, it is believed that what is proposed in this case is likely to be less detrimental to the town centre compared with the use that could be operated from the site should the previous permission be fully implemented.
- 6.4 Having considered the above, and having given full consideration to all the relevant planning matters, and specifically to the matter of fallback i.e. what the developer could develop within the site as a result of an earlier extant planning permission, this application is considered acceptable based on what could be managed through conditions in terms of sale and use.
- 6.5 In addition, it is believed that this development would benefit the local area by offering new job opportunities and providing a new high quality building and that general appearances surrounding the site would be improved.
- 6.6 Therefore, in conclusion, full consideration was given to all relevant planning matters including local and national policies and guidance, as well as the observations received and in doing so, it is believed that this proposal is acceptable and satisfies the requirements of the relevant policies as noted above.

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7. Recommendation:

- 7.1 To delegate powers to the Senior Planning Manager to approve the application subject to the receipt of confirmation from NRW that it is possible to manage flood prevention measures to an acceptable degree.

To approve – with conditions

1. Time
2. Comply with plans
3. Landscaping
4. Lighting plan to be agreed
5. Restrict use/type of goods/time/delivery of goods
6. Highways
7. Welsh Water
8. Restrict additional floors
9. Limit to one retail unit only which is not to be divided in future
10. Materials to be agreed
11. Demolition period/method
12. Working hours during the construction period
13. Relevant conditions relating to flood management/prevention
14. Public footpath conditions