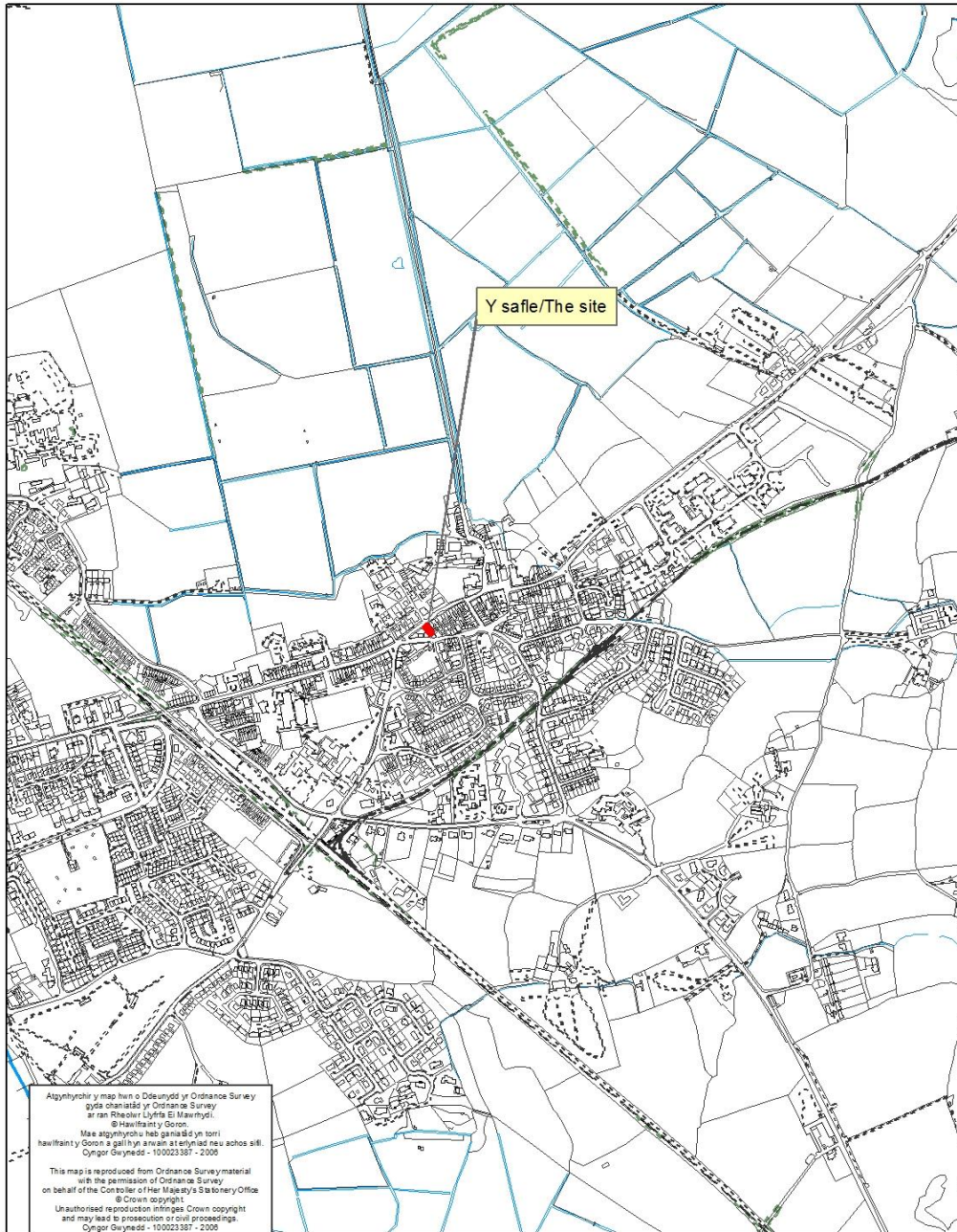


Number: 4



Rhif y Cais / Application Number : C16-0265-09-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: C16/0265/09/LL  
Date Registered: 24/03/2016  
Application Type:: Full - Planning  
Community: Tywyn  
Ward: Tywyn

Proposal: CHANGE OF USE FROM SHOP (A1) TO FOOD AND DRINK (A3) TOGETHER WITH EXTENSION TO EXTRACTION UNIT AND ALTERATIONS TO REAR OF PROPERTY  
Location: 14 COLLEGE GREEN, TYWYN, GWYNEDD, LL36 9BS

**Summary of the Recommendation:** TO DELEGATE POWERS TO APPROVE

**1. Description:**

- 1.1 This is a full application to change the use of a shop (which falls within class A1 under Use Classes Order 1987 (as amended)) to use within class A3 in order to sell food and drink. Information submitted with the application indicates that a restaurant will be provided, but it is also intended to sell hot takeaway food. The proposal involves external alterations to include an extension measuring approximately 4.2 metres in length, 2.1 metres in width, and 2.6 metres high to provide customer toilets. It is intended to install an extraction unit on the building's rear elevation, and new shop frontage on the front elevation. Information submitted with the application indicates that the restaurant would provide room for 40 customers to sit, and that this would be the core of the business.
- 1.2 The site is located within the development boundary of the town of Tywyn, and is within an area designated as a 'town centre' in the Gwynedd Unitary Development Plan 2009, and Tywyn's defined town centre area extends to over 800 metres long. This part of the town has a mixture of uses which includes residential housing, shops, eateries (including hot food takeaway businesses and restaurants), pubs and other businesses. Therefore, the area can be lively during the day and night.
- 1.3 The property's front elevation faces College Green which is one of the main town centre streets and is also a class 1 road. There are public parking spaces on the road immediately in front of the property, and public transport i.e. buses and trains are available locally. The application is submitted to the committee after receiving objections.

**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 (GUDP) :**  
  
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.

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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 B24 – ADAPTING AND EXTENDING BUILDINGS WITHIN DEVELOPMENT BOUNDARIES, RURAL VILLAGES AND THE COUNTRYSIDE - Ensure that proposals for adaptations or extensions to buildings conform to a series of criteria aimed at protecting the character and amenity value of the local area.

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

POLICY B26 – SHOP FRONTS AND COMMERCIAL UNITS IN TOWN CENTRES - Ensure that proposals that are approved respect the scale, size, materials and architectural style of the building and the local vicinity.

POLICY D24 - CHANGE OF USE OF GROUND FLOOR UNITS WITHIN THE FOLLOWING DEFINED TOWN CENTRES - BARMOUTH, BETHESDA, BLAENAU FFESTINIOG, CRICIETH, LLANBERIS, NEFYN, PENRHYNDEUDRAETH, PENYGROES AND TYWYN TO NON-RETAIL USES - Proposals to change the use of ground level shop units within the defined centres of Blaenau Ffestiniog and Local Centres to other uses (with the exception of hot take away food) will be approved if they can conform to criteria regarding the centre's retail function, the length of time for which the unit has been empty and for sale, its contribution towards the attractiveness, viability and vitality of the town centre and its relationship with adjacent businesses and the local area.

POLICY D25 - HOT FOOD TAKE-AWAY DEVELOPMENTS - Hot food take-away developments will be refused unless criteria relating to the impact on adjacent land uses and that it will not lead to a concentration of this type of development in one specific areas can be met.

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 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.

### 2.3 National Policies:

Planning Policy Wales (Edition 8) (January 2016)

Technical Advice Note 4: Retailing and Town Centres

Technical Advice Note 11: Noise

Technical Advice Note 12: Design

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### 3. Relevant Planning History:

No relevant planning history

### 4. Consultations:

Town Council: No objection - subject to the installation of an adequate extraction system to eradicate food odours. The Council noted concerns from nearby residents regarding a loss of retail property (A1) to eateries (A3) and an overprovision of hot food takeaway businesses.

Transportation Unit: It is assumed that the proposed development would not have a detrimental impact on any road or proposed road.

Natural Resources Wales: No observations.

Welsh Water: Standard conditions regarding drainage.

Public Protection Unit: Not received

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

- An overprovision of businesses providing food and drink in the town and especially in this area of the town;
- There is no local need for a business providing food and drink;
- There was not enough local publicity for the application

As well as the objections noted above, objections were received which were not valid planning objections which included:

- More competition for existing businesses locally
- Not enough population or market locally for another food and drink business;

### 5. Assessment of the relevant planning considerations:

#### The principle of the development

5.1 Policy D24 states that applications will be approved if they can conform to the criteria regarding the centre's retail function, the length of time for which the unit has been empty and has been for sale, its contribution towards the attractiveness, viability and vitality of the town centre and its relationship with nearby businesses and the local area. Although a relatively high concentration of class A3 uses (according to the Use Classification Order 1987) already exists in this area of the town, it is not

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considered that the addition of one A3 use unit would undermine the town's role as a retail centre. In addition, it is considered that the majority of shops in the town of Tywyn are located on the High Street, and this site is located outside that area; the town centre area of Tywyn as defined in the GUDP (which is over 800 metres long) is very large. Therefore, it is considered that the proposal complies with the first criterion of this policy. Criterion 2 notes that evidence should be submitted that the unit has been empty and has been unsuccessfully marketed. The applicant's agent confirms that the property was originally marketed in January 2015 at a price of £70,000, offers of £60,000 and £53,000 were received but they were withdrawn due to the poor condition of the property and the need to spend a significant amount of money before progressing with any use. In October 2015, the applicant completed a sale at a price of £50,000. The low asking price is a reflection of its poor condition and the lack of demand for the unit as a retail unit within the town. The building was previously used as an animal charity shop, and it has been given to understand that it was not open regularly. Unfortunately, there are several empty shops in the town. Although the property has not been marketed for a long period of time and therefore the application does not fully comply with this criterion, its poor condition must be borne in mind as well as the possibility that the property, which is already in bad condition, could be empty for an extended period of time and the negative impact that this could have on the street's appearance and character.

- 5.2 Criterion 3 of policy D24 notes that the use should make a positive contribution to the attractiveness, viability and vitality of the town centre. As already noted, at present the property is in poor condition and its condition does not make a positive contribution to the townscape. The applicant's intention to install new shop frontage of an acceptable design and to improve its condition is welcomed, the intention will not lead to the creation of dead frontage and it is believed that the proposal could lead to this acknowledging the role that such a use could have (if managed properly) while being a valuable asset to the town centre, especially for local people, tourists and the centre's economy. As already noted, there are several similar uses near the site and it is considered that the intended use is in-keeping with these uses. Although the proposal does not meet all the criteria in this policy in their entirety, appeal decisions by Planning Inspectors in recent years in other towns in Gwynedd must be borne in mind, which indicate that it is important to be flexible when considering the specific criteria of the policy in question when considering the suitability of such proposals.
- 5.3 Despite that, the main purpose of the policies relevant to this application is essentially to maintain the attractiveness of existing town centres, and the criteria of this policy requests that it is ensured that shopping is the main use and to assess the impact of the proposed development on the character of the shopping area. These matters are reiterated in Technical Advice Note 4: Retail and Town Centres which states that retail should continue to be the foundation of town centres but that this is only one of the factors which contributes to their interests; and that encouragement should be given to a variety of uses in order to promote lively centres as well as to reduce the need to have to travel to visit a variety of facilities. The TAN refers to restaurants as a type of development which could contribute to the vitality of town centres such as this one; but it also states that change of use can sometimes create new concentrations of single purposes where the accumulative effects can cause local problems.
- 5.4 In this case, the unit which is the subject of the application is relatively small, and it is only the ground floor which is the subject of the application for A3 use as a restaurant. It is not considered that the proposal will be of a scale which is likely to cause an additional detrimental impact on the amenities of the area or any local residents, nor is it located in an area which would add to or create an unacceptable

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concentration of this type of development. In addition, approved change of use from A3 to A1 is possible under permitted development rights, and therefore the potential for the unit to be of A1 use in future remains. Therefore, it is considered that the proposal is suitable in this case and that it complies with the principle of policy D24 and TAN 4.

- 5.5 Policy D25 of the GUDP explains the policy context for proposals relating to hot food takeaway businesses. Although the information submitted with the application notes that the main use would be as a restaurant, the business would offer hot food takeaway provision also. Specifically, it states that these proposals will be refused if the following criteria cannot be met: 1. That the use is in line with nearby land uses; 2. The development will not create excessive noise, odours or litter in a way which will unacceptably impact the area's character; and 3. The development will not lead to a concentration of this type of development in one specific area.
- 5.6 There is a variety of commercial uses along College Green street, including restaurants, shops, fast food properties and pubs, and it is considered that this use corresponds with these uses and therefore complies with the first criterion of this policy. Given similar class A3 uses nearby, it is not considered that it would lead to an unacceptable additional impact in terms of noise, odour or litter. No details were received regarding the extraction system which will be located to the rear of the property, however it is considered that a standard condition for this type of thing could be imposed on any permission, namely that the details of the extraction unit should be agreed upon and implemented prior to the commencement of the use. It is not considered that the use would lead to an excessive concentration of uses of this type within this area of the town. As already noted, the main use of the site would be as a restaurant and the hot food takeaway business would only be a small part of it. To that end, it is considered that the proposal complies with the criteria included in policy D25 of the GUDP.
- 5.7 Based on the above, it is considered that the proposal is acceptable in principle.

### **Visual amenities**

- 5.8 Policies B22, B24, B25 and B26 of the GUDP involve the provision of suitable designs and finishes for developments and alterations, to ensure that they do not have a detrimental impact on the amenities and character of the buildings and areas in which they are located. As is noted in the description of the application, there is an intention to provide a small single-storey extension for the provision of customer toilets. The site of this extension is relatively hidden and given its design, its size and its location at the rear of the building between several buildings, there will be no impact on the area's visual amenities. In addition, there is a proposal to provide an extraction unit at the rear of the building, and details of its size have been noted on the submitted plans. It is noted that several extraction units have been located on the rear of nearby buildings and it is not considered that an additional unit would have an additional detrimental impact on the area's amenities.
- 5.8 At present, the building has modern shop frontage and there is an intention to install a new modern shop front, it is not considered that the existing shop front is of specific historical interest and this site is not located within a conservation area. Although the new shop front is also modern, it is not considered that this change is acceptable in scale, size or design. It is considered that it is reasonable to impose a condition on any planning permission which will note that the finishes of the improvements need to correspond with the existing building in terms of colour and texture.

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- 5.9 It is therefore not considered that the alterations and improvements proposed in the application will have a detrimental impact and that they comply with policies B22, B24, B25 and B25 of the GUDP.

### **General and residential amenities**

- 5.10 Policy B23 of the GUDP relates to safeguarding the amenities of the local neighbourhood.
- 5.11 It is considered that the proposal would not be of a scale which is likely to cause a detrimental impact on the area's amenities or any local residents, nor is it located in an area which would add to or create an unacceptable concentration of this type of use; which would cause a detrimental impact on the area. It should also be noted that an increase of one business in an area which already has similar businesses is not likely to lead to an unacceptable increase in terms of the impact on residential amenities. Opening times have not been noted on the application form, however as there are residential houses nearby and in order to ensure that there is no impact on the amenities of nearby residents, it is believed that it is reasonable to impose a condition limiting hours.
- 5.12 No details regarding the extraction system which will be located at the rear of the building have been received, however it is considered that a condition can be imposed on any permission stipulating that the details of the extraction unit must be agreed and implemented prior to the commencement of the use. This is in line with the Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management. No observations were received from the Public Protection Service when preparing this report.
- 5.13 It is not considered that the small single-storey extension at the rear of the building would have a detrimental impact on the amenities of residents of nearby properties. Based on the above, it is therefore considered that the proposal complies with all the requirements of policy B23 of the GUDP.

### **Transport and access matters**

- 5.14 Due to the central location of this building, its proximity to public transport links and public car parks, the transportation unit did not consider the proposal unacceptable in terms of its impact on the local roads network. Therefore, it is considered that the proposal is acceptable in terms of Policy CH33 of the GUDP.
- 5.15 The proposal involves the provision of a single-storey rear extension for a disabled toilet, as well as new shop frontage which will include a level entrance which will be suitable for wheelchair users. Therefore, it is considered that the proposal complies with the objectives of Policy CH30 of the GUDP.

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## Response to the public consultation

5.16 Matters relating to competition between businesses are not a material planning consideration, and consideration has already been given in this report to matters relating to an overprovision of restaurants in Tywyn. An observation was also received which noted that there had been no publicity for the application locally, it is confirmed that an advertisement had been placed on a lamppost near the site and that neighbours had been notified of the proposal. This is considered adequate and in line with the relevant guidelines relating to publicity of planning applications.

### 6. Conclusions:

6.1 Although the proposal does not fully comply with the second criterion of policy D24 of the GUDP as the property has not been empty or marketed for an extended period (although there is no reference to a specific period of time within this policy) it is assumed that other factors such as the vitality of the town, the fact that the site is not within the town's main shopping area, and the improvements to the building's appearance which are offered outweigh any possible impact on the retailing role of the town. Following consideration of other relevant factors including local and national policies and guidelines and observations received from objectors, it is considered that this application to change the use of the ground floor of the building to a restaurant is acceptable and that it complies with the relevant policies and guidelines.

### 7. Recommendation:

7.1 To delegate powers to the Senior Planning, Environment and Public Protection Service Manager to approve the application, subject to the receipt of favourable observations from the Public Protection Service and the following conditions:-

1. The development to commence within 5 years of the date of the permission;
2. In line with the submitted plans;
3. Submit the details of the extraction unit to receive written approval before commencing the use, the agreed extraction system must be operational before commencing the use;
4. Finishes to correspond with the existing building;
5. The site will not be open to customers beyond the hours of 9:00 and 23:00 on any specific day;
6. No additional surface water to be disposed of into the public sewer;
7. Any relevant planning condition recommended by the Public Protection Unit;