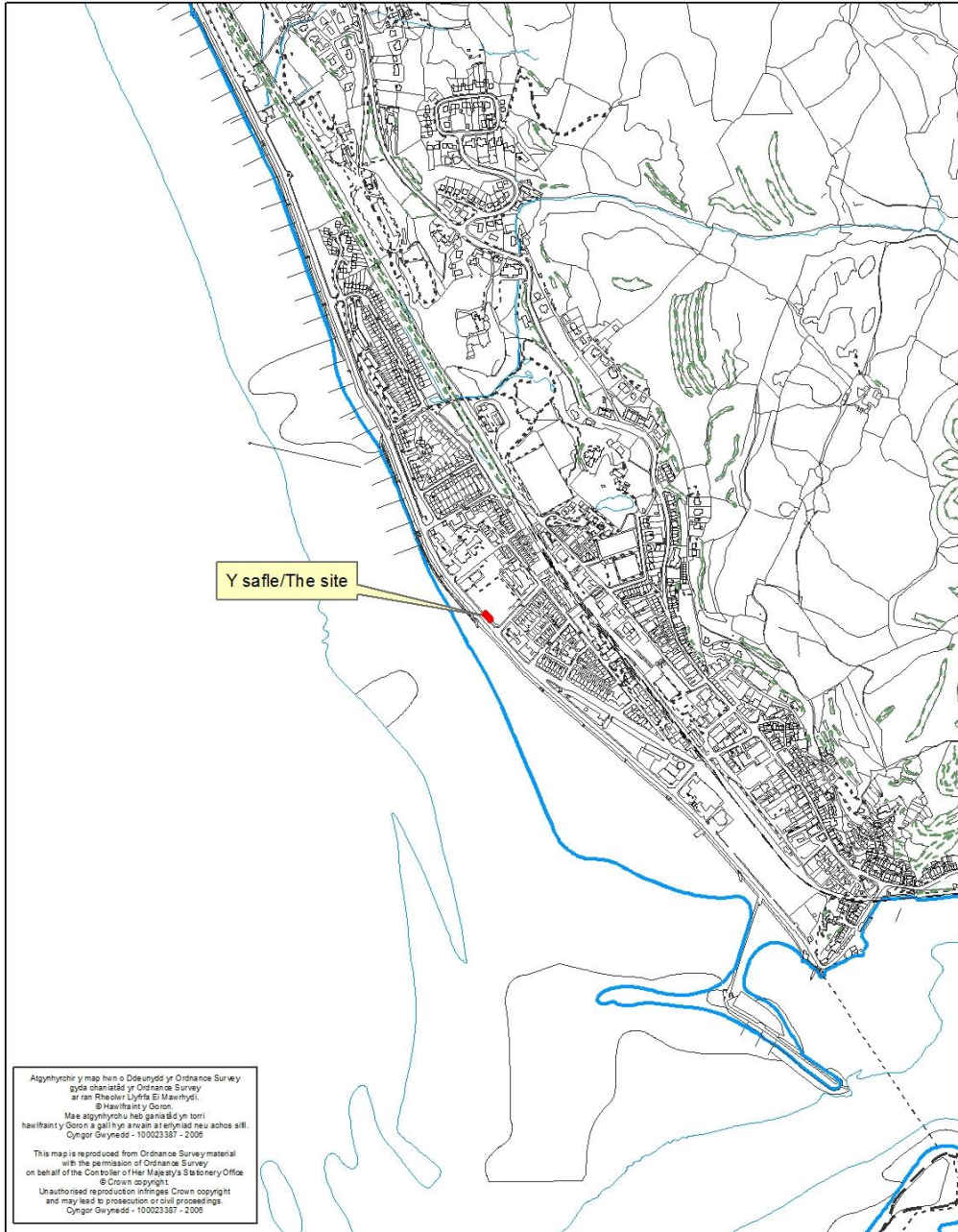


Number : 8



Rhif y Cais / Application Number : C16/0848/00/LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.  
Location Plan for identification purposes only. Not to scale.



PLANNING COMMITTEE	DATE: 26/09/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT MANAGER	PWLLHELI

Application Number: C16/0848/00/LL  
Date Registered: 25/07/2016  
Application Type : Full - Planning  
Community: Barmouth  
Ward: Barmouth

Proposal: APPLICATION TO CONVERT UNUSED PUBLIC CONVENIENCES INTO A DWELLING HOUSE, TO INCLUDE RAISING THE HEIGHT OF THE EXISTING ROOF AND EXTERNAL ALTERATIONS.

Location: BARMOUTH TOILETS, MARINE PARADE, BARMOUTH, GWYNEDD, LL42 1NE

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

**1. Description:**

- 1.1 This application is to convert former unused public conveniences into a dwelling house, to include raising the height of the existing roof and external alterations. The site is located in the centre of the coastal town of Barmouth, east of the site is a primary school (Ysgol y Traeth) and the school's playing field is at the rear and northern boundary of the application site. West of the site is a pavement and an unclassified county highway, and across that road is the promenade and the beach. This building was previously used as public toilets prior to their closure in 1997 and they were sold by the Council in July 2015. There is a mixture of land use locally which comprises residential dwellings, hotels and a primary school.
- 1.2 The intention is to create a living unit within the size of the existing building and this will allow the building to be used. The building will be finished in a mixture of timber, render and steel for the walls as well as a steel roof. It is proposed to create new openings at the front of the building and install roof-lights, the existing windows in the rear elevation of the building would be closed off. It is proposed to provide a site for waste and recycling bins north of the site.
- 1.3 This site is located within the development boundary for the town of Barmouth in the Unitary Development Plan and is within a Landscape of Historic Interest. The site lies within a C1 flood zone as defined in the Development Advice Maps which are included in Technical Advice Note 15: Development and Flood Risk. A Flooding Consequences Assessment was submitted with the application as well as a Design and Access Statement. This application is submitted before the Planning Committee as three or more objections to the development have been presented which are contrary to the recommendation.

**2. Relevant Policies:**

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and

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the “sustainable development principle”, as set out in the 2015 Act; in making the recommendation the Council has sought to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact to achieve the well-being objectives as a result of the proposed recommendation.

### 2.3 **Gwynedd Unitary Development Plan 2009:**

#### POLICY B12 - PROTECTING HISTORIC LANDSCAPES, PARKS AND GARDENS

Safeguard landscapes, parks and gardens of special historical 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 that are likely to cause unacceptable disturbance or harm to protected species and their habitats unless they can 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 safeguarding 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 protecting 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 B29 – DEVELOPMENTS ON LAND AT RISK FROM FLOODING

Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A unless they can conform to a series of criteria relevant to the features of the site and to the purpose of the development.

#### POLICY C1 – LOCATING NEW DEVELOPMENT

Land within the development boundaries of towns and villages 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 C4 – ADAPTING BUILDINGS FOR RE-USE

Proposals to adapt buildings for re-use rather than demolition will be approved provided they can conform to specific criteria relating to the suitability of the building, visual considerations, design and the impact on the vitality of neighbouring towns and villages.

#### POLICY C7 – BUILDING IN A SUSTAINABLE MANNER

Proposals for new developments or for the adaptation and change of use of land or buildings will be refused where consideration has not been given to specific environmental matters. Proposals must conform to specific criteria relating to building in a sustainable manner, unless it can be demonstrated that it is impractical to do so.

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**POLICY CH11 – CONVERSION OF BUILDINGS WITHIN THE DEVELOPMENT BOUNDARIES OF LOCAL CENTRES AND VILLAGES FOR RESIDENTIAL USE**

Proposals to convert buildings for residential use within the development boundaries of villages and local centres will be approved provided they can conform to criteria relating to local need, impact on holiday accommodation and community services and occupancy of the dwelling.

**POLICY CH33 – SAFETY ON ROADS AND STREETS**

Development proposals will be approved provided they can 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, extensions to existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council’s current parking 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 CH38 – SAFEGUARDING EXISTING FACILITIES**

Proposals to change the use of buildings used to provide educational, health and community facilities will be refused unless they conform to a series of specific criteria related to the need within the community for the existing service, availability of similar facilities within reasonable distance, the viability of the existing service and also considerations related to the environment and amenities.

**2.4 National Policies:**

Planning Policy Wales - (Edition 8, January 2016)

Technical Advice Note 5: Nature Conservation and Planning (2009)

Technical Advice Note 12: Design (2009)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 18: Transport (2007)

**3. Relevant Planning History:**

3.1 C15/0779/00/LL – Application to extend (including creating a first floor) and convert public conveniences into a dwelling - Application withdrawn on 25 August 2015

**4. Consultations:**

Community/Town Council: Barmouth Town Council has discussed this application in full, the Council understands that there have been expressions of concern and they understand the grounds of the concerns raised. However, they have no grounds to oppose this application.

Transportation Unit: I refer to the above application and wish to state that I do not intend to submit a recommendation as it is assumed that the proposed development would not have a detrimental impact on any road or proposed road.

The location sides with the promenade, where it is possible

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to park and pay, and is close to other streets where there are no parking restrictions.

In addition, the site is within walking distance to a number of local facilities and to other methods of travel by public transport.

Natural Resources Wales: Note the contents of the Flood Consequence Assessment that was submitted with the application. If the Council wish to approve the application, they wish to impose a condition on the approval stating that the level of the finished floor of the development should not be lower than 6.53AOD in order to protect the development from flooding.

Welsh Water: Standard conditions regarding surface water drainage.

Biodiversity: This building is over the road to the beach in a very open location without any ecological links. It is highly unlikely that bats would use the building and I have no concerns regarding the application.

Public Protection Unit: No response

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

- Raise concerns regarding the safety of the children who use the school playing field at the rear of the site as a result of the residential use.
- Lack of parking area on the site;
- Lack of amenity land on the site;
- The residential unit would very small in size;
- Existing building in a poor condition;
- The design of the development is not in keeping with nearby buildings;
- Such a site should be protected from further development;
- Threat of floods;
- Concern regarding the standard of the materials and suitability bearing in mind that they may cause harm to children on the nearby playing field.
- The unit should be restricted to an affordable unit for local need;
- The height of the building will have an impact on local amenities;
- Lack of consultation regarding the application;
- The roof of the building will cause glinting;
- This would set a precedent for other developments on sites near playing fields;

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

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included:

- That some parents of the children had tried to buy the building as a resource for the community/school, why was this not allowed;
- The building may be used as a holiday let;
- Reference to a 'grassed area' on the plans is misleading as the nearby site is a playing field for children;
- Concerns regarding the maintenance of the building following its completion considering that it abuts the playing field;
- That there are restrictive covenants on the property;
- The toilets should have remained open;
- The possible residents of the property will complain regarding noise and disturbance from the children playing on the nearby playing field;

Correspondence had been received supporting the application on the following grounds:

- Sensible design;
- An improvement to the condition of the existing buildings;
- Do not understand why there are concerns regarding child safety as residential dwellings and public places already surround the playing field.
- Make good use of an existing building;

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

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

5.1 In this case, the proposal entails the conversion and adaptation of an existing building into a dwelling and is situated within the development boundary of the town of Barmouth in the Gwynedd Unitary Development Plan, the site is identified as a local centre in the plan. Similarly, Policy C1 of the GUDP states that the main focus for new developments will be on sites within development boundaries and it is considered that the proposal complies with this policy.

5.2 Policy CH11 of the GUDP specifically relates to proposals to convert buildings within the development boundaries for residential use. The criteria within that policy are considered in turn as follows:

1. Criterion 1 relates to having a proportion of all units on the site as affordable units, unless it would be inappropriate to provide affordable housing on the site. In terms of this policy, it is not considered that it would be reasonable to request an application for one property to be affordable as the criterion talks about 'a portion of the units on each site' therefore referring to more than one unit. In addition, the floor area is approximately 55m<sup>2</sup> which means that the unit is likely to be affordable also because of its size.
2. There would be no serviced holiday accommodation loss.

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3. In the past, the building was used as public toilets and this type of use could be considered as a public resource. Despite that, the toilets have been closed by the Council for 19 years, before the applicant purchased the building in 2015. Having considered this it is not deemed reasonable for the applicant to market the property for 12 months as it was the Council who ended this use. As well as this, other public toilets are provided in the train station which is within 400 metres to this site.
- 5.3 Therefore, in principle the plan conforms to the requirements of policy CH11 in the GUDP.
- 5.4 Policy C4 supports adapting buildings for reuse. In urban areas a development is required to be suitable for the proposed use, that the design respects the structure, form and character of the original building and that no associated external works will cause significant harm to the area's visual quality. As already noted, work on the conversion has already commenced and the walls of the building in question have already been finished with a smooth render, looking at photographs of the building prior to conversion its finish was of natural stone and wood. The building is not listed and is not within a designated Conservation Area. Prior to the rendering work the building was not considered to have a significant character and it is evident that a great deal of changes have been made to it over the years that have lead to a loss of character. These matters will be discussed in greater detail below and having given them full consideration it is deemed that the application meets with the requirements of Policy C4 in the GUDP.
- 5.5 Policy CH38 of the GUDP states that development will not be permitted if it leads to the loss of local facilities and if specific criteria cannot be complied with. Criterion 1 states that firm evidence is required that indicates there is no demand for the facility in question, as noted above the toilets have been closed since 1997. Other public toilets are available within 400 metres of the existing site and therefore it is considered that the site is within a reasonable distance to other public conveniences and therefore the proposal complies with the second criterion of this policy. Criterion 3 deals with the viability of the existing facilities, this criterion is not considered to be relevant for the development in question and since it used to be public conveniences that have been closed for several years. It considered that the proposal would not cause significant harm to the environment and therefore the proposal complies with criterion 4 of this policy. It is therefore considered that the proposal generally complies with all the criteria included in policy CH38 of the GUDP.
- 5.6 Therefore the proposal is acceptable in terms of the principle.

### **Visual amenities**

- 5.7 Policies B22 and B25 of the GUDP are relevant to this application and relate to the design, finish, elevations and visual amenities.
- 5.8 The building currently on the site is not attractive and can be considered an eyesore on a site that is fairly prominent on the town's promenade. The design and proposed changes to the building despite being modern in nature offer a significant improvement to the current situation. The proposal to increase the height of the roof to approximately 1 metre higher than the existing, the existing building stands alone and detached from any other buildings and it is considered that it will not have an unacceptable impact on the area's visual amenities. Objections were received stating that the changes are incongruous with other buildings in the area, it is considered that

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the finishes are a mixture of steel, wood and render that will be in keeping with the area. There is a mixture of finishes to buildings locally and it is not considered that they will have a detrimental impact on the character of the area. The building is not listed and is not within a Conservation Area. Indeed restoration and re-use offers an opportunity to tidy up and prevent the building from deteriorating further and by so doing the quality and condition of the site and the surrounding area could be improved and protected. This site is located in an urban setting and means adapting the existing building and therefore it is not considered that there will be any additional impact on the Mawddach Exceptional Landscape of Historic Interest. It is considered that it is reasonable to remove some permissive development rights in order to ensure that the development cannot be changed in a way that may be harmful to the area's visual amenities. Consequently, it is considered that the proposal is in accordance with policies B12, B22 and B25.

### **General and residential amenities**

- 5.9 Policy B23 states that consideration needs to be given to the effect of the proposal on nearby residential amenities. As already noted the site stands detached, and of a sufficient distance from any other residential properties. This will ensure that the building will not have an impact on the privacy of nearby residential property. Concerns have been raised by objectors to the proposal regarding the impact of the development on child safety on the school's playing field that borders the site at the back. As part of the development, the windows at the rear of the building will be closed, there is one window in the northern elevation of the development, however, there is no concern regarding this window as it is narrow and looks over the promenade in a northern direction rather than the playing field. Therefore it is considered that there will be no problems with overlooking and child safety as a result of the development, consideration has to be given that a number of nearby residential properties such as the terraces housing on Princess Avenue to the south and Min y Môr Hotel to the north overlook this playing field as well as public pavements that border the site to the west and south. It is considered that ensuring the safety of users of the playing field in question is a matter for the police. Therefore it is not considered that there will be problems with overlooking and child safety as a result of the development.
- 5.10 Concerns have been raised regarding child safety during the construction period and how safe will the building be following its completion. It is considered that these are matters that would be controlled under the existing Building Regulations a Health and Safety rather than the planning system. Concerns arise as well regarding possible complaints from the residents of the development regarding the possible noise and disturbance from the playing field bearing in mind that the applicant is aware that a playing field currently exists at the back of the site and any future residents would also be aware of this. This would also be a matter for the Public Protection Service to consider in terms of statutory nuisance, no response was received from that department to the application. A comment was also received that there was insufficient amenity land with the development, whilst noting that the site is restricted, however the site is close by to such an area. In addition, it is considered that the steel finish of the development's roof would not lead to glint problems locally as it is a metal development with a curved roof. It is considered that the proposal would not cause unacceptable harm to the amenities of the residents of nearby houses or the local neighbourhood and the proposal is therefore considered acceptable in respect of Policy B23 of the GUDP.



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### **Transport and access matters**

- 5.11 An objection to the development was received as there is no parking area provided within the development. In response to consultation the Transportation Unit states that they have no recommendation for the application, further they consider the site to be convenient in the centre of the town of Barmouth and within an easy distance to walk or cycle to the required facilities with public parking on nearby streets. It is accepted that this site is accessible and there is no need to provide specific parking. In addition, as this is only an addition of one small residential unit it is not considered that this will lead to a significant increase in traffic flow and consequently it is considered reasonable.
- 5.11 Without a parking provision there will be no addition in danger on the highway and therefore it is considered that the development would be in keeping with the aims of policies CH33 and CH36 that deal with road safety and parking.

### **Biodiversity matters**

- 5.12 No report has been provided for protected species, the response of the Biodiversity Officer states that the location of the building is close to the beach and in a very open location in an urban site which means that it is very unlikely that bats are present in the building. Consequently, the biodiversity officer has no concerns regarding the application. A response on the application was received from Natural Resources Wales and no biodiversity concerns were raised as a result. As a result it is not considered that the proposal will lead to a detrimental impact on protected species and therefore the proposal is in compliance with policy B20 of the GUDP and TAN 5: Planning and Nature Conservation.

### **Flooding matters**

- 5.13 The site lies within a C1 flood zone as defined in the Development Advice Maps which are included in Technical Advice Note 15: Development and Flood Risk. A Flooding Consequences Assessment by Civil Engineering Solutions (dated February 2016) was submitted with the application. The recommendations of that assessment note that the finished floor levels of the development should be at least 6.53 AOD and this is incorporated in the plans submitted as the level of the development's finished floor is 7.13 AOD. The response of Natural Resources Wales to the report notes that they agree with the contents of the assessment submitted and the condition regarding the finished floor levels should be included in any consent in order to protect the residents of the finished development from flooding. It is considered that such a condition is reasonable to be imposed on any permission and this would mean that the proposal would conform to policy B29 of the GUDP and TAN 15 above.

### **Building sustainably**

- 5.14 Policy C7 of the GUDP outlines a number of sustainable design principles that need to be considered and is relevant to new developments, adaptations, extensions and the change of use of existing buildings. This development makes use of an existing building by adapting it to be used as a residential unit. The Design and Access Statement also notes that it is proposed to use sustainable techniques and materials for the development in the hope of getting a finished development that is higher than the current Building Control levels. In addition, the site is in the centre of town and close to services and public transport which means that its location is also sustainable. It is therefore considered that the development in question meets with a number of criteria

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included in policy C7 of the GUDP and the relevant clauses of Planning Policy Wales.

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

- 5.15 A number of letters state that a strict covenant exists on the property. Confirmation has been received from the Property Unit that such covenants do exist on the property. The existence of the covenant in itself does not prevent the Committee from approving the application as this covenant is not a material planning consideration. An advisory note could be included on any permission, referring to the covenant and the implications in terms of the breach of the law as a result of failing to comply with the covenant. There is also concern that approving this application would create a precedent for similar developments which would have a harmful impact on the area. However, it is essential that every case is assessed according to its merit and there are no concerns to this end.
- 5.16 Concern was also expressed that the application had not been advertised sufficiently and the applicant had not tried to consult with local people. There is no necessity for the applicant to consult with local residents prior to the submission of an application and in addition it is considered that posting a notice on the site and consulting with local residents and the objectors of the previous application is sufficient. It is considered that this goes further than noted in Circular 32/92: Publicity to Planning Applications and therefore these concerns are not considered valid.
- 5.17 Concern has been expressed that the finished unit may be used as a holiday unit. The Local Planning Authority does not have control over how the residential units are used and using the residential unit for holiday use would not be contrary to the relevant policies.

### **6. Conclusions:**

- 6.1 Based on the above assessment, and having considered the relevant planning matters, it is not considered that the proposal is contrary to local and national planning policies and guidelines referred to in this report, nor are there any material planning considerations that state otherwise. Based on the above, it is considered that the proposal is acceptable subject to relevant planning conditions.

### **7. Recommendation:**

- 7.1 To approve – conditions:
- 1 Commence the development within five years of permission date;
  - 2 In accordance with submitted plans;
  - 3 Materials to be agreed in writing prior to the commencement of the development;
  - 4 Level of the development's finished floor to be no lower than 6.53 AOD,
  - 5 No windows on the back/western elevation of the building and none to be installed in this elevation in the future;
  - 6 No net increase in surface water to be disposed of into the public sewer;
  - 7 Removal of permitted development rights.