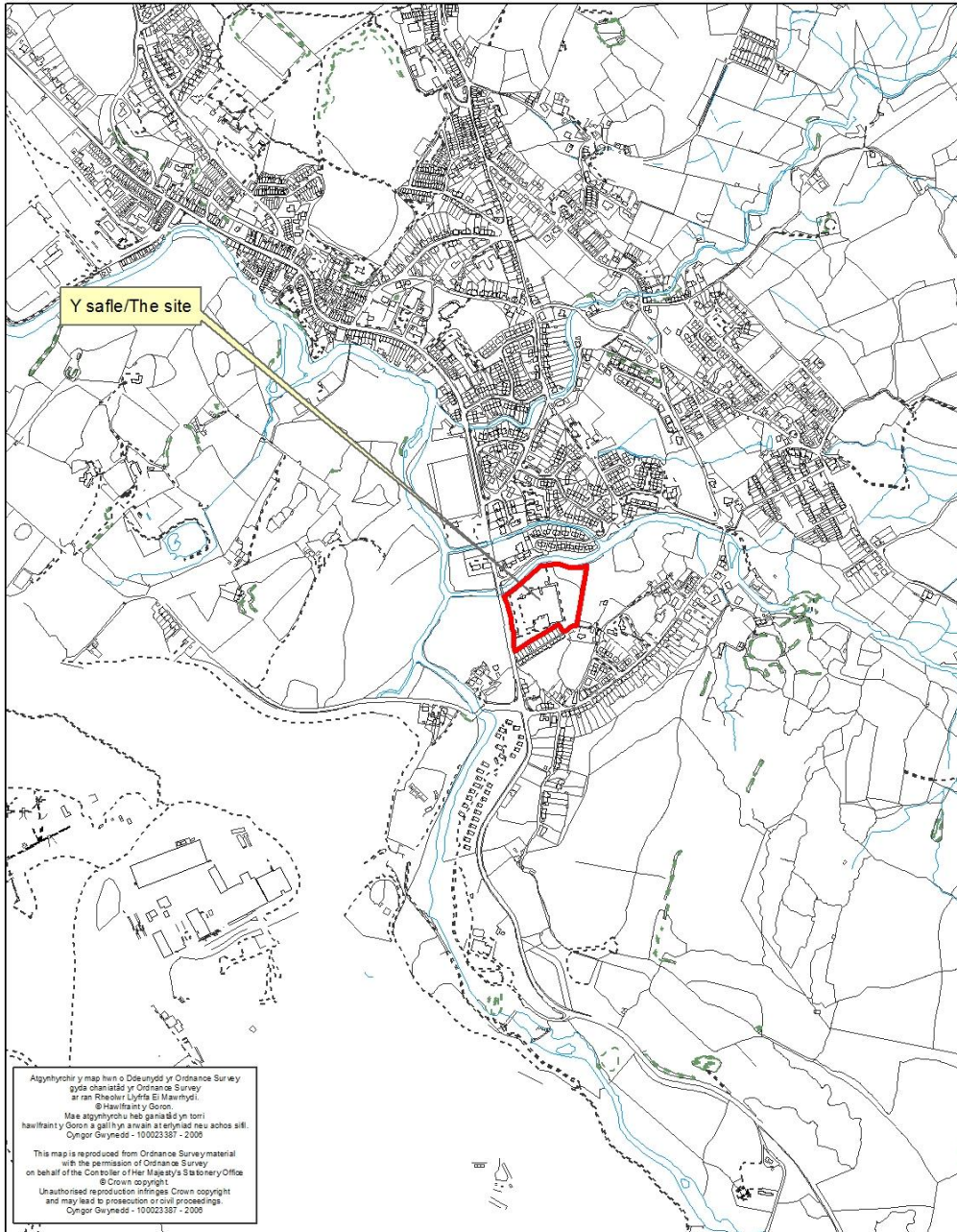


Number: 2



Rhif y Cais / Application Number : C16/0823/13/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: C16/0823/13/LL
Date Registered: 13/09/2016
Application Type : Full - Planning
Community : Bethesda
Ward: Gerlan

Proposal: CHANGE OF USE OF FORMER FACTORY TO A BUILDING MERCHANTS DEPOT INCLUDING TRADE COUNTER, STORAGE AND DISTRIBUTION OPERATION
Location: AUSTIN TAYLOR COMMUNICATIONS LTD, BETHESDA, BANGOR, LL57 3BX

Summary of the Recommendation: TO DELEGATE THE RIGHT TO APPROVE WITH CONDITIONS

1. Description:

- 1.1 This is an application to change of use of the former Austin Taylor Factory to a building merchants depot including trade counter, storage and distribution operation for C.L.Jones Ltd. The new business is already in place and is operational.
- 1.2 It is not intended to make any structural changes to the building, except for some adaptations to the windows and doors for convenience and safety.
- 1.3 The application site is located within the development boundary of Bethesda but it has not been designated for any specific use. The site measures 1.62 hectares and comprises a substantial former factory on a fairly flat plot. The site is located below the A5 trunk road and Afon Caseg runs immediately past it. The majority of the site that forms part of this application is situated within a C2 flood zone as defined by the Development Advice Maps which ties in with Technical Advice Note 15 "Development and Flood Risk". The site is also located within the Ogwen Valley designated Landscape of Outstanding Historic Interest.
- 1.4 A flood impact assessment and a design and access statement were submitted with the application.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be 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 also to 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 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 upon the achievement of well-being objectives as a result of the proposed recommendation.

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2.3 Gwynedd Unitary Development Plan 2009:

STRATEGIC POLICY 16 – EMPLOYMENT

Developments that will strengthen or divert local economies, including working farms, within the Dependency Catchment Areas, unless they harm the environment, cultural features of the area or amenities of nearby residents in a significant way will be approved.

POLICY A1 – ENVIRONMENTAL OR OTHER IMPACT ASSESSMENTS

Ensure that sufficient information is provided with the planning application regarding any environmental impacts or other likely and substantial impact in the form of an environmental assessment or assessments of other impacts.

POLICY B12 - PROTECTING HISTORIC LANDSCAPES, PARKS AND GARDENS

Protect landscapes, parks and gardens of special historic interest in Wales from developments that would cause significant harm to their character, appearance or setting.

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 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 B30 - CONTAMINATED LAND OR BUILDINGS

Ensure that proposals for developing contaminated land or buildings are refused unless they can conform to a series of criteria aimed at controlling or restricting the contamination.

POLICY C3 - RE-USING PREVIOUSLY DEVELOPED 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 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 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 D10 - CONVERTING BUILDINGS FOR INDUSTRIAL OR BUSINESS USE

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Proposals to change the use of buildings to small scale industrial or business use will be approved provided the chosen location can be justified and they conform to specific criteria regarding the scale and nature of the development and the relationship of the development with nearby buildings/uses.

Supplementary Planning Guidance Planning and the Welsh Language

The Gwynedd and Anglesey Joint Local Development Plan which is currently being prepared is subject to an ongoing Public Inquiry. At present, it is not a relevant planning consideration for making decisions on planning applications.

2.4 **National Policies:**

Planning Policy Wales: Edition 8, January 2016
 Technical Advice Note (TAN) 15 - Development and Flood Risk
 Technical Advice Note (TAN) 20 - Planning and the Welsh Language

3. **Relevant Planning History:**

3.1 C13/0036/13/AM (Ref. Welsh Government Qa1202114) - Demolition of existing buildings and erection of 37 dwellings - refused by the Minister for Natural Resources 12/06/15

3.2 3/13/81D – Extension and additional car park - Approved - 03.01.1996

3.3 3/13/81C – Creation of car park - Approved - 22.02.1991

3.4 3/13/81B – Change of use to A1 and B1 – Refused – 04.07.1990

4. **Consultations:**

Community/Town Council: Not received

Transportation Unit: Refer the application to Welsh Government as the site abuts the A5.

Natural Resources Wales: The site is within a C2 Flood Zone. Also, suggests adopting flood prevention measures as part of the development. The flood consequence assessment does not consider that there is a risk to third parties. Standard observations regarding other regulations.

Welsh Water: Standard observations for the developer.

Public Protection Unit: Propose standard conditions to ensure that there is no risk of land contamination from the previous use of the site.

Biodiversity Unit: No concerns regarding biodiversity.

Footpaths Unit: Not received

The Welsh Government's Instruction to the Local Planning Authority to refuse

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Transportation Unit: approval for the development until more details are submitted regarding the vehicular access to the site and the likely use made of it.

Public Consultation: A notice was placed in the press and on the site, and nearby residents were informed. The consultation period has come to an end and no correspondence was received in response to the application.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The site that is the subject of this application is located within the development boundary of the local centre of Bethesda, but it has not been designated for any specific use. In the past, the site was used as a telecommunications equipment factory and it includes a substantial building located in the centre of the site, with hard-standings and grassland around it. The vehicular access to the site from the A5 trunk road is 118m across with slip-roads.
- 5.2 The building stood empty for a period following the closure of the factory and this development would offer an opportunity to have continued economic use on the site. The previous application to demolish the factory and erect 37 houses on the site was refused, mainly as the proposed use was very open to flooding.
- 5.3 Considering the application in the context of policies C3 and C4 of the UDP, it is believed that the development meets all applicable criteria in terms of re-using a previously used site within an existing development boundary and retaining and re-using existing buildings with a use that is suitable for the location. Therefore, it is considered that the application is in accordance with the objectives of policies C3 and C4 of the UDP that relate to the re-use of sites and buildings.
- 5.4 The change of use proposed in this application does not involve a significant physical change to the site and it would continue to be used for economic purposes. Policy D10 of the UDP supports proposals to change the use of existing buildings for business use provided the scale and nature of the development are in keeping with the site and that the development would not lead to an unacceptable relationship with the nearby land uses. It is believed that the use proposed by this application is completely suitable for the location and thus the application meets the requirements of this policy.

General and residential amenities

- 5.5 Considering the building's previous use as a factory, it is not believed that the new use proposed would not lead to any significant additional harm to the neighbourhood in terms of amenity issues, such as general noise and disturbance, indeed, it is likely that the site's use will be less intensive than the previous use, as it employed approximately 250 people and was operational 24 hours a day, 5 days a week. It is likely that works transport with the new use will end at 6:00pm and also no direct manufacturing work would take place there. It is therefore considered that the proposal meets the requirements of Policy B23 of the UDP that relates to the protection of the local neighbourhood's amenities.

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Transport and access matters

- 5.6 Policies CH33 and CH36 of the UDP asks for consideration to be given to the impact of developments on the safety of highways and parking. As the site access leads onto the A5 trunk road, Welsh Government is the relevant highways authority in this case, and in their original response, they requested additional information about the development. Additional information has been received from the applicant and, at the time of writing the report, a response is awaited from Welsh Government and any observations received will be reported upon at the Committee.

Impact on Designated Landscapes

- 5.7 It is considered, due to the existing developed nature of the site, that the development would not harm the quality of the designated Landscape of Outstanding Historic Interest and therefore the proposal would be in-keeping with Policy B12 of the UDP.

Flooding matters

- 5.8 This site is within a C2 flood zone as defined by the Development Advice Maps that accompany TAN 15 Development and Flood Risk. A Flood Impact Assessment was submitted with the application and observations were presented on the document by Natural Resources Wales. Additional information was provided by the applicant in response to those observations and, at the time of writing this report, a response was awaited from NRW and a further report on the matter will be provided at the Committee.

- 5.9 Policy B29 of the UDP reflects the contents of TAN15 by encouraging the refusal of proposals that are very open to harm from C2 flood zones unless they meet a series of criteria. Due to the commercial nature of this development, it is believed that it is a development that is less open to flood risk and therefore, it is discussed in accordance with the criteria of B29 in turn below:

- i. *That the plan is assisting, or is a part of, one of the regeneration initiatives or strategies of the Local Authority and its partners in order to maintain a settlement or region:*

Although this site has not been included within any specific strategy, Strategic Policy 16 of the UDP emphasises the importance of approving developments that will strengthen or diversify local economies. Considering that this was, until very recently, an important employment site for the community, the fact that an alternative economic use has been found for the site and the existing building, and that it offers employment opportunities for local people, is wholly in line with the objectives of this policy.

- ii. *That the development contributes towards economic objectives:*
This development is completely in line with the economic objectives of Gwynedd Council and other key partners.
- iii. *That the site is previously developed land:*
The site meets the definition of Planning Policy Wales regarding a previously developed site.
- iv. *That the possible effects of any flooding are acceptable under the additional criteria of TAN 15.*

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See the following.

5.10 Where the development is justified, TAN 15 proposes an assessment to identify whether suitable mitigation measures can be incorporated within the design to ensure that the plan is as secure as possible. This includes five additional criteria that need to be considered, such as:

- *that it minimises risk to life;*
The Flood Impact Assessment includes flood mitigation measures and, considering the general reduction in the density of the site's use compared with the previous situation, it is considered that the development minimises the risk to life
- *and that the disruption caused to people who live and work in the area is minimised.*
NRW raised this matter in their response and the applicant provided additional information. NRW's response to this information will be reported upon at the Committee.
- *that the damage to property is minimised;*
No changes would be made to the site therefore there would be no additional risk arising from this development; thus there would be no increase in the risk of damage deriving from the development
- *that the proposed development has a minimal impact on the general flood risk;*
No changes would be made to the site; therefore, no additional risk would derive from this development
- *that the disruption caused to the natural heritage is minimised*
No emissions would derive from the new use and it is not considered that a flooding incident would cause a significant risk to the quality of the natural heritage.

5.11 Based on the information submitted with the application and in light of the above-mentioned assessment, and subject to the receipt of positive additional observations from NRW, it is believed that there is justification for approving this development within Flood Zone C2 and therefore it is considered that the proposal meets the requirements of Policy B29 of the UDP and TAN 15.

Any other considerations

5.12 In accordance with policy A1 of the UDP, due to the surface area of the site, the application had to be screened to see whether or not a full Environmental Impacts Study needs to be completed for the development. The screening opinion (C16/1115/13/SC) concluded that such a study is not required in this case.

5.13 The Public Protection Unit identified that there was a possibility of land contamination on the site following the previous use and they asked for a condition to ensure that a desk study is undertaken to assess that risk and to operate in accordance with the assessment's conclusions if required, in accordance with Policy B20 of the UDP.

5.14 In accordance with the requirements of Supplementary Planning Guidance, Planning and the Welsh Language, due to the size of the development's surface area, the applicant was asked to provide a Community and Linguistic Assessment to support the application. Late information was submitted regarding linguistic matters and, at the time of writing the report, this information was being assessed by the Joint Planning Policy Unit and a further report on the issue will be provided at the Committee.

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6. Conclusions

- 6.1 Based on the above assessment, it is not considered that the proposal is contrary to any relevant planning policy. The development proposed makes appropriate use of a previously used site and thus it is acceptable in principle. Subject to receiving the final observations of Welsh Government and Natural Resources Wales regarding transport and flooding matters, along with the opinions of the Joint Planning Policy Unit regarding linguistic matters, it is not believed that the proposal is likely to cause any unacceptable detrimental impact on the local community or on the amenities of the area or any nearby property.

7. Recommendation:

- 7.1 To delegate powers to the Senior Planning Manager to approve the application subject to receiving the final observations of Welsh Government and Natural Resources Wales regarding highway and flooding issues, along with the views of the Joint Planning Policy Unit regarding linguistic issues.

Conditions

1. Time
2. In accordance with the plans
3. A desktop investigation must be submitted to assess the pollution risk. If the desk-top inspection indicated that further action was needed, any precautionary and/or remedial measures would have to be agreed prior to commencing work on the development.
4. Highway conditions (if necessary)
5. Flooding conditions (if necessary)