



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 16/10/19

Ymweliad â safle a wnaed ar 16/10/19

gan Alwyn B Nixon BSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 29.11.2019

Appeal Decision

Hearing Held on 16/10/19

Site visit made on 16/10/19

by Alwyn B Nixon BSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 29.11.2019

Appeal Ref: APP/D6820/A/19/3231885

Site address: Feathers Royal Hotel, Alban Square, Aberaeron, SA46 0AQ

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Laurence Dovey of Doublet Holdings (Aberaeron) Ltd against the decision of Ceredigion County Council.
 - The application Ref A181213, dated 17 December 2018, was refused by notice dated 17 May 2019.
 - The development proposed is partial change of use from C1 (hotel) to A1 (retail) with new glazing to front and alteration of roof.
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Decision

1. The appeal is dismissed.

Procedural matters

2. During the application stage the proposals were amended to include removal of the existing ridged apex roof features to create a simple flat roof form. The amendment was consulted upon before the Council's decision. At the hearing the parties agreed that, notwithstanding the description on the original application form, the proposal description should include reference to the proposed roof alteration.
3. At the Hearing an application for costs was made by Doublet Holdings (Aberaeron) Ltd against the Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:
 - 1) The effect of the proposal on tourism accommodation provision in the locality and on the strength of community facility provision and community well-being, having regard to prevailing development plan policies;
 - 2) The proposal's effect on the retail vitality and viability of Aberaeron town centre;
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- 3) The proposal's implications for vehicular and pedestrian highway safety, having regard to parking and goods delivery arrangements;
- 4) The proposal's effect on the grade II listed Feathers Royal Hotel building and its setting.

Reasons

Effect on tourism accommodation provision, community facility provision and community well-being

5. The adopted Ceredigion Local Development Plan 2007-2022 (LDP) emphasises the importance of the tourism and leisure sector to the local economy. LDP policy LU16 recognises that Ceredigion has a limited number of hotel, guest house, bed and breakfast and hostel bed spaces and that the loss of this type of accommodation, through conversion to other uses, could weaken the range of accommodation available thus making the objective of a year-round sustainable tourism sector supported by a good accommodation base difficult to achieve.
6. The Feathers Royal Hotel is centrally located within Aberaeron. The building comprises 13 guest bedrooms at first floor level, with bar, restaurant and breakfast/dining areas, reception office and a large function area with bar on the ground floor. The Feathers Royal Hotel was operated as a single integrated hotel business by the previous owners until being marketed as a going concern on their retirement and acquired by the appellant in 2018. The proposal the subject of this appeal is to convert the hotel function room facility, which occupies a single storey 1970s extension to the original hotel building, for use within Use Class A1 as a retail convenience goods outlet. The scheme forms part of an overall intention to split the Feathers Royal Hotel into three independently-operated businesses comprising the A1 retail store, a Class A3 food and drink establishment on the remainder of the ground floor and separately-accessed bedrooms providing short-stay visitor accommodation on the upper floor.
7. Policy LU16 seeks to resist the change of use of tourism accommodation establishments unless it can be demonstrated that potential or continued use of the facility is unviable, or there is no demand for this type of accommodation, or demand is adequately met by other providers in the Settlement Group. Whilst the appealed decision itself concerns the change of use of only the function room element of the existing hotel, the proposal forms part of an overall plan to subdivide the Feathers Royal premises into three discrete elements. I consider that the proposal falls to be considered against the requirements of policy LU16.
8. The appellant argues that the bedroom accommodation and the food and drink elements of the hotel's current facilities would remain, thus ensuring that the accommodation historically provided by the Feathers Royal would continue. However, the essential nature of the accommodation provided would change. Historically the Feathers Royal has operated as a fully serviced hotel, offering guests accommodation inclusive of breakfast and evening dining if required. The operating model now proposed would alter the overnight accommodation provided simply to a series of stand-alone en-suite bedrooms. Whilst it is intended that the current downstairs hotel bar and restaurant areas would operate as a separate Class A3 food and drink establishment, there would be no functional link between this and the bedroom accommodation. There is no certainty as to the nature of the Class A3 food and drink establishment that might be provided, or that it would enable users of the overnight accommodation to obtain breakfast or dine there. To do so would in any event entail patrons exiting the overnight accommodation via the external access at the rear of the

building and walking a considerable distance around the perimeter of the appeal site in order to access the separate Class A3 food and drink establishment.

9. Whilst I recognise that hotel guests may not in all cases wish to dine where they are staying, I consider that, due to the disaggregation of the components of the existing hotel use that would occur and the resulting change in nature of the tourism accommodation provided, the appeal proposal forms part of a scheme that would fundamentally diminish the quality of tourism accommodation available in Aberaeron and significantly undermine the aim of policy LU16 to support the retention of hotel accommodation.
10. Notwithstanding the above, policy LU16 does allow for changes of use away from a hotel in some circumstances. In relation to this the appellant argues that the existing hotel is unviable, and that the proposed restructuring of uses would create a commercially viable future for the Feathers Royal premises. However, I find the evidence concerning the non-viability of retaining the function room as part of a wider hotel business unconvincing. The Feathers Royal Hotel marketing particulars refer to a successful and consistently profitable business, and trading profit and loss accounts for the years 2015-2017 indicate a healthy net profit margin. Although the appellant says that the trading accounts do not take into consideration matters such as salaries for the two previous owners and various potential financing costs, these are in any event accounts relating to how the hotel was operated by its previous owners.
11. Whilst the written observations of the previous owners indicate that the hotel may have been less profitable than the sales particulars suggested, and I recognise that the latter may have reflected a degree of hyperbole, I find nothing to suggest that in the right hands the Feathers Royal Hotel is inherently unviable as a hotel business with an associated function facility. The Feathers Royal is a historic building occupying a central, attractive and visible position within Aberaeron, which is itself an attractive and popular coastal visitor destination. The comments of the previous owners indicate that the main impediment to the hotel's sale as a going concern was uncertainty over the possibly development of a major new conference centre/hotel at Cilgwgan, a short way north of Aberaeron. However, the planning permission for that development is nearing expiration, and there is no indication at present that the proposal will in fact proceed. Moreover, even if it did, I consider that the different characteristics of the two facilities would be such that they would not be competing for precisely the same segment of the market; nor is there evidence that the two enterprises could not viably co-exist.
12. Turning to the implications for the local community of the loss of the existing hotel function room facility, there is clear evidence that the Feathers Royal Hotel has through the years represented an important community focal point. The numerous representations from individuals and local groups at application and appeal stage and made orally at the hearing demonstrate that the function room facility at the Feathers Royal has served as an important venue within the community for a wide range of events, functions and activities, including those organised by rotary, local sports clubs and other community groups and clubs, and use for weddings, wakes and private parties. It has traditionally provided a large and centrally-located space where such activities can take place, with a capacity of around 200 places for functions involving formal dining.
13. Policy LU22 of the adopted Ceredigion Local Development Plan 2007-22 concerns community provision. The policy seeks to sustain and enhance community provision by, amongst other things, resisting the loss or change of use of an existing community provision other than in certain circumstances. The scope of the term "community

provision" is not completely clearly defined. The explanatory text states that for the purposes of the policy community provision includes leisure and recreation facilities and also open space, and that the term should be taken to include, but not be limited to, village halls, schools, sports pitches, play areas and so on. The text goes on to note that for communities to be sustainable there needs to be a range of community facilities and services available in terms of places to work, live, shop and socialise, together with facilities for recreation, sporting activity, education and health care. The policy is thus about maintaining an adequate presence of facilities to support community needs.

14. I recognise that the function room facility is part of a wider commercial hotel use which is privately owned, and that cessation of the function facility as part of the overall Class 3 use could occur in any event. However, there is nothing in policy LU22 that limits its application to facilities owned and operated by public bodies, and the facility has, until its recent acquisition by the appellant, plainly played a pivotal role in the community life and social fabric of Aberaeron and the surrounding area. I consider that in these circumstances the provisions of policy LU22 apply to the proposed change of use.
15. Policy LU22 resists the loss or change of use of an existing community provision unless one of three situations can be shown to apply. Taking these in turn, there is no proposal here to make any alternative provision of at least equivalent community value, in replacement for the function room facility that would be lost. Nor do I consider that there is evidence which demonstrates that the existing level of community provision is inappropriate or surplus to the community needs of Aberaeron or its associated Settlement Group. Whilst examples of community facilities in nearby settlements have been drawn to my attention, the existence of these does not demonstrate a lack of community need or demand for the Feathers Royal Hotel function facility. Indeed, members of the local community spoke powerfully at the hearing about the detrimental effects on the social fabric of the community from the recent non-availability of the function room facility, resulting in various social events and functions having to be held many miles away from the town.
16. As to the third possible justification identified by LU22 concerning non-viability of the current use, the submitted evidence falls short of demonstrating this, for the reasons I have already summarised in paragraphs 10 and 11 above. There is nothing to suggest that the appellant has made any serious attempt to investigate or pursue any form of business plan which would retain the function room facility as part of a viable Feathers Royal enterprise. Although the summary trading account details from previous years attribute only a modest income from hire of the function room, these do not make clear the extent to which events using the function room will have contributed to the wider food, beverage and accommodation income streams identified in the accounts. Whilst it is pointed out that the roof of the function room facility requires repair, there is no technical evidence to justify the proposal to replace the existing structure with a modern flat roof. In any event, I would expect any evident building repair needs to have been reflected in the agreed purchase price of the building, rather than to serve as part of the justification for the termination of the function room facility.
17. Overall on this issue I conclude that the proposal runs contrary to both policy LU16 and LU22 of the adopted Ceredigion LDP and would cause demonstrable harm to the Plan's aims of resisting proposals that would diminish the area's tourist accommodation offer and resisting the loss of community facilities.

Effect on retail vitality and viability

18. Aberaeron is identified by the LDP as one of six Urban Service Centres (USCs) within Ceredigion. The site lies within the defined town centre boundary of Aberaeron. LDP policy LU18 *Retail Proposals Countywide* permits change of use to retail subject to certain provisos. Policy LU19 *Retail Proposals in Urban Service Centres* permits change of use to retail within the USCs provided that the proposal complies with LU18 and would not have a significant negative impact (individually or cumulatively) on the vitality and viability of the existing town centre.
19. The proposal involves the change of use of the function room element of the Feathers Royal Hotel to form a convenience retail store of 325m² net sales floorspace. Although located a short distance away from the existing retail core, the site is nonetheless within the defined town centre boundary. The Council sees no objection to the proposal from a retail policy standpoint and does not oppose the scheme on such grounds. However, the proposal is opposed by an existing convenience store operator within the town centre.
20. Notwithstanding the Council's position, I have considered the retail impact arguments against the proposal advanced by the objector. However, I find no reason to disagree with the Council's conclusion that the proposed convenience retail outlet would be acceptable in these terms. The appeal site is within the town centre boundary of the Aberaeron USC and as such occupies a preferred location in principle for new retail developments according to both the Council's LDP and to Government planning policy as set out in Planning Policy Wales Edition 10 (PPW10). There is nothing to suggest that this comparatively minor convenience goods proposal is of an inappropriate scale relative to Aberaeron. Due both to its location and its scale, there is no requirement under LDP policy LU18 for a retail impact assessment demonstrating how national and LDP policy requirements are met. This approach is reinforced by national policy guidance (PPW10 para 4.3.14), which states that there is no requirement to demonstrate the need for developments within defined retail and commercial centre boundaries, given the role of such centres as the best location for most retail, leisure and commercial activities. Technical Advice Note 4 re-emphasises that the requirement to consider need for a development is not relevant for retail proposals within a defined retail and commercial centre within a development plan.
21. Notwithstanding the above, I recognise that LDP policy LU18 requires that consideration be given to the likely impact of the development on existing retail provision within the Service Centre and furthermore requires that the proposal would not cause a material oversupply of (in this case) convenience goods in the relevant Service Centre. In relation to these matters the Council's joint retail study identifies almost no capacity for additional convenience floorspace within Aberaeron during the period to 2036. However, this estimate assumes that the only convenience goods expenditure available to support the proposed store is that currently being spent in the town. In fact, the majority of local convenience expenditure is currently being lost from the area to stores in other centres such as Aberystwyth and Lampeter. The Council's study notes that, whilst capacity is limited, there may still be market demand for "local" format foodstores or supermarkets. I consider that improving the local convenience offer in Aberaeron would result in increased retention of locally-generated convenience expenditure within the town.
22. I accept that the appeal proposal would be likely to have a significant impact on the trading figures of the existing Costcutter store in Market Street. Nonetheless, on the evidence presented concerning that store's present trading levels and taking into account its advantageous location in the heart of the town centre and the potential for

increased retention of convenience expenditure in Aberaeron, I am not persuaded that the survival of the Costcutter store would be seriously threatened by the introduction of the appeal proposal. In any event, I am doubtful that the Costcutter store can truly be characterised as an anchor store fundamental to the retail viability and vitality of Aberaeron town centre, given its modest size, the extent of its role as a convenience top-up facility and the significant role of non-convenience retail outlets within the overall character and retail function of Aberaeron. Lastly, it must be remembered that the planning system does not exist to restrict competition between individual retailers and should not stifle consumer choice. The primary consideration is the impact on the health and vitality of the town centre as a whole, rather than the trading position of a particular retailer within it.

23. Drawing all of the above together, I conclude that the proposed retail outlet would increase convenience goods shopping choice within Aberaeron town centre and would enhance its retail attractiveness increase for the local population. I reject the suggestion that the vitality and viability of the town centre would somehow be eroded due to the appeal site's location towards the edge of the defined town centre area. The site is unambiguously identified by the adopted LDP as a town centre site and must therefore be treated as such. It is located within easy walking distance of other town centre shopping facilities and its slightly peripheral location would not materially discourage linked trips to other parts of the town centre. It would be wrong to treat the proposal as effectively concerning an out-of-centre location. I conclude that the proposal would accord with the development plan and national policy guidance as regards retail impact considerations.

Implications for highway safety

24. The proposal includes on-site provision for vehicle parking and manoeuvring space to serve the new convenience store. Four parking spaces are proposed on the forecourt area in front of the existing hotel building main entrance; a further six spaces are shown located on the building's northern side. The proposed store servicing arrangement would be for delivery lorries to pull clear of the highway and park across the four parking spaces in front of the hotel building whilst unloading.
25. I consider that the proposed arrangements have significant shortcomings. There is insufficient space on the northern side of the building for the six spaces to be angled so as to enable drivers to make turning manoeuvres; I consider that drivers would be likely to enter the parking spaces in forward gear and subsequently have to reverse back out of the site across the path of any pedestrians crossing the site frontage and into the principal highway. Vehicle reversing movements giving rise to potential conflict with pedestrians and vehicles using the A482 would be necessary in relation to the four forecourt parking spaces. There would be a likelihood of conflicting movements, which would threaten highway and pedestrian safety. Moreover, the use of the four forecourt parking spaces by store customers would be compromised at times by the proposed servicing arrangement for store delivery vehicles. Whilst it might be possible to organise store deliveries so as to limit the impact on customer use of the four spaces in front of the hotel building, the proposed store servicing arrangement would nevertheless be likely to restrict the use of these spaces to some degree. In addition, there would be no separate provision of parking for vehicles associated with the intended Class A3 use of the remainder of the ground floor area of the Feathers Royal building.
26. I recognise that the convenience store is proposed in a location within the town centre boundary, where public parking is available. Nonetheless it would occupy a peripheral location in relation to the main town centre core and I would expect most customers

to seek to park at the convenience store in order to shop there. In my view the proposed store would be very likely to generate considerable parking activity and vehicle movements at the site during store opening hours. At my site inspection I noted that the site frontage is located directly opposite the junction of the highway along the south side of Alban Square with the A482, a location where bus turning movements already cause interference with the free flow of vehicles along the primary route. The site frontage also forms part of a principal pedestrian route to and from the nearby secondary school.

27. Taking all of these factors into account, I conclude that the proposed parking and servicing arrangements to serve the proposed use would be seriously deficient and would be likely to give rise to conditions prejudicial to highway safety for existing highway users. I consider that the resulting situation would be significantly worse on a day-to-day basis than that associated with the previous Feathers Royal Hotel use. The proposed development would therefore be contrary to LDP policy DM06 *High Quality Design and Placemaking*, which amongst other things requires that new development provide a safe environment by ensuring that the design of buildings and associated routes and open spaces consider safety principles.
28. In reaching the above conclusion, I accept that the appellant's Transport Assessment demonstrates that the overall level of trip generation would not be harmful to the operation of the local highway network and that the site occupies an accessible location. I also recognise that there are existing uses in the locality which may not have ideal access and parking arrangements. However, these considerations do not alter my conclusion that the proposal would have harmful implications for highway safety and that this weighs significantly against the proposal.

Effect on heritage assets

29. It is unfortunate that an application for listed building consent was not submitted for consideration alongside the planning application. Nonetheless, I have a statutory duty to have special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest which it possesses in reaching my decision on this appeal.
30. The proposal would involve physical alterations to the exterior of the Grade II listed building. The existing symmetrical pattern of small-paned Georgian-style full-height openings to the front elevation of the function room would be replaced by a less regular pattern of modern, largely undivided shopfront fenestration. The function room's ridged roof features, symmetrically arranged above the existing fenestration pattern, would be removed and replaced by a wholly flat roof. Whilst the function room dates from the 1970s and is something of a pastiche, it nonetheless sits comfortably alongside and references the architecture of the main part of the listed building. The proposed external changes lack any intrinsic architectural merit and make no discernible attempt to respect or relate to the listed building of which they would form a part. In addition, whilst no details are provided, the new store would be likely to be accompanied by building signage to advertise its presence.
31. In my view the proposed changes would harm the Feathers Royal Hotel building's special architectural and historic character. Whilst the proposed roof alteration is said to be necessary due to the existing roof's physical condition, proper justification for this change has not been produced. Although the Council apparently sees no objection to the roof alterations, there has been no expert heritage officer appraisal of the proposed changes. Whilst Cadw has made no comment in relation to the direct physical changes to the listed building beyond noting that the Council has raised no

objection to these alterations, I do not interpret this as necessarily endorsing the changes proposed.

32. In addition, the new convenience store would require ancillary signs and forecourt markings in front of the hotel to delineate the proposed parking, servicing and store access arrangements and a cycle parking rack. Existing planters in front of the hotel, which provide soft landscaping, would be removed. Soft landscape planting in front of the present function room including an evergreen tree covered by a tree preservation order, would also be removed. Whilst I accept that there is nothing to prevent cars from parking on this forecourt area at present, the appeal proposal for a retail convenience store would increase the pressure on this area and create additional clutter and activity in front of the listed building.
33. The existing Feathers Royal Hotel is a prominent feature in the street. Cadw, the Welsh Government's advisor on designated historic assets, has commented that the area immediately in front of the listed building is vital to its setting and to an understanding of the significance of the historic asset. I share Cadw's view that the formalisation of the parking area and the introduction of highways paraphernalia and signage would have a detrimental impact on the setting of the Grade II listed building, contrary to national policy and guidance.
34. In summary on this issue, I conclude that the appeal proposals would harm the Feathers Royal Hotel building's special architectural and historic character and would also harm the setting of this important listed building within the town. The harmful impacts identified above would also result in harm, and thereby a failure to preserve or enhance, the character and the appearance of the Aberaeron Conservation Area, within which the Feathers Royal Hotel is situated. I consider that the degree of harm that would be caused to these heritage assets renders the proposal contrary to LDP policies DM07 *Conservation Areas* and DM19 *Historic and Cultural Landscape*

Other matters

35. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. The appeal proposal fails to meet a number of the well-being objectives identified by the Welsh Ministers in relation to the well-being goals in the Act. In particular it runs counter to the objectives of building healthier communities and better environments, building resilient communities, culture and language and promoting good health and well-being for everyone, due to the loss of the community facility concerned, the inadequacy of the proposed parking arrangements and the harm caused to the listed building and the conservation area's character and appearance. The proposal would overall have negative consequences in relation to objectives such as tackling regional inequality and driving sustainable growth, since the improved retail provision in Aberaeron would be offset by the diminishing of the town's tourism accommodation offer and the loss of an important and accessible community facility. Whilst I recognise that there would be elements of compliance with other well-being objectives, such as supporting people and businesses to drive prosperity and building resilient communities in respect of the proposed retail use, overall the development runs counter to the Act. I conclude that my decision to dismiss the appeal is consistent with the Act.
36. I have considered all other matters raised in support of the proposal, but find nothing of sufficient weight to alter my decision that the appeal should not succeed.

Balancing and overall conclusions

37. Overall, I conclude that the proposal would result in the loss of an important community facility and diminish the area's tourist accommodation offer; would have harmful implications for highway safety; and would cause significant harm to the Grade II listed building and its setting and to the character and appearance of the Aberaeron Conservation Area. Whilst the proposal would be acceptable in retail impact terms and would strengthen convenience provision in Aberaeron service centre, overall it conflicts with the development plan and other material considerations do not exist which are sufficient to outweigh this conflict and the harm I have identified.
38. For the reasons given, and having taken account of all matters raised, I dismiss the appeal.

Alwyn B Nixon

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Geraint John BSc(Hons) DipTP MRTPI	Geraint John Planning
Ms Hannah Jones BCS	Geraint John Planning
Mr Laurence Dovey	Doublet Holdings (Aberaeron) Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Ms Katherine Barnes	Of Counsel
Ms Catrin Newbold BSc(Hons) DipTP MRTPI	Development Management (South) Team Leader
Mr Steve Hallows	Highways Officer, Ceredigion C C
Cllr Elizabeth Evans	Local Member, Ceredigion C C

INTERESTED PERSONS:

Ms Jenny Wigley, of Counsel	Instructed by Morgan La Roche, representing John Thomas & Sons Ltd
Mr Roger Birtle BA(Hons) BPI MRTPI	Simply Planning, representing John Thomas & Sons Ltd
Ms Catrin James	Member of local community